

**LANA`I PLANNING COMMISSION
REGULAR MEETING
MARCH 19, 2008**

APPROVED 04-16-08

A. CALL TO ORDER

The regular meeting of the Lana`i Planning Commission was called to order by Chair Reynold "Butch" Gima at approximately 6:03 p.m., Wednesday, March 19, 2008, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

Mr. Reynold Gima: Good evening everybody. I'd like to call to order the March 19, 2008 meeting of the Lana`i Planning Commission. Let the record show that we have quorum with Commissions Mano, Endrina, Ruidas, Zigmond, Elliott, de Jetley and Gima present. At this time I'll turn this over to, I guess, Joe for the resolutions.

B. RESOLUTIONS THANKING OUTGOING MEMBERS – JAMES ELLIOTT, LAWRENCE ENDRINA (Outgoing Vice-Chair), and REYNOLD "BUTCH" GIMA (Outgoing Chair).

Mr. Joseph Alueta: Good evening Mr. Chair, and it's been an honor to serve with all of you. So those who are outgoing – I guess I'll start with you Butch.

"The resolution is for Reynold Gima who has served with the County of Maui since April 2003 as a member of the Lana`i Planning Commission.

And whereas, Mr. Gima has served as Vice-Chairman from April 2003 through March 2004, and Chairman from April 2004 through March 2008.

And whereas Mr. Gima has served with distinction and has performed his duties in the highest professional manner with the Lana`i Planning Commission.

And whereas Mr. Gima's term of office expires on March 31, 2008,

Now therefore be it resolved that the Lana`i Planning Commission hereby commends Mr. Gima for his dedication and untiring public service to the people of Lana`i.

Furthermore, be it resolved that the Lana`i Planning Commission expresses their sincere appreciation for Mr. Gima's service and extends their best wishes in his future endeavors.

And furthermore, be it resolved that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui, and the

Honorable G. Riki Hokama, Council Chair of the Maui County Council.”

I’m going to pass this around for the signatures, for its members, as well as, I also have a certificate here from the Mayor. But we’re going to have this framed – is that correct? Butch, there’s a certificate in here, but we’re going to get it framed for you first before we give it to you, but we do have one from the Mayor.

Our next resolution, this is,

“Whereas, Lawrence Endrina has served the County of Maui since February 2005 as a member of the Lana`i Planning Commission.

And whereas, Mr. Endrina has served as Vice-Chairman from April 2005 through March 2008.

Whereas, Mr. Endrina has served with distinction and has performed his duties in the highest professional manner with the Lana`i Planning Commission.

And whereas, Mr. Endrina’s term of office expires on March 31, 2008.

Now therefore, be it resolved that the Lana`i Planning Commission hereby commends Mr. Endrina for his dedication and untiring public service to the people of Lana`i.

And furthermore, be it resolved that the Lana`i Planning Commission expresses their sincere appreciation for Mr. Endrina’s service and extends their best wishes in his future endeavors.

And furthermore, be it resolved that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui, and the Honorable G. Riki Hokama, Council Chair of the Maui County Council.”

Thanks Lawrence. And again, Lawrence, thanks again, and we’ll get this framed and have this sent off to you. It’s from the Mayor.

Last, but not least, is our final resolution,

“Whereas James Elliott has served the County of Maui since April 2003 as a member of the Lana`i Planning Commission.

Whereas Mr. Elliott served with distinction and has preformed his duties in the highest professional manner with the Lana`i Planning Commission.

And whereas, Mr. Elliott's term of office expires on March 31, 2008.

Now therefore be it resolved that the Lana`i Planning Commission hereby commends Mr. Elliott for his dedication and untiring public service to the people of Lana`i.

Furthermore, be it resolved that the Lana`i Planning Commission expresses their sincere appreciation for Mr. Elliott's service and extends their best wishes to his future endeavors.

And furthermore, be it resolved that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui, and the Honorable G. Riki Hokama, Council Chair of the Maui County Council."

Thank you Jim. Again I want to thank those outgoing members for all of your long hours – hearing some of our very somewhat mundane, but sometimes controversial items over the past several years. And I wonder if – do you have any last – before we move on the agenda, Mr. Chair, do you want to say anything or last announcements?

Mr. James Elliott: I don't have a lot to say except that many years ago I fell in love with this island, and then soon fell in love with all the people, and I just want to say it's been a very great honor and privilege to be able to serve with this body and to see the tremendous dedication that so many people have to making this island better. And I know it will continue to be better and greater in the future, so thank you for letting me be a part of this.

Mr. Gima: Yeah, I want to thank everybody for being on this planning commission. Out of all of the years that I've attended different planning commissions, I think this has been the best group working together. We've had a lot of participation. We've had different views, so it was very rare that we had a boring meeting, and I think that's good. And I think that's good for planning and I think that's good for our community to have that kind of discussion and have decisions well thought out before a decision is made. So I look forward to the new people from our community replacing us on this commission and carrying on the work that all of us have done these last couple of years. Thank you.

Mr. Lawrence Endrina: Thank you!

Mr. Alueta: So moving on. I guess your next item for your agenda is approval of your minutes.

**C. APPROVAL OF THE MINUTES OF JANUARY 16, 2008 SITE INSPECTION AND
FEBRUARY 20, 2008 MEETING.**

Mr. Gima: So we have two items – approving the January 16, 2008 site inspection and then the February 20, 2008 meeting. So I'll take the – I'll entertain a motion to approve the January 16, 2008 site inspection minutes.

Ms. Beverly Zigmond: Mr. Chair, I have two corrections on that first.

Mr. Gima: Okay.

Ms. Zigmond: On page #3 toward the end of the last big paragraph, I think it should be "we'll just get the residents" – it should be r-e-s-i-d-e-n-t-s – "to flush their toilets less."

And page #4, the last paragraph first sentence –

Mr. Gima: Wait, we're on the site inspection?

Ms. Zigmond: Yes.

Ms. Sally Kaye: I e-mailed –. Let me just interrupt you for just a second. I e-mailed those corrections and I did it today. It was very late. I don't know if we caught the same ones.

Ms. Zigmond: I didn't get your email Sally.

Ms. Kaye: Okay.

Ms. Zigmond: Sorry.

Mr. Gima: Okay, I see it.

Ms. Zigmond: You got the one on page #4, the closed –?

Ms. Kaye: Keamoku?

Ms. Zigmond: No.

Ms. Kaye: I didn't.

Ms. Zigmond: That was on page #4, last paragraph, first sentence, "were almost always closed." Other than that, I approved that the minutes of the site inspection of January 16,

2008 be approved.

Ms. Alberta de Jetley: We have two excellent proof readers with Commissioner Kaye and Commissioner Zigmond, but I found some. Okay, I wanted to read through this because I wasn't at the site visit. Second page, Mary Kawena, her last name is spelled K-a-p-u-k-u-i. That's in the next to the last paragraph. Her spelling of her last name is P-u-k-u-i.

Then on page #4, in the first sentence, the "Lana`i Archaeological Committee was on it's leg." Was that suppose to mean "last leg?" That was just a question.

And then on page #5, third paragraph down, "Artifacts that were taken away from Lana`i in the 1950's has be re-patriot." It should be spelled r-e-p-a-t-r-i-a-t-e.

And last but not least, on page #11, Hermina Morita, in this her name is spelled m-i-n-o, and she's my sister, I know her name should be spelled m-i-n-a. That was the corrections/errors that I found.

So, Commissioner Zigmond has a motion to approve? Do you want to amend that, or shall we just restate it?

Ms. Zigmond: . . . (Inaudible) . . .

Ms. de Jetley: Then I second her motion.

Mr. Gima: Okay it's been moved by Commission Zigmond and seconded by Commission de Jetley that we approve the January 16, 2008 site inspection minutes as amended. Any further discussion? Hearing none, all in favor say aye.

Commission Members: "Aye."

Mr. Gima: Oppose? Okay, motion is carried.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Alberta de Jetley, then unanimously

VOTED: To approved the January 16, 2008 site inspection minutes with the corrections as noted.

Mr. Gima: I'll entertain a motion to approve the February 20, 2008 meeting minutes.

Ms. Kaye: I would so move, but I sent three corrections by e-mail today. I can do them or

you can read them later and Leilani will get them as well.

Mr. Gima: No, you can mention it now.

Ms. Kaye: Okay, “abdicating” on page #13, it said “advocating.” That was you Butch. “Pineapple” not “Planning Plantation.” That was you Jim on page #18. And page #30, “was donated by Castle & Cooke,” not “to Castle & Cooke.”

Mr. Gima: Wait, what was that on page #18 again?

Ms. Kaye: #18 was “pineapple.” Somehow it got in there as a “planning plantation,” not a “pineapple plantation.” It was when Jim was speaking. It’s about the 13-cycles.

Mr. Gima: And then what was the last one?

Ms. Kaye: On page #30, “donated by Castle & Cooke,” not “to Castle & Cooke.” It’s right under Director’s Report on the second line down. Colleen is speaking.

Mr. Gima: Any other corrections? Any motion?

Ms. de Jetley: I move to accept the minutes of the February 20th meeting.

Ms. Zigmond: Second.

Mr. Gima: Okay, it’s been moved by Commissioner de Jetley, seconded by Commissioner Zigmond that we approve the February 20, 2008 meeting minutes as amended. Any discussion? Bev? No go ahead.

Ms. Zigmond: This question is for the Department, on page #34, Colleen had said that she would go back and remind the planner to make sure that that six months compliance report was done, and I think that six months is coming either this month or next month, and I was wondering where that is at?

Mr. Alueta: I’ll follow up on that and make sure that – she said she was going to remind the planner?

Ms. Zigmond: Right because I think it’s due next month if it’s not this month. It’s due next month.

Mr. Alueta: Just for my own information, did she mention who the planner was?

Ms. Zigmond: In here she did not.

Ms. Kaye: It's Mr. Fasi.

Ms. Zigmond: Is it Fasi?

Ms. Kaye: Yes.

Ms. Zigmond: Okay. Thank you.

Mr. Alueta: We'll make a note of that and then we'll let them know that. This is for that –

Ms. Zigmond: –Five year extension.

Mr. Alueta: Right. Okay.

Ms. Zigmond: Thank you.

Mr. Alueta: No problem.

Mr. Gima: If there are no further questions, additions, all in favor say aye.

Commission Members: "Aye."

Mr. Gima: Oppose? Okay, motion is carried. Thank you.

**It was moved by Commissioner Alberta de Jetley, seconded by
Commissioner Beverly Zigmond, then unanimously**

**VOTED: To approve the February 20, 2008 minutes with the
amendments as noted.**

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

- 1. MR. JEFFREY S. HUNT, Planning Director, transmitting proposed amendments to the Special Management Area Rules of the Lanai Planning Commission transferring the final determination on the Special Management Area Exemptions from the Planning Director to the Lanai Planning Commission. (J. Alueta)**

- a. Public Hearing**

b. Action

Mr. Gima: Okay, now on to public hearing. Jeffrey S. Hunt, Planning Director, transmitting proposed amendments to the Special Management Area Rules of the Lana`i Planning Commission transferring the final determination on the Special Management Area Exemptions from the Planning Director to the Lana`i Planning Commission. Joe.

Mr. Alueta: Good evening Commissioners. This is at your request that we amend your own rules with regards to the authority over SMA Exemptions that come into the Department. If you recall, to make it very similar or make it the same way as Molokai would have them processed. Currently, an SMA application would come in, and there could be three determinations. One is the project is exempted. One, we need more information. And three, that they need a Major Permit. So we start with an assessment and make some type of, the Department would make some type of determination. It could also be a Minor Permit. So if it comes in, if it's an exemption, the Department would then say you've met one of its exemptions criteria under 205A, and therefore, we'd send out the letter notifying them that they received an exemption. In this case, it's done administratively by the Department, and ultimately signed off by the Director. It is your desire that after the initial analysis and the recommendation, if there is a recommendation for an exemption, rather than having it reported to you in our standard report that you get, that shows all of the exemptions, as well as those that have been issued Minor Permits, that you would like to have the final authority to either concur or to say that it's not an exempted actions.

And so we have drafted the rules similarly. So, just to give you an idea of what would occur is that we would go through the same procedure that we normally do for any exemption, do our analysis from the information provided from the applicant, and then we would, rather than prepare an exemption letter, we would write that letter up but make it as a recommendation to you I guess. And then you would, then, receive it, all that information that we've received as well as our summary analysis report, and then bring it to you. And it wouldn't be a public hearing. It would just be an item on your agenda. And then you would have to then concur. If you concurred with the Department's interpretation, then we would then go ahead and issue the exemption letter. If not, then you would have to come up.

So I did – you should have two documents that I submitted to you. One is our standard staff report. It shows the agency comments that we received with regards to who reviewed it, the reasons for it, how it complies with certain language within the General Plan, or may not comply with a language within the General Plan, as well as our recommendations with regards to these rule changes.

Again, this is at your request, so we did write. At the same time, the Chairperson had

asked that we provide you with a different type of form, I guess, with regards to the pros and cons. So I attempted to use this format. I apologize for the copying. I was sick the last couple of days, and I forgot to get copies printed. So I had to have it faxed over from Maui after we landed, and then Commissioner Kaye was gracious enough to run to her house and make copies of it. So I apologize. I was just using a fax and copier. But the only correction I would have on this is roman numeral eight should be result in a higher cost. But, if you want Mr. Chair, I can go down. Do you want me to read through this?

So again, the original proposal of this, reading from the summary sheet, roman numeral I is that you guys did request it. I'm the Administrative Planning Officer so I handle your rules and regs or any amendments. So I did draft these for you and then send them out. Again, the proposal is, again, to give you the final authority for SMA exemptions. Currently that authority lies with Planning Department. It's history of it is that you requested an amendment similar to what Molokai has so that you have a better understanding of all developments occurring within the limited SMA area of Lana`i, and to avoid any potential oversight by the Director with regards to potential impacts that may have on the Special Management Area on Lana`i.

The pros would be consistent with some of the community plans statements – with regards to maintaining and enhance Lana`i's rural atmosphere; with respect to vast open space character, small island town environment, which is unique to the State of Hawaii; continue to encourage development of a regulatory review process that encourages and facilitates public participation in all major land development activities; ensure that the coastal land uses are compatible with the management; the protection and restoration needs of Lana`i coastal resources. It would alleviate the belief by the Commission that the Planning Department and Director is not protecting the coastal environment on Lana`i. It would provide the Commission with a greater understanding and authority over progress within the SMA.

The potential cons would be proposed amendments would increase the processing time for the SMA exemption application. It would increase the government cost to service the residents of Lana`i as we would have to have a staff planner available at that meeting. The Lana`i Planning Commission would have to provide their own findings of facts, and conclusions of law if they do not agree with the Director's findings of facts, conclusions of law, and proposed decision and order.

Ms. Kaye: I have a question on that.

Mr. Alueta: Yes?

Ms. Kaye: Could you point me to the regulation that says that?

Mr. Alueta: That says that you would have to provide it? We would come up with our proposal. We would provide the standards. If you disagree with that, if there's a conflict, you're going to have to come up with and explain to us what you disagree with our professional analysis.

Ms. Kaye: My understanding is that Corporation Counsel aides us in that, so I think that's something that should be –

Mr. Alueta: Okay. Normally, the Commission – but if Corporation Counsel will aide you in that – I was not aware of that.

Mr. James Giroux: If you look throughout the SMA law you'll find that when you make certain decisions that are appealable it will say it must be done with findings of fact, conclusions of law. So the assumption is that Corporation Counsel will review those for form and legality. And at the meetings, my job would be to help you to try to focus you on leaning on the facts that you're making your determination on and showing you the law that you should be looking at. So basically even though it says the Commission, Corporation Counsel is there to facilitate that.

Mr. Gima: Joe, even after five years on the Planning Commission, I still need some refresher. On the minor and major exemptions for the SMA, currently the Director has jurisdiction over both, or is it just on the minor?

Mr. Alueta: On both.

Mr. Gima: Okay.

Ms. Zigmond: Isn't it if it's over \$125,000 that it comes before the Planning Commission?

Mr. Alueta: That is correct, and then it's a Major SMA.

Ms. Zigmond: Okay, what I heard, I must have heard wrong. Sorry. What you just said.

Mr. Alueta: There's three levels of permits. The exemption is you're exempted. You do apply an assessment application. From that assessment permit, the Planner and the Director will make a determination that one, you qualify as one of the exempted actions. So meaning, you're not subject to the SMA regardless of what the cost is. If you're exempted, you're exempted. Two, you are a Minor Permit, meaning the construction is of a minor impact and it is less than \$125,000. Meaning, you could still build. If you built a sea wall and it was \$40,000, that's not a minor impact to the coastal area, and we would still assess it as a Major Permit even though it did not met the threshold of \$125,000. On

the same token, we may say, well you're building a house, and it's your third house. And so cumulatively and it's more than \$125,000, we'd say that's a Major Permit also. I mean, it cuts both ways. Or you say that the project has a potential impact that can not be assessed or addressed with a Minor Permit, and needs further review and comments and further analysis, therefore, we would assess it as a Major Permit. So those are the three levels.

So currently when you have a Minor Permit or an Exemption, we provide you with a list at your meetings, sometimes in very cryptic terms, but we do provide you with a list, which you then provide comments on.

Mr. Gima: So this would apply to only Minor Exemptions since Major ones come before us anyway? Is that accurate?

Mr. Alueta: Actually this would only apply to the lowest form which is the exempted actions. The way you instructed us to re-write your rules, you wanted to see exemptions come before you. I'm going to have to confer and look at some of the rules, but I believe that there is a methodology when you have a Minor Permit that you do have a methodology to appeal the Director at that point. I'll have to re-look at that. But I think that you wanted to have – the bottom line is that you were concerned with – you have these exempted actions that are just automatically exempted and you wanted to actually see them before an official letter went out to someone so you could comment on it or at least have some type of input on it.

Mr. Gima: Is that everyone's understanding? Okay.

Mr. Alueta: The final authority on your rule changes is the Mayor. The final authority on this, on your rule changes, is the Mayor. So even though you approve it, if the Mayor wants to, she can not sign it. There was a threat, but when Moloka`i had it, the Mayor did sign it. It was a different Mayor, but the Mayor didn't pre-empted the Commission. We try to respect the Commission's wishes at all times.

Statutory base again, the CZM program comes out of public law, 92, 583. That authority gets passed down to the State. The State implemented it through HRS 205A. 205 is your land use law, so they created a sub-section of the land use law, Hawaii Land Use Law, which is 205A, which is the Coastal Zone Management Program. And then they again delegated down the authority to each of the counties to create their own rules subject to Chapter 91 which is what your rules were adopted. And you have your rules which is found in section 12, Chapter 402, which you should all have. So that is basically – you're amending 402. I mean, you are amending 402.

Financial implications, if any – from our aspect in looking at this – I’m trying to look at this some-what objectively. Again, we feel that potential therefore a higher cost for renovations and development projects; may increase occupancy of hotels on the island if outside consultants and contractors are required to attend the meetings to answer questions on a project, which is what’s happening on Molokai. If someone comes in to do a wall, a rock wall, within an SMA area, and it’s part of a single-family house, we would say it’s an exempted action because it’s a normal structure, an accessory structure to a single-family resident, and we would grant them an SMA exemption. However, if you’re going to be the final authority chances are, one, the staff planner who does the exemption is going to have to come over. But at the same time, the contractor as well as the homeowner or somebody representing the homeowner and the contractor would have to also appear because they would want to be here just to make sure they can answer the questions. Because they don’t want it delayed any further so they could take the chance of not showing up, but if there’s questions that you have that are not answered by staff then they run the risk of you not taking any actions, deferring actions, and therefore delaying the project further.

Again it would require additional staff to attend meetings, longer processing times as well as increase over-time expenditures because you do hold your meetings at night so all of the planners that would have to come over to answer the questions would have to come on over-time. Planning’s considerations – the proposed amendments would allow the Commission to see all of the projects within the SMA. You’d get a more comprehensive understanding of the work being conducted in this area. The Commission themselves would be able to establish its own threshold of tolerance for marginal impacts. And where that comes into is under the SMA exemption rules, it says all of these items are exempted, under 205, in your rules. However if there’s a cumulative impact, in your judgement there’s a cumulative impact of this project or some kind of marginal impact that you can’t take into consideration. So it’s kind of like a catch all line that says you’re exempted, all of these are exempted, but you still have the opportunity to review it if you have these other findings. And everybody’s got their your own tolerance and every Commission has their own tolerance.

On Molokai, like I say, Molokai is the only other Commission that has adopted these amendments. Molokai has a shorter tolerance for swimming pools. They have a thing about swimming pools on Molokai. And so even though swimming pool is an accessory structure that is part of a single-family house, we would normally exempt that project. But on Molokai, they have a thing about swimming pools and the use of water because for them water is kind of a critical issue. So even pool that comes in they scrutinize and sometimes they will deny them. I think they did deny one. And so they have a – it’s an issue with them. Even though we have letters from the Department of Water Supply and everybody saying it’s not an issue because they have water. But for them, they have an issue with swimming pools so that’s threshold.

Mr. Elliott: You might have said this and I'm not sure, is it possible that there's a compromise area here whereby the Commission could have the opportunity to review projects that they chose to and yet allow the Planning Director to make the judgement on those that they didn't? I'm visualizing a thing that there might be a lot of things that are so routine, that a Commission that's given an opportunity would say we don't need to look at that. But on the other hand, we should have the opportunity to say, that one, that one, and that one, we really want to take a look at. So is there a possibility of a compromise where you're actually accomplishing both things?

Mr. Alueta: And again, I drafted the rules for the Molokai's one also, their amendments. Molokai tried to go down the rules where they only wanted – I believe it's 15 or 16 items in 205 that lists all of these exemptions – they only wanted to have exemption #3, 4, 13. They only wanted certain ones. However, they didn't have any facts to back that up, meaning the State established what was considered "exempted" under the CZM when they passed down those rules. I have no idea what criteria or how they decided that, but they obviously came up with something. And for Molokai, I felt it was all or nothing, meaning there's an exemption list that the State has that you have adopted in your rules. And from a simplistic standpoint, take all of it or don't take it because the State has already established what those exemptions are. And so if you want to review the exemptions, then review all of it. Don't pick the ones that you think are the ones are most critical. Just take them all or not take them at all because the State has already established what they are. And that's the position that the Department has taken in establishing these because it makes it just simpler to administer also. There's no judgement.

Ms. Zigmond: And Joe – was it you? I'm not sure, but I recall that the number of exemptions for Lana`i over the past so many years was like so negligible. So we're not talking a whole lot.

Mr. Alueta: And that comes to your roman number 11, how does it impact affect Lana`i? It says, total only affects the island of Lana`i. It is not anticipated to overwhelm the Commission in the processing as there is a limited amount of land within the Special Management Area. And so it's not like you're going to get a lot. To me, there's not a lot of these. Obviously from our standpoint, the whole policies and a lot of the General Plan, Community Plan policies, talk about trying to simplify government, delegate down and not delegate up. And that's a big thing that my Director is hammering home and that's why we're obviously, the recommendation here is not for approval of it. I mean that's the official stance. The reality is, you know, how much are you going to get? And we can tell you that you probably won't get a few. The few you get are going to create a problem. You're going to have to take the heat for it if you hear it from your own people who got their walls made or whatever, if it becomes a big issue. We're concerned, again, with our staff time, having to – additional staff time as we're going to have budgetary cut backs in the coming

years. And so again we're not trying to encourage you to suck more staff time from us, so we're trying to push back and say "no." But it's your rules. If you adopt them and the Mayor signs them, they're your rules. Again, if you find, as I told the Molokai Commission, if you find that this is really not an issue of concern with you, we'll amend it. You may find in six months, you know what, this is not a big deal and we don't really want see the rock walls or whatever and maybe we should go back to amending it to the old way. And that's what I told Molokai is that, try it out, see if you like, and if it doesn't work in a year, I can draft it and delete it from your rules again.

Ms. de Jetley: Joe, I think you say that it's only as there is a limited amount of land within the Special Management Area. There's not a limited amount. We are looking at more 14 miles of coast line on this island where we're getting pockets of land along this coast line as being sold and that's why we want to see all these permit requests that are coming through. Even just recently the road has been graded where they graded more of the roads than they should have and archaeological sites were impacted. Now they're putting gravel. They're upgrading the road and they're laying gravel on it. Three fourths of us – I personally don't want to see the road upgraded. I don't want to see a paved road through there. And I think that I would be speaking for the majority of the people on this island who want a minimum amount of development down there. So if a private – I respect the right of people to build a private home, but if that private home is going to end up being eight or nine bedrooms where down the road it will become a vacation rental, I couldn't do that. That's why I really would like to see every single permit request that comes through on that coast line.

Ms. Kaye: From a legal perspective, I just add to what Alberta said that this is just for exemptions, and we understand that. Having read with what the State has put forth as criteria for exemptions, they clearly didn't have Lana`i on mind. There's a huge loop hole that we could probably have a very weakened argument over what you consider as an exemption would not be considered an exemption on Lana`i. So I don't see any reason why we, months ago, decided to do this, but I'm not sure why anybody would be against it tonight. I will say you stuck in a little extra in section D there. That wasn't in Molokai and I would –

Mr. Alueta: We're trying to get that into D.

Ms. Kaye: Pardon?

Mr. Alueta: We're trying to get that section in for Molokai also.

Ms. Kaye: Well I think that should be taken out because too often you can't get here for weather purposes, we don't have a quorum and to make it that it's automatically granted

if it's not approved in 30 days. If we don't make a determination, I'm sorry, in 30-days and notify the applicant in writing, it's deemed exempted. And I just think that's unrealistic given our situation here.

Mr. Alueta: Well, I think you should try to – it says from the time you hold it. It doesn't mean that –. From the time we schedule it – so the clock doesn't start until you actually hold your first meeting. So that would give you at least two meetings to hear the item. And the reason we put that in and if you want to extend that to 45-days or something, we would encourage you because you all may be rationale at this point in time on your — based on the way the Commission is set up now. But honestly on Molokai, to be honest the Chair is holding hostage on several applications because they just keep deferring it from meeting, to meeting, to meeting because they can't find the grounds to deny it and they don't want to approve it. Because they are unable to find the facts to deny it, but they're not willing approve it. So they've held it person in hostage in limbo for six months. And from our aspect, that's an abuse of power and we don't want to see that happen again. I mean, obviously this Commission is set up a little differently, but we obviously don't want –. Your Commission could change. We don't know what personalities that will be on here. But we feel it's not right for staff and it's right for the applicant who has made a good faith effort into applying for something, and because you're not willing to make a hard decision.

Ms. Kaye: So you're saying that the clock starts ticking when the presentation is made?

Mr. Alueta: That is my understanding. I didn't draft this. This language is asserted by Corporation Counsel so I'll ask Corporation Counsel. Because my reading of this is that it's 30-days from when we hold the first meeting, the first presentation, you've got 30-days.

Ms. Kaye: And you will have already made a determination or something that's either exempted or not.

Mr. Alueta: Correct. We're going to give you a report at the meeting. And that meeting date is the start of the clock unless I'm reading this wrong Mr. Giroux.

Mr. Giroux: I personally didn't draft this, but I will defend it. In Section B it says the Commission shall make a determination and notify the applicant in writing within 30-calendar days after the application is reviewed by the Commission. So in my mind that implies it's been on the agenda, you've actually convened your meeting, there was evidence submitted and that you're in discussion. Once you're in discussion, I would say, you know, you're pretty much going to be starting that clock at that meeting.

Mr. Alueta: So again my interpretation is if you don't have a quorum or you lose quorum before you hear the item, or we don't make it, you haven't convened on that item. You

haven't convened on that item and the 30-day clock has not started.

Ms. Kaye: What if we compromise and said 60-days? I'd still like to see us out instead of Joe.

Ms. de Jetley: How about 90? I'd go 90. But definitely not 30.

Mr. Giroux: I just want to make a couple – within 205A one of the policies and objectives is to have a permitting system that's basically not too cumbersome. The policy – not thinking clearly now – but if I read it, it would say they want to have a system that people can use. It's a useable system. Meaning that the permit, if it's going to be a detriment to the environment, you've got to pack on conditions, make sure there's mitigation. But if there's no impacts to the environment, then they want a streamline system that says if somebody goes through this process and eight months later there's a determination that it's exempted, that means you just took somebody from a permitting system that they really didn't have to submit to and you ran them through the outlet. And the State recognizes that the environment is important. You have to review these. They want these reviewed. But if it gets to the point where projects that have absolutely no impact takes months, and months, and months to get reviewed, then it does start to impact the economy. So there's a balance of that. And you can fiddle with the number. That number is not set in stone, but it's got to be something reasonable.

Ms. de Jetley: You're not really understanding what I've been trying to say – is that the message that I'm getting from people is they no development along the back side of Lana`i. And if you look at areas like Makena, it started with one building, and look at it today. We don't want Lana`i to be like Maui. We don't want it to be like Makena. And if we have to become activists the way there are activists on Molokai to protect the back side of this island, then I will be out there as an activist. But we have already given tourism and the visitor industry Hulopoe and Manele. The backside of Lana`i is for Lana`i residents, and Lana`i residents want it kept the way it is. So any building that goes back there is going to have an impact on it for them. The first time somebody goes down there and can't play with their dogs in the water because all of a sudden the tourists are down there, I mean, it's going to be hard. You go down there on any holiday, any weekend, the whole backside of Lana`i now is filled with Lana`i people . . . (Inaudible. Changed cassette tapes.) . . . We want to see everything that is even considered for that side of the island. And everything that goes into the backside of the island should come before our community. That's what we want. We want to give who live here the opportunity to speak out. We've given the tourists Manele. Leave the backside for us.

Mr. Gima: Joe, in all fairness to the Planning Department and what you've stated as why you don't recommend this as a change, I think it's important – two things – one, I

understand your point about if the rule is changed, statutorily we need to make decisions based on what's in the rules. We can not arbitrarily say no because we don't like that family or developer. So I think we're all on the same page on that. The second point is I think why we're at this point right now is there hasn't been an indication that the Planning Director or any Planning Director predecessor to Jeff and his successor that they can convince the residents of Lana`i when they do make that decision in Wailuku that an appropriate review has been made. I mean, when the Planning Director makes a decision or exemption, I'm almost certain that they're not calling Lana`i people and say, well this is on the books, I'm about ready to make a decision, do you have any concerns, or do you think I should come over? I'm guessing that it's an administrative decision made in Wailuku. That being said, if I can be assured that a Planning Director will take those steps to have an appropriate review of an exemption, then I'd be more inclined not to pass this. But to this point, I haven't been convinced that the Planning Department or Planning Director has taken the steps to make an appropriate review on an SMA exemption.

Mr. Alueta: We look at every application thoroughly regardless whether it's Lana`i, Maui, or Molokai. Every community is special. That's the way I look at it, and a lot of our planners look at it that way. We get more than our share of people who are trying to slide one by us. We call it the Russian roulette of planners. The guy will file for an SMA and we'll send the application back saying, no you're not exempted. You need to submit for a Minor or a Major Permit. Six months later, they'll apply again for the same exemption trying to get it for the same project, thinking that if they get a different planner, they'll get a different result. We see that a lot, and we're pretty cognizant of that. I think I've laid out in our staff report, as well as the summary, the pros and cons of it. I mean I think I've laid out enough information to either approve it or deny it. And I that's my job, just to give you a very objective, two-sided approach to it, and I think it's up to you on what you want to review. Because it's like trying to convince my wife I made the right decision on something. It's not going to work.

Ms. Zigmond: Mr. Chair? Joe, I don't doubt that you all review to the best of your abilities these things, but you don't live here. And for me that's the bottom line. It has nothing to do with your professional abilities or your diligence, but you don't live here. And I'm saying I want this control.

Ms. Kaye: Are we at a motion point?

Mr. Gima: No we have to go to public testimony first. Any other questions, comments from the Commissioners? Okay, hearing none, we'll open this matter up to public hearing. First on the list is a like a newcomer, Ron McOمبر, and then followed by Pat Reilly.

Mr. Fairfax "Pat" Reilly: Thank you Mr. Chair. My name is Pat Reilly, a resident of Lana`i.

For outgoing members, Elliott, Gima, Endrina, thank you very much for your work and your leadership. I appreciate what you guys have done. It's been a long haul. For me, as I listen to this and I got a little confused as I listened to the discussion. My understanding is that exemptions at this point are handled by the Planners. Minor Permits for SMA come here. Major Permits, however they're classified, \$125,000 or major impact gets the recommendation of the Planning Commission, but the Major's final decision is made by the Council. Somebody check me if I'm wrong on that one. The climate these days and as I know all you know there is a – the corporation has put a bill in the legislature to fast track permits. And this particular fast track of permits has to do with the wind farm, and some of the other powered generation programs that the corporation has in mind here. Certainly, hopefully, they would not be considered exempted projects if they were within the SMA district, that they would at least come here, but the final decision would be made on Maui. If the Legislature would exempt certain things, who knows what would happen with that particular project if you have no authority.

So I think the climate is as you guys have expressed is that we're quite concerned prior to the revision of the community plan and knowing that there are projects on line that every project comes before the Planning Commission at least for a review. Now, my understanding is you are the final authority. I got a little confused when Joe said it's up to the Mayor, but I think the Mayor has the final sign off on the amendment to the Rules, not on the exemptions. I would agree for a period of time, excuse me, that the Planning Commission should amend its Rules. I was a little surprised to hear this was not a public hearing. In other words, I did hear Mr. Alueta say that there would be no public hearing on these matters before the agenda. That surprised me, and maybe I miss heard that. But, it seems to me anything on your agenda should be able to have public testimony. Maybe the amendment for 45-days. I understand the conflict between the property owner and a horrendous permit process versus the local ability to have some say over development. I found it very interesting that the issue of swimming pools came up, which has to do with water which everybody has got to know that's a big issue on Lana`i. So, yeah, I think those are reasonable. And multiple impacts – that's what I see happening, and I think Alberta brought that to light is that first there's one project, then another project, and over a period of years, you do have major impact after a period of time. And how do you, within a community plan decide, well this is only the first project, no problem. I'm sitting on Maui, I have no problem. And everyone is an individual project, but cumulatively it becomes a major problem. You can not change I guess these 16 categories. That's State law. So if you're going to consider them, I would agree with Mr. Alueta, consider all 16.

It seems like you won't have that many. Yes, there will be more staff time. It puts more of a burden on the Planning Commission to consider these things, but at least, maybe for a year or so, I would say let's go with the amendments and see what comes up. Thank you

very much.

Mr. Gima: Thank you Pat. Any questions for Pat? Ron?

Mr. Ron McOmer: Aloha. Ron McOmer. Lana`i resident. I echo Pat's concern. I'm really concerned with this Bill that's going through the Legislature right now, and it's taking a lot of close looks at what's going on with the wind farm and the photovoltaic stuff. I mean it's kind of scary what I hear. If this is true they're going to cut the process down and take it away from the local control, don't lose that. I think this Board, this Commission needs to make sure that you're intimately involved in this stuff. I think you should move it forward with your request.

What I'm hearing that's going on with this wind farm thing, it scares me because it looks like you can totally take the local people out of this – the local control, the local input, not the control, but the input. And it bothers me. And we've made comments about that. It has impacts throughout this whole island and all the islands. So it may be more work for you guys. It may be more work for the staff. But I think your SMA participation on this is really important for this island. So that's all I've got to say, but I echo what Pat said. I think it's a necessity that we have that control, or at least that input. Thank you.

Mr. Gima: Thank you Ron. Any comments, questions for Ron? Okay, next to testify is Mr. Gerry Rabaino.

Mr. Gerald Rabaino: Congratulations Butch and Larry. I've been absent from a lot of public hearings, but let me tell you something about this recommendation over here. I'll give you some examples from what he stated. Lana`i and Molokai is two different areas. When I first came to Lana`i in 1970 and mid-parts of 1980, we did a project down Gay Wail. The Hawaiian Church with all the big rains that we had, the past two hurricanes, if you look at the Hawaiian Church, the silt has risen up to the floor level within that 12 years. We've got these land developers buying land over there, which is fine and dandy. But have you been down there lately and see how wide they widen the road? They're trashing the Kiawe trees on the side with no respect on the other side of clearing it. The rocks are all over the place. It looks a mess. So this Board here, I as a Lana`i resident, being here almost 37 years, you look at Lana`i. Don't compare Molokai to Lana`i. We don't want your back yard ruined. We keep that place for Lana`i.

This Special Management Permit and all these little recommendations on this last page is not buying manapua today. We're looking at our future generations. The next generation that's going to take over is going to look over there. The silt, the way the earth is moving down there, when come hunting season, the fisherman goes down there, there's no maintenance on the road over there. You all know that. Back in the days, Albert Morita

them – Larry – goes down there – Mano you know that – everything was volunteered. Castle & Cooke didn't go down there and clear it. I'm not against the Company, but I've been here long enough to see what has been done there. They opened up Lopa for Lana`i residents. We already lost Hulopoe Beach Park. Everybody can see that.

Did you see the President's Day this past President's Day? 600 and something people from Maui cluttering our Hulopoe Beach Park. You don't see too much Lana`i residents down there. It's a shame. And that's the only accessible beach park. You're correct, they don't live here. We live here. We should be able to determine, Butch, what we want in our backyard. Keep that in mind. I agree with Alberta, but I also want you guys to set conditions to this Special Permit. Don't let the Legislation in Honolulu dictate Lana`i. We should tell them this is what we want for our island. Our "manao" should be expressed. If you're going to be a truly Lana`i residents, express the "manao" because a majority of our population here will not speak out in fear of employment. You know all that. But as vocal and controversial as I am, I will speak because you will not stop me from my Constitutional Rights to express. So for these members over here and this little paragraph, you change it. Thank you.

Mr. Gima: Thank you Gerry. Any questions/comments for Gerry.

Ms. Kaye: Yeah, I have a question for Gerry. Gerry, are you indicating that the grading that you think is going on down there is being done by other than Castle & Cooke on the road?

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

Ms. Kaye: But you don't know?

Mr. Gima: Gerry, can you respond on the microphone please.

Mr. Rabaino: The grading there is not the way it should be done.

Ms. Kaye: Yeah, but, my question is not the quality of it, but who's doing it?

Mr. Rabaino: I'm not asking around yet, but I went down there because we wanted to get fire wood for the barbeque and when we saw the place – when Francis and I saw the place, we went, "Woah!, this is not the way it should be done."

Ms. Kaye: Theoretically Joe can you check in here. If a private landowner, if someone buys a parcel and wants to grade and grub and all that don't they have to apply for a permit to do that? They can't just haul in heavy equipment and start having at it right?

Mr. Alueta: Yes you can. Well not legally but you can. I mean, it happens all the time. But you do need to have a grading or grubbing permit. I don't know the minimum requirements whether or not, how many acres. That's Public Works.

Ms. Kaye: Okay, that's my next questions. My next question, not to belabor this, if someone would find out that a landowner, not Castle & Cooke, who's maintained the road traditionally is doing that, to whom would that be reported?

Mr. Alueta: To Public Works.

Ms. Kaye: Thank you.

Mr. Alueta: Unless if it's in the SMA, then we would cover the SMA side.

Ms. Kaye: It is in the SMA.

Mr. Alueta: Is the road in the SMA?

Ms. Kaye: It's in the SMA.

Mr. Alueta: Then you file two complaints. One with Public Works for grading and grubbing, and one for us for SMA violations.

Mr. Rabaino: Butch let me add this. I think it was about five or six years ago. Remember Club Lana`i and the Chinese Memorial place? They went in there without the permit as you mentioned. They cut so many Kiawe trees, right? And what did they left over there? It was shut down. When you look at the place, it looks horrible. To this very day nothing has re-grown back. That's a lot of sand over there. That's the reason why the Kiawe trees were there to hold back the soil. But when they went in there for there for wood work, the place look ugly now. So take a good look at Club Lana`i and the area that they cleared out without a permit. If this one had permit, they did it half ass. Look at Club Lana`i. Keamoku is already, you know, filling up with the silt coming down. There's a railroad track there. There's Gay Wail there. There's an old charcoal place over there with an oven – right Mano? That's a historical place. You've got to look at the Hawaiian Church over there, past that heiau. So like she said, for every permit submitted, we should have the liberty, an opportunity to review. Thank you.

Mr. Gima: Thanks again Gerry. Before we go into taking any action, any questions, any comments?

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

Mr. Gima: I'm sorry. Thank you. Any others from the public wanting to testify? Hearing none, public hearing is closed. Now we're in the action part of this item.

Ms. de Jetley: Mr. Chair? I'd like, before you go on, I'd like to call everyone's attention to the letter from OHA, especially at the very bottom of their letter. "As such, we are supportive of these changes because we see them as being in concert with our mission and goals. OHA encourages the Planning Commission to make full use of these changes bearing in mind this special status of the SMA for all of us." So a lot of the other agencies sent letters saying no comment, but OHA is very, very supportive of what we're trying to do.

Mr. Gima: Does anybody have any concerns about this change? All right, if there are no further discussion, then our options are to approve the Planning Department's recommendation –.

Mr. Alueta: You currently have Exhibit #1 which has the amendments, and those were the amendments that you requested that be drafted for you. So you can approve the amendments that you requested, you can amend them, you can recommend denial, or you can defer it.

Mr. Gima: Say that again. So our action is not going to be taken on the Planning Department's recommendation?

Mr. Alueta: No your action will be taken on the Exhibit #1, which is your proposed amendments of the staff report.

Mr. Gima: That's kind of a deviation from the normal when we take action.

Ms. de Jetley: Mr. Chair, may I ask Commission Kaye, on that 30-day would you go for 45-days as recommended by Mr. Reilly.

Ms. Kaye: I think 45 is an awkward number. That puts us in the middle of our meeting, so I think that would get us no where. I think it should either be 60 or 90.

Ms. de Jetley: And you would go with the 60?

Ms. Kaye: See what anyone else has to offer to this discussion. 30 is a little tight.

Ms. de Jetley: Mr. Chair, do you need a motion on that? How do you want us to take action on that?

Mr. Gima: We'll have –

Ms. de Jetley: So it would be a motion to amend?

Mr. Gima: Yes.

Ms. Kaye: Wouldn't we make a motion to adopt the Rule changes as proposed by the Planning Department with the amendment to Section D to increase the time period for our response from 30 to 60-days?

Mr. Alueta: That would be the cleanest.

Ms. Kaye: I so move.

Mr. Elliott: Second.

Mr. Gima: Okay, it's been moved by Commission Kaye and seconded by Commissioner Elliott that we adopt the amendment to Chapter 402, Special Management Area Rules for the Lana`i Planning Commission, and to amend #2D, change it to 60 calendar days. Any further discussions, questions, comments? Hearing none, all in favor say aye.

Commission Members: "Aye."

Mr. Gima: Oppose? Okay, motion is carried. Let's take a 10 minute break.

It was moved by Commissioner Sally Kaye, seconded by Commission James Elliott, then unanimously

VOTED: To adopt the amendments to Chapter 402, Special Management Area Rules for the Lana`i Planning Commission, and to amend #2d, to 60-calendar days.

(The Lana`i Planning Commission recessed at approximately 7:15 p.m., and reconvened at approximately 7:25 p.m..)

E. COMMUNICATIONS

- 1. MS. CHERYL OKUMA, Director of the DEPARTMENT OF ENVIRONMENTAL MANAGEMENT requesting a 10-year time extension and the deletion of Condition Nos. 3 and 4 on the State Land Use Commission Special Use Permit for the Lana`i Sanitary Landfill located**

**within the State Agricultural District at TMK: 4-9-002: 001 (portion),
Island of Lanai. (SP 94-386) (SUP 94/0005) (J. Prutch)**

The Commission may take action on this request.

Mr. Gima: The meeting is back in session. Okay, we're onto Communications on the agenda. Next item, Ms. Cheryl Okuma, Director of the Department of Environmental Management requesting a 10-year time extension and the deletion of conditions Nos 3 and 4 on the State Land Use Commission Special Use Permit for the Lana`i Sanitary Landfill located within the State Ag District at TMK: 4-9-002:001. Hi Cheryl.

Mr. Joseph Prutch: Good evening Commissioners. I'm Joe Prutch. I am the other Joe in the Planning Department. I'd like to say the better looking one, but you guys can judge. Anyway, tonight I have the Lana`i Landfill extension. This is Special Permit 94-386. The applicant, of course, is the Department of Environmental Management with the County of Maui. This application was originally approved in 1994, September of 1994. It was given a 10-year time period with the option for an extension after that time. Well, the applicant did come in June 2004, in a timely manner to request an extension. What happened after that is that there were some discussions between the Planning Department, the Environmental Management and it came down to the idea that the Planning Department thought that there was a use variance requirements because the site was in the interim zoning district. After years of discussion, it finally came around to the point where it's like no, no, no, the use variance is not required because the landfill was looked as a public utility and we were able to say don't need a use variance, we can move forward with the time extension. That was in August of last year. We're finally here.

Let me give you a little brief description of the property. I'm sure you're all familiar with it. It's approximately 35 acres. It's about four miles south-west of the City here. It's in the State Ag District. It's zoning, of course, is interim; and the Lana`i Community Plan has it as public/quasi-public. The original 10-acre site was approved in 1966. It was built. It started to overflow onto some of the other properties. And then of course, in 1994, there was finally a special permit to expand the 10-acres to 35, so it added an additional 25-acres to the existing landfill. And then it's been in existence ever since. So the applicant now is requesting a 10-year to the year 2014 to continue operations. They say that in their annual report, the last annual report, they have 2004, that there was approximately 40-years left in the landfill. So they'll be back for this extension, and then in 2014 they'll come back for another 10-year extension. And we'll do it in little 10-year increments so that you can at least be brought up to speed on what's happening out there or make changes as you feel fit if there's something that's going on.

On the site they don't have electricity. There's no water. There's no sewer out there.

Mike was talking about the possibility of bringing electricity to the site in the future, but that's for another day.

Mr. Gima: Excuse me Joe.

Mr. Prutch: Yes?

Mr. Gima: On the estimated 42-year life span, that was based on what assumptions?

Mr. Prutch: That was based on an annual report back in 2004 given the size and the amount, daily amount of trash that was brought down there. There's a calculation just estimating that, given so much garbage and so much space left and filling it to certain heights that they would have about 40 years left before the 25-acres was filled up, and we'd have to find some else.

Mr. Gima: Yeah, but that's assuming that the population stays the same?

Mr. Prutch: I don't know –. I would assume they used some kind of population projections. They've got to assume, obviously, in 40-years there's not going to be a small amount of people still here. It's going to grow a little bit, and they have to assume that as well. And they probably take into consideration recycling programs and different things like that also that might remove some of the garbage that might have normally gone there too. It's a calculation they do every year. I'm not sure exactly how they come up with the numbers, but it's something that we get.

Mr. Gima: Who does the calculations?

Mr. Prutch: Does the Environmental Management does it? The annual report, is that done by –? Yourself?

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

Mr. Prutch: Okay, our Environmental Management Department, and Mike Souza there is the landfill operator. Between them and their consultants that they do the report for all of the landfills, not just Lana`i. For all of the landfills, there's always like an annual report to kind of just assess where things are going, how much time, guesstimate, what kind of other operations are going on out there, what kind of trash is being dumped, how much – all kinds of stuff that goes into the report. I probably have a copy of the report in the file if you wanted to see one, from back in 2004. They've stopped doing the annual reports because we've been in this extension, permitting process, for the last three years.

But once, if you guys do approve, one of the conditions is that they have to submit a yearly annual report to the Planning Department for review. And I believe it gets forwarded on to you guys as well, I think. I'll have to look at the condition again to see if that's true. I think it does.

Mr. Gima: Yeah, I was just curious – I mean, 42-years seems like a like long life span for the dump especially when – I mean, I know what you're saying in terms of recycling and the earlier sentence says commercial green waste, hotel glass, and used motor oil are diverted from the landfill by recycling at other sites. There are no other sites.

Mr. Prutch: I thought – wasn't the place across the street – across the highway, isn't that? No?

Mr. Gima: No.

Mr. Prutch: Okay. I'm sorry I don't know where the recycling is.

Mr. Gima: So based on that statement, knowing that that's not factual, I'm kind of wondering what assumptions were used to come up with the 42-year life span.

Mr. Prutch: Okay. That I don't know. Maybe if we could get Mike up here later, he might be able to give you a better idea of how they come up with these assumptions. I know it's just based on a number that they can actually know how much garbage comes forward, how much comes per year, and they can calculate out from that how much space they have in cubic yards and all that kind of stuff. You guys want to go ahead and take that? You want to answer the question right now?

Ms. Cheryl Okuma: Thank you very much. Cheryl Okuma. It's a pleasure to be here this evening before you. Thank you for the opportunity to be able to put this forward in terms of our request. Also with me is Mike Souza who is our landfill supervisor and he's responsible for Central Maui Landfill as well as the landfill on Moloka`i and Lana`i as well.

From what I understand, the calculations are basically a technical one done by our consulting engineers. And just to mention that we are currently going through the integrated solid waste management process. There is a representative from Lana`i who sits on that Commission as these folks were appointed by the Mayor to sit on this advisory committee. And one of the tasking in accordance with State law, we're going through this the same as the other counties, is to come up with an integrated solid waste management plan. Basically it's a plan for how we're going to manage our solid waste going into the future. We're required to do this ever five-years, but we're really looking at a plan that will

take us very far out into the horizon. One of things in there is some discussion in terms of landfill capacity, including Lana`i. And I believe that it's about the same, about approximately 40-years that's coming out from our current consultant, which is GBB Inc. But I also understand that we have a consultant, AMARE, who's also looked at the capacity of landfills.

And I think this is a technical calculation. They looked at it from the standpoint of whatever Department of Health requirements are because your landfill can only go up so high and out this wide. And it's an estimation because, of course, the more we're able to do recycling and divert out of the landfill, that's going to affect so it's going to slide back and forth. But I think it's order of magnitude. It at least gives you an idea that this is kind of the horizon that we're looking at as far as the capacity of this particular landfill. Mike, I don't know if you have anything.

Mr. Gima: So pretty much GBB Inc. is the one that did the technical calculations?

Ms. Okuma: They've looked at it currently. We have not completed that process. We are still working towards a final plan. They have looked at it, but my understanding is we've also had another consultant look at it who is AMARE, and they've looked at a number of our landfills. And one of things they do look at is what is the capacity at the landfill.

Mr. Gima: So I assume that you guys have contacted Castle & Cooke for population projections?

Ms. Okuma: I don't know what communications have been with Castle. Why don't I get Mike to answer that.

Mr. Mike Souza: Thank you for your question. I think the air space evaluations are important. And let me tell you a little bit how they take a look at. At different times there will be different numbers can be presented. It just depends what we're looking for or what you're planning out for. Those numbers can be real refined. And the way they can refine those numbers – they can take general numbers so the County can look at it in general and just provide it in the annual operating report. But if you're planning out different kinds of construction on the site as it relates to improvements or anything, you can refine numbers. And the main element that drives that data would be density, and density is usually measured by the kind of equipment you have on the site, the kind of trash that comes to your site, how you basically compact trash everyday, the amount of soil that you put on your site, the kind of waste that comes to site – so the kind of waste we talk about is kind of like what the characteristic are. So with C and D material you would fill up the air space, but your density would be much higher because as you know it would be concrete and much more dense material. So those are all the factors that they would

consider when providing the kind of numbers that you're looking at. And these plans that we're working on I believe 06 would be our bench mark that we can look out as far as what air space is available. I could be wrong, but Cheryl will talk about that.

Ms. Okuma: Also in terms of the GBB plan, they did base their analysis on the general planning documents which are based on population projections. So that's sort of the basis that information has been presented to them. In fact, if you're interested in seeing the work of that committee, it's a work in progress, all of that information is on our website with Environmental Management, the Solid Waste Division.

Mr. Gima: Thank you. You may continue.

Mr. Prutch: Thank you guys. The request was forwarded to various Counties, State and Federal agencies of course for their comments. Most that we received was no comments, but we did get some comments from the Water Department. They just requested that the landfills use GMP's to minimize infiltration and run-off from the site, and the Environmental Management Department did respond that they were utilizing GMP's and would continue to do so.

The DLNR requested that the applicant work with the County to incorporate the County's Water Use Development Plan, and adhere to the State DOT's regulations for water as well. And there's also a letter from Environmental Management that they were working with the County and they were working with the Department of Water and DOH continuously for regulations and the operations of the landfill.

The last one we got was comments from the Fire Department who said that the landfill operators were keeping the site clear and that they had adequate water fire protection. And I didn't have any other comments beyond that.

Ms. Kaye: Can I ask you a question right there?

Mr. Prutch: Yes.

Ms. Kaye: That struck me along with Butch's question the fact that this site is listed as open 8 a.m. to 12 noon on Saturday's. It hasn't been for years. It made me wonder about some of the other assumptions. Now water, you say all over the place, there's no water there, so how is there adequate water for fire protection? I'm just curious where that comes from.

Mr. Prutch: Yes. Well I saw that too. The Fire Department just says that they have adequate water to protect. I'm guessing they mean they have adequate water to get out

there and protect in the need, if there need be. Not that there's water on site that's adequate to protect themselves. This was from the Fire Chief here on the island. And then the Police Department had no issues. They just said that there was one criminal report in the last five years of operations. That was all of the County agencies' comments that we received. I just want to let you know of course that your Planning Commission is not the final authority on this. This will go up to the State Land Use Commission for their final authority on the extension, but it will be based on what your recommendation in here tonight. Of course you have two actions you can take. One is if you can't get through this tonight, you can defer the action to another meeting. If questions come up and we can't answer, then, of course your second choice, second action would be to make a recommendation to the Land Use Commission to either approve or deny the applicant's request for an extension of this permit. And of course, as you know, Cheryl and Mike are both here from Environmental Management Department to help with any questions. So if I can answer any questions, I'd be happy to do so.

Mr. Gima: What considerations does the Department make in terms of looking at the effects of what leeches into the ground and what goes down the gulch into the ocean?

Mr. Prutch: I do know they do have a water retention. They do have a water retention pond also on site on the, I guess, it would be the western corner so that the water on site, rain water, rains down to that, sits there, perks back into the ground and then it is eventually it's leached back out to the gulch and down into the ocean. That's part of the regulations would be Department of Health and the Water Department on the BMP's to assure that whatever water is coming out of there is clean. And as far as if there's annual reports on that, I'll have to defer to Environmental Management if they have any recent reports or anything they've done with DOH.

Mr. Gima: But in terms of the Planning Department making a recommendation to the Commission, does the Department of Environmental Management have to provide data or evidence that either the base of the aquifer or the coastal waters aren't being affected.

Mr. Prutch: I guess there's two. One the annual report that we receive every year is kind of an update of what's going on out there. And then also along the way, of course, we do send out, in this situation too where these extensions come up, we do submit the application out to various agencies to comment, in the hopes that if there is something going on up there that they know of that they do comment and that does brought into light and it's something that we have to answer before we can even come this far. And any other comments/letters I have there was nothing that said anything about any kind of problems going on. None of them recommended denial or stop or anything of the project so as far as planning goes from other agencies, we don't have anything telling us that they're not operating correctly. And then I believe they worked with the State agencies

probably on a regular basis as well. As for the Planning Department, we may not see it until it comes up for an extension or we see it in the annual report. Other than that, they're probably working with the State and they're doing their thing, and we don't see it until it comes in for an extension.

Mr. Gima: In regards to recycling, could you or Cheryl comment on – is it the responsibility of our community to develop the recycling programs or is it the intent of the Department to take the lead so that we can decrease the amount of trash going into the landfill?

Ms. Okuma: The recycling program is within our Department, and we do have a group that works within the community. We also do have contracts for the redemption and recycling centers and that kind of thing that you may see around. And right now we are in communication with Castle & Cooke representatives because of an expressed desire to do a more comprehensive recycling program here on Lana`i. So we are actually working with Castle & Cooke on that.

Mr. Gima: Anyone in particular?

Ms. Okuma: You know I don't recall the names off hand exactly who they are. There's a couple of representatives here.

Mr. Gima: So they've approached the County to set up the recycling program?

Ms. Okuma: Yes. Yes. Correct.

Mr. Gima: Okay. Sally?

Ms. Kaye: Can I ask you question along those lines? Other communities recycle laundry tubs, just about everything – wine bottles. It's not limited to what we do because of the HI-5. Is there any plan or any thought to try and recycle some of the plastic?

Ms. Okuma: I think some of that you'll see coming out of whatever the outcome is in terms of what we're dealing with Castle & Cooke right now.

Ms. Kaye: I guess my question is, is there a redemption center for that sort of material?

Ms. Okuma: Here on Lana`i?

Ms. Kaye: No, I know there isn't anything on Lana`i.

Ms. Okuma: Right.

Ms. Kaye: I mean any where else in the State?

Ms. Okuma: Oh, yes, we do have on Maui, and other places within the State.

Ms. Kaye: So if I lived on Maui I could recycle all my Tide bottles and fabric softener bottles?

Ms. Okuma: Not necessarily all of that. It would depend. I know that there are some places that take those type of non-HI5 materials but it may not be everywhere. I've seen private centers do that. (*Changed cassette tapes.*)

Mr. Gima: Any comments/questions? Alberta and then Larry.

Ms. de Jetley: Mr. Chair, I would really would like to hear what Pat Reilly has been an invaluable advisor in the past on different issues. And I would like to hear his take on this because personally I'm looking at it we're just going to continually extend this 10-year. We're going to keep flipping this 10-year permit and nothing new is going to ever happen. We need to start thinking about alternative ways to dispose of our trash and our waste. But could I ask Mr. Reilly if he would like to express an opinion? I'm specifically asking you. Do we have public testimony for this? So can I ask him for an opinion?

Mr. Reilly: Thank you Commissioner de Jetley. Pat Reilly, resident. Mr. Chair, it's my understanding is anything on the agenda that the Planning Commission will take action on is open for public testimony. That's my understanding of Chapter 92.

My opinion, as you all know that this issue, I think, came up in 1994. I'm quite surprised at the 42-years because the last time we did the community plan, the discussion was about 10-years left on that landfill. I would feel very uncomfortable making a decision or recommendation to the Land Use Commission given the testimony or the amount of material before you about the whole issue of where we're putting our stuff and what's the future of it. As you know, as this gets into the Community Plan that will be a very big issue as to landfill and the possible whole change if Castle & Cooke is approaching the County I commend them. But you know the Corporation is going through this whole island and trying to get rid of stuff. We need to come up with a comprehensive island wide plan about our trash because we can't get it off this island. And as I said, my last information in 1994 whenever we did that Community Plan was they had 10-years left.

Secondly, I would say I would want more data. I'd want really some hard data about that from the engineers or whoever is doing the study on Lana`i. I also have a concern about the workers. Over the years, just anecdotally and maybe this is unfair, and I know it maybe collective bargaining, but that's a tough place to work down there with in water. No

electricity. That's a tough place to work. And it would seem to me that there should be certain standard labor practices that would permit those workers to have access to restroom, water and whatever. I'm unclear about this pond. I don't know of a pond down there, but maybe I missed something. But if anybody else knows of a pond down around that area, please let me know where it is.

Lastly, as you know, this has come up several times is that on Maui, there are two trash pick up a week. You're paying for two trash pick ups a week, we get one. If we got two and more green waste then the landfill would fill up quicker I would guess. So when I look at the Land Use Commission statements in here, they have questions about this. They have questions about the date. When is the 10-year start? I would not recommend 10-years. First I would want to hear more about it, so I wouldn't make a decision tonight. That's my opinion. And I would give them five at the most and ask them to come back. Thank you very much.

Mr. Gima: Does that suffice Alberta?

Ms. de Jetley: Thank you Mr. Reilly. Since Mr. McOmber is here, does he wish to express an opinion?

Mr. McOmber: Good evening. Ron McOmber again. If you read this, the hearing that was held by the Land Use Commission, I gave testimony in 1994 on this same issue. And the question we asked at that time – “how high and what are you going to do with this dump? This landfill?” That raised a very good question. I was UPW shop steward and the men working down there were in my unit. That is a hell hole down there to work. Not only is it bad for the workers down there, with that constant wind blowing across that area down there, and that dirt, and they have to eat that dirt in a small little hot trailer. No air-conditioning. No place for the equipment to be put under. And if you look at our budget which is coming up here tonight, we have no budget for Lana`i this coming fiscal year of 2009. It's really awful. I've asked for a building down there to house their equipment. I've asked for a building down there to be in a different location so they didn't have to eat all that dust from that landfill when they're doing their work. And we have cages down there that catches the paper and it flies all over that area down there, and now you've got the workers out there with sticks, picking up paper that blows out of that landfill.

They were suppose to have a new landfill when Linda Lingle was Mayor. She found out it was going to cost \$3.5 million to close that landfill and she – they even came and drilled the pipes into the ground for the gas release and everything – and they decided that \$3.5 million wasn't enough to spend for Lana`i residents. So they decided to stack it on top like a cat does on hot tin roof when he goes “doo-doo.” And I think that's appalling to Lana`i people. If you give them an extension on this without coming to the Lana`i Community

Plan and let us discuss it, and let us tell the County what we want for a landfill is ludicrous. Because if you give them a 10-year extension on this, this is insane. That's just exactly what they'll do. How high are they regulated to stack that stuff? And it says in here, people have said there's no physical or any evidence that it has any degrading view from the highway. Well you might not if lived up at Koele or down in Manele you might not see it, but Lana`i people that go down to the harbor and pick up their goods or go to the dump see it. We're the only ones that really are impacted by this. Without finding out exactly how long this extension has to be and what are they going to do about that appalling situation down there, I wouldn't give them anything. I'm serious. The only way you're going to make them come to the table is to put a time limit on this and say we want some answers back on what you're going to do with these things.

There's got to be a budget for this. We've been asking for it and asking for it and asking for it, and we've never have got it. What did they do? They drove three containers down there down there and stacked them side by side. They didn't even put a roof on it. And that was a major movement. And if you've been down there when it's hot, and windy, and stinky, I don't see how those guys work down there. No wonder we had so many fights and . . . (inaudible) . . . down there. I mean it's a terrible place down there. The best of friends would kill each other down there, it's so bad. So let's look really good at this. This extension should not be allowed without some kind of notice from the County about what they're going to do about that landfill. And remember the workers down there. The workers don't deserve that. They don't make enough money to work down there. Thank you.

Mr. Gima: Ron, back in 1994, when you guys were raising the questions, what options were there at that time?

Mr. McOmer: Well at that time they were just looking to extend – it was before the Land Use Commission to extend it. That's why the Land Use Commission's comment is in here that Tony Ching now had made comments in here from the Land Use Commission saying that there hasn't been answers to this. It seems like the same on-going thing, and I think that's what you need to look at. In 1994 we asked the same questions we're asking here tonight. How long are you going to have that sitting there? What are you going to do?

Remember they were going to do a site more north end of that. There was a place that they were going, and then they found one native bush that the archaeological or somebody found that was endemic to Lana`i or somewhere and they killed that whole thing. Then we went to Lana`i Company, and Lana`i Company was going to give them that quarry area up above and it had the road to it and everything. What coaxed that is as soon as the County said that would be a great spot. It's got a big hole in the ground that you guys have dug. We could go up there. We've got a truck route up there. The Company, ladies and

gentlemen, the Company said we'll allow you to do that, but you have to pave the road County. Wait a minute. I mean, why does the County have to pave the road? The road was a road that they've been using to run their trucks all the way up there. Why does the County have to foot that bill on that? They were willing to use that dirt road and take that garbage in on that dirt road. But because Lana`i Company said, the only way you can do that is if you pave all our roads that go into our quarry up there. And the County said we won't do that. That's why we lost that one. That was almost perfect. Remember that big mound that's sitting there? That would have been perfect thing because they were still excavating rocks out of the ground. And there's a huge hole, if you've seen it down at Manele, down one above the golf course. That's a huge hole down there. You can probably fill stuff down there forever, and there's a paved road down there folks. And it's even further away from our-. You know, we don't have to worry about a water tables. It's not sitting on useable water that we can use, even down there, there isn't.. But there's got to be alternative to this and somebody has got to look for it. Somebody is not working and doing their job right. There's lot's of places on Lana`i we can do that. That's what it was in 1994 – same issues, same questions.

Mr. Gima: Thank you Ron. Cheryl, I was wondering if you could provide some input from your Department in terms of what Ron was bringing up regarding the history back in 1994.

Ms. Okuma: . . . (Inaudible. Microphone was not turned on). . .

Mr. Gima: Cheryl, could you turn your mic on?

Ms. Okuma: I assume you heard me. Did you hear me?

Mr. Gima: Wait. Before you hand over the mic, who is the Lana`i representative on the Integrated Solid Waste Plan?

Ms. Okuma: Off hand, I can't recall, but I would invite you to look at the website because those folks are on there, the minutes, everything is held is a public forum. And can I just kind of side track a little bit since you mentioned it, to address what this gentleman had brought up that Lana`i should do a comprehensive solid waste plan. Well the solid waste plan I mentioned is that blue print plan which will cover the islands of Maui, Lana`i and Moloka`i. So we're already doing that. It's a blue print that will take us into the future in terms of how we're going to manage our waste, whether it's through landfill activities, recycling activities, you know whatever activities. But any rate –

Mr. Lawrence Endrina: Cheryl question. If that's GBB that's doing it, how close are they to getting something to the Council?

Ms. Okuma: Right. We're trying to keep them on a time line, and actually the time line that I would like to see happen is that we'd have a final plan that will come before the next budget cycle because there's costs attached to these programs. No matter how you look at it, there's going to be a cost attached to it. And it's driven by State law so there's some things that we do not control. For example, there's a Department of Health approval through this process. The requirement is that the Advisory Committee has its work to do and as they basically do their work in terms of helping to come up with the plan. And our Department is a resource in that effort, and we're very involved. We work with the Committee in terms of the work, the meeting, and we work with the consultant as well. There's also requirements of public hearing, and if there are comments that come out of that, we are required to look at it, and it may or may not require further significant or insignificant minor changes to the plan. If it's significant it throws it back into the cycle all over again, so even if it's our desire to try to stay within a certain time line, the law requires that, depending on what comments come out, it may actually extend the period of time. So currently the project time line that we're working with is something that, hopefully, will get us to being able to see something sometime in the summer or later part of the summer, or early part of the fall. But again, the caviat is depending on what comes out as a result of the public hearing, it may throw us back into the cycle again, going back to the Committee, going back for DOH approval a second time. So there are things that we do not control. It's driven by State law.

Mr. Endrina: Now, does that also address like cars, appliances, and that kind of things for Lana`i?

Ms. Okuma: Yes. Those are aspects. It addresses a lot of different things and those are certainly aspects that are touched upon. And the one thing I will mention is we're not constrained as the Department by whatever is in the plan either. So even now we're not stopping our efforts. We are doing more than four programs that we think is in the benefit of the community. And so we can expand off those programs. So even if there's not details in this plan because basically it's a blue print, we would later on take components of it and flush those details out to determine if it's feasible.

One of the things is depending on what you're looking at as far as the plan, we may have to do further feasible technical studies, preliminary engineering reports to see whether it makes sense to go forward. Is it technically feasible? Can we afford it? So it's not the end even with this final plan. It's a blue print with concepts and ideas and some numbers attached which will help us to determine what direction do we want to go in as a community.

I think going back to the question, Chair Gima, the question is in 1994, what is the history as far as discussion about another site for the landfill?

Mr. Souza: Okay, I'll answer any questions about the landfill. Do you have specific questions or let me touch on it?

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

Mr. Souza: Sure.

Ms. de Jetley: In our landfill, we get a lot of construction waste. Is there any way that you might possibly make some of that construction material available for recycling – where people can pick through the stuff? For instance, a few years ago, I wanted to build a walkway for my neighbor's house, and went dumpster diving on a construction site. I asked the foreman if I could dumpster dive and I pulled out all the materials that I needed for her walkway. There's so much materials that's being thrown away. And of course you can't salvage material out of the dump. Is there anyway that can be changed so we'd have more recycling?

Mr. Souza: Actually operationally there are things that you can do to strategies how you use materials to manage more quality for air space and also to use the materials on site in a more productive way. As you bring that up, it's a coincidence because we've got a lot concrete that was brought into us, and we set that concrete on the side. We just rented an equipment from Lana`i Company to bust all these concrete up. Now these concrete can be used for different kinds of things on the site. One of them would be for wet weather pad. We are required by permit to have a wet weather pad to entertain traffic when inclement weather conditions occur. And this is a requirement that happens all over with all landfills. So rather than just throw the concrete with the trash, we're going to use that broken concrete to provide a pad where people can come and dump so we wouldn't impact our daily operations, we can continue taking trash. We would also be able to have the traffic come in and not impact the safety of the roadway like tracking mud back out. So we do that at all of our sites. And we're starting to do that at central – I mean on Lana`i. So we are dedicating a fair amount of funds to allow for these kinds of activities.

As far as the wood waste, for me, if people call me and ask, we have a lot of wood waste what do we do? I would recommend that they try to grind it on their side and bring it to us. We can also use that for an alternative daily cover and different kinds of things. So there are some things with C and D that we can use on site. Now when you talk about re-bar, steel and all that iron kind of stuff, those are issues that we'll be discussing in our GBB plan as more major recycling because those stuff usually gets shipped off the island. But as far as what you're talking about maybe if like re-bar comes in that can be reused, definitely the County can look into something like that for putting it right back into the community in a more productive way.

Ms. de Jetley: Commissioner Kaye and I have been the recycling queens on Lana`i. We've recycled a massive amount of materials back to our Lana`i Cancer Fund, so we're very aware of the amount waste that goes on, and if it can be salvaged, it would be to the community's benefit.

Mr. Souza: I agree.

Ms. Kaye: I know this is off the subject that you asked about, but you reminded me Alberta, what I hear from some of the local people is your containers –. First of all it's not open on the weekends contrary to what you see in here.

Mr. Souza: That's correct.

Ms. Kaye: That there are a lot of older people who can't reach. The containers are very, very high, and it's very awkward. I know Alberta and I, who are vertically challenged, really had trouble getting our stuff in, but the older folks really struggled with that. So I think you might want think about accommodating.

Mr. Souza: To address what you're talking about, we did discuss that previously. One of the things we were going to think about doing is fencing it in inside the site and allowing people to come in and kind of setting up the bins where people could dump more feasibly, put it that way, rather than throwing up. So we'll be looking at that as well operationally.

Mr. Stanley Ruidas: Mike, what is the capacity of the landfill right now, as far as how much space we've got left?

Mr. Souza: As far as the air space goes, we've had different numbers for different reasons. If you're asking me just off the top of my gut feeling, I think we're probably close to around nine to maybe 12-years. And that's really putting in as much as we can, managing the waste properly and really maximizing the quality of how much soil goes into that site. And just to give you a number, in general, most landfills use about 20% of air space for cover material, intermediate roadways and permanent roadways. Okay, you've got three kinds of cover that get supplied out there. One is daily cover, one is intermediate cover and one is final cover. They all have different thicknesses with different densities. They have to meet different criteria so it's not just trash with a thin layer of soil. You know, I do agree that in the past we've have a little struggle in the area, getting cover material on our site. We're trying to work with that. The cover material and different kinds of materials would help your site to improve a lot because you'd be able to solidify everything on your site, control odors, control on-site storm water management and all that kind of stuff.

So just to clarify on the storm water management of that site, that site basically has a

circular type of on-site storm water management plan. For anybody that has entered that site, if you noticed, you drive on this concrete kind of roadway. Okay, that design was actually implemented to allow for storm water that travels along the road way when you drive into the site. And it's not uncommon. It's site specific. Different sites have different designs. The problem with that site is we had water traversing off the highway through that site. We have one coming through the main entrance going right through, and we get one from the top coming down. So when we had major rains, it eroded a lot of the roadways. So that was a problem for us so we took care of that immediately through just day to day corrective action with the materials we had on site. But more recently we are in the process of implementing a project to correct the storm water improvements on that site. That design will also take care of – and just to make a clarification, there is a retention pond located on the bottom of that landfill. Trust me, it's there. We have to clean it up. We have to resize it, and it's basically an evaporation pond. But when that pond hits a certain limit and it discharges, our obligation or requirement is to test the water before it leeches into gulch. We send that samples. We have a cooler with all these bottles and we have criteria we have to follow, and that results will go to a certified lab on Oahu before we discharge it. The problem is or the difficult part of that is, how do you really catch that water before it reaches a limit to see if you can or can not discharge? So you have to take it at a level where it's much lower, you have to test it anyway because we may not even be on the island when we get this 25 year storm. So those are challenges we're working on, but we know that that pond has to be resized, reshaped and as general maintenance of all sites because it collects a lot of silt from the site. So that project is in place and it's a lot of money. We're spending a lot of money for this on-site storm water because it's important we know to the residents.

As far as the height of the landfill, there's a permitted height for that facility. That permitted height was calculated years ago, and it's always been there. But on the top side of that landfill, we probably have a little bit more room to go vertically. But we haven't done that because I know there will be some residents that will be concerned about that site being a little bit high. So what we did was we went all the down to the landfill on the bottom and we're starting to fill up. We're working with a consultant to give us a real good idea on how we're going to finish up that site. And the way you do it so basically you look at what it would look like in the end. So they show you basically with all the side angles and everything and that's what it looks like. So people have a good view of that. But that's what we had previously, what we went by.

As far as the, real quickly, as far as the conditions, we are very committed to making improvements on that site as far as our employees go. We're trying to increase our staffing. We've received approval for more people. We will also have on-site supervision. We've added four containers to that site. After discussing with the employees we now have steel palettes for all of the oil drums. We have a generator that's locked up in there.

Everyday there's air-conditioning in that trailer now. So it's an office for the employees. We got them a brand new B-7 dozer with an air-conditioning unit on it. Their other dozer is on Maui right now. We spent over \$150,000 on that unit, and we're fixing the A/C so they have two good equipments for that site. So we are trying to make more and more improvements because we do understand it's tough working in the landfill. There's no question. It's dusty. And so we're going to try and continue to make those improvements as we move along.

Ms. de Jetley: I'm just afraid that in 10-years you're going to be back before this Commission asking for another 10-year extension. It has to end somewhere where we actually address how we are going to cope with our domestic ways in trash without constantly just piling it up in big piles and covering it over with dirt.

Mr. Souza: I've been in the landfill business for 28 years and I've always been the guy that hey, take him to Mike, put it in the landfill. I can tell you now basically recycling has become more and more evident. More and more people support it. Now the recycling is a part of the plans with the municipalities, in the private sectors, so we are going to face new challenges. Yes, we'll probably need a landfill. I hear what you're saying. It doesn't mean that we should maliciously discontinue the landfill. We should also support recycling, but we should also know that there will be more challenges with trying to recycle and what the related costs are. It's going to be a different kind of challenge and I think we can do it. People in Hawaii want to do it, there's no question. So even though we landfill, I tell you right now, Central landfill, we landfill 600 to 1,000 tons a day. In our facility, right through the front gate, our first thing that we have is a recycling facility. Anybody can come to that facility, even if they see our landfill can recycle. If we can not recycle it over there, we take it and we say drop it we'll take it for you. We'll take it to a recycling facility. So we collect oil, plastics, cardboard, everything on that site. So we know that a lot of recycling activities can occur within our facility and we're willing to support it 100%.

Mr. Matthew Mano: Mike, you know the containers you have outside of the fence. Are you guys paying for that containers, for the bins?

Mr. Souza: Yes, we have to rent those bins.

Mr. Mano: Where you renting from?

Mr. Souza: Lana`i Disposal.

Mr. Mano: Next question. How much water supply does these workers have down there right now?

Mr. Souza: How much water supply? As far as their toilet goes, we have a portable toilet out there. As far as their drinking water goes, we have a cooler out there. We checked with the Union, we asked them, for now what would be acceptable. So we got a cooler. I told them whatever potable water we need, if it's like Water Man services or whatever, we'll pay for it. So we have that there for there services everyday. And for now, it doesn't mean it's a long term solution, but it's a little bit tough with the infrastructure on that facility and I'll tell you why. It's because the filling sequence of that facility can impact what we put on that site. Because the whole side was initially designed to come up with trash. It wasn't really designed to have a facility on that site. So this is what we're working on with the consultants, it's to incorporate or implement how we think we can improve the whole site if it does require recycling or whatever else. So that's why the new thought process is starting to begin. That's what we're sharing with these people as they work on our plan.

Mr. Mano: Next question. As most of us know who live here, when we have high winds, there's a lot of dust. How are you guys controlling?

Mr. Souza: Okay. This budget I proposed for a water wagon for Lana`i landfill. I will cross my fingers and hopefully we get the water wagon. I definitely agree that ever site should have a water wagon. So I put one in, and I hope we can get it for the guys because that will be a big plus. And I totally agree with you that we should have one out there.

Mr. Mano: You said you're going to hire one more person, and this person will be what?

Mr. Souza: I'm sorry.

Mr. Mano: You said you guys are looking to hire another person down at the dump, plus a supervisor, so right now I think there's a conflict because you have a driver who is a refuse driver, and then you have refuse workers. When you have refuse workers that's not at work and the driver has to use the dozer, so what does he come?

Mr. Souza: Basically this site has three employees. One landfill bulldozer operator, one equipment operator IV, and one landfill attendant. At the time that these three positions were applicable to the conditions at the landfill, it was acceptable. We pick up trash here on Monday and Tuesdays. A route each. That's two days. For the three of the other days of the week, this worker is suppose to report to the landfill. In his PD he's suppose to operate and function just as a normal landfill bulldozer operator. So we would have two on Wednesday, Thursday and Friday. The landfill attendant is there from Monday through Friday, and handles the responsibilities during the eight hours. That's why that site operates for eight hours because it fits that criterium.

In this past budget we received approval for a Landfill Work-site Supervisor, I mean,

Working Foreman. That would give us two operators, and our Landfill Work-site Working Foreman. So we would have total of four people.

Mr. Mano: So your fourth person will be a Laborer II?

Mr. Souza: No, we would have a Landfill Working Foreman, so that will bring us up to four people right? And the other person who fills that up, they'll bring us up to five people. So we have an attendant, Landfill Bulldozer Operator, (inaudible), and the working supervisor – I'm sorry – four people, the working supervisor. Correct.

Mr. Mano: So you're promoting the Labor V right now if you do have another guy come in to be an operator?

Mr. Souza: We don't have any Labor positions. It's a Landfill Attendant and then there's a Landfill Equipment Operator IV which is the refuse truck driver that see, and then the Landfill Bulldozer Operator. That's the guy that's on site everyday.

Mr. Mano: No, but the landfill, the guy who sits on that office is a BC-5, he's a Laborer. He's the highest Laborer in the County, just like me. So there is a Laborer. That's what I'm saying. You guys have a Laborer. You're telling me you don't.

Mr. Souza: It's not classified as a Laborer though. But it does have duties that are of a Laborer.

Mr. Mano: No, but according – when you look at the contract book, he is known as the Laborer because of BC-5.

Mr. Souza: That may be.

Mr. Mano: There you go. That was my question. Another question, pond, that you guys are saying is below on the west side of the landfill.

Mr. Souza: Correct.

Mr. Mano: That use to be not a pond. It use to be animal waste. That's where they use to dump the animal's waste at one time because I know the location. I hunt.

Mr. Souza: Right.

Mr. Mano: So what happened to the animal waste?

Mr. Souza: The site was permitted to accept animal waste and it is, but as far as I know, no animal waste was put in the retention pond, but it was put in that area which the State was made aware of. That's our area and that was identified on our report.

Mr. Mano: If I recollect correctly, when you enter the landfill, there's a road that goes to the left and it goes down on the bottom. Am I correct? Towards the west.

Mr. Souza: Yes.

Mr. Mano: In that area, you're saying there's a retention pond, right?

Mr. Souza: Correct.

Mr. Mano: That's where the animal waste was.

Mr. Souza: No, if you traverse on that roadway along the fence line, you start to go down, down, you keep going way down, on the right side is where they put the animal carcasses. But if you go down even a little bit further, it flattens out a little bit. And then in the middle of that pond, there's like a brick oven. And that the height. There's a drain pipe there. That's where that retention pond is.

Mr. Mano: So when was this retention pond built because it wasn't there five-six years ago?

Mr. Souza: As far as I know, it's been there for while. I can check exactly when it was there, but as far as know it's been there for quite awhile. I don't know what year it was made, but it's been there.

Mr. Mano: Because five or six years ago, they didn't have a bin that you dump down there at the DLNR. You had to your carcass on your own and dump it in the animal waste.

Mr. Souza: Correct. You're right.

Mr. Mano: It was . . . (inaudible). . .

Mr. Souza: It's kind of like if you look down on it, it kind of looks like just a flat area. But if you walk down there, and you walk around the bushes, then you walk right into the pond, you see that you're the pond. It's there though.

Mr. Mano: Maybe now, but not before because we use to hunt in that area too. That whole area use to be open hunting area. From the landfill all the way down, in that dump, we use

to hunt. That's why I questioned this because there was no pond. And that landfill has been there since I've lived here, and I have lived here all my life.

Mr. Souza: I mean, I definitely know that the pond wasn't there when that landfill was initially used – I think it was back in 1969 – yes, I agree with you. But over the years, eventually the pond was constructed – and we didn't construct it but it was constructed. I believe the pond was constructed when they made the storm water roadways in that landfill. We can find out what the date is but that's when they built that pond. They had to have a pond if they built the roadways. There's no way they can not have a pond.

Mr. Mano: Thanks Mike.

Mr. Souza: You're welcome.

Mr. Gima: Mike, for the purposes of us making a decision tonight, the reason I had asked about the 1994 was to find out back then were there any conditions attached to the approval of the 1994? Or what did your Department see as some of the challenges when the approval was made in 1994?

Mr. Souza: You know, I can not recall if there was any conditions. I knew that we had a solid waste permit that we had to comply with. And in that permit, clearly, the design was put forward to the State Department of Health, and we are still in that footprint. I mean, we have not exceeded vertically like 50 - 60 feet. We're still in the footprint, so we're on the bottom right now. At one time, there was, when land was difficult to come by and all this kind of stuff, so trying to get as much waste in one specific area was always something that people would want to consider because it costs so much to build and close landfills. I mean these are millions of dollars. It's not cheap. So the due technology is try to recycle and strategize what you do and how you do it. So as far as the conditions goes, probably our division engineer would probably have more knowledge in that area. I defer that to her.

Mr. Gima: I was kind of confused because the first question I had asked about the 42 year life span, and then when Stan asked you the capacity, you said something like nine. Can you help me understand the discrepancy between those two figures?

Mr. Souza: Like I said, I don't know what the bases of that. At that time, they may have considered increasing the vertical height of that site. You know what I'm saying? From what the existing permit condition allows for. They may say we could go up another 20 feet and that would give that landfill more life, so that could be considered. So at that time, it might have been 20. If they went up more – they say 20 more – that could be what they were thinking about at that time.

Mr. Gima: In addition to the confusion, I think the Land Use Commission's documents at that time said 10 to 12 years so which numbers should we as a Commission use to make our decision tonight?

Mr. Souza: Well, that's a good question, but before I tell you this, I would really like to depend on our technical data because that would give you a real more defined and refined number before I tell you – I give a gut feeling just on air space what we see, but I can tell you pretty much the data that we're preparing will be much more precise and confined because of the different considerations. And it has to do with even population growth – all those kinds of considerations are taken into effect. And there is criteria on how to figure that out.

Mr. Gima: I'm not sure who's the author of this report, but shouldn't the technical data that you're referring to, that you're going to get to us, shouldn't that be in here so we can make the best informed decision?

Mr. Souza: Well I certainly agree that you should have the correct data in front of you if you're going to make the correct decision. And I think if you see information that might be somewhat compromising I think that we could take a look at that and give you something back in writing. I agree with that.

Mr. Gima: One last question. It's kind a – maybe this is for Cheryl too – what would the Department do if the Land Use Commission says okay this is your last approval and it's only going to be for five more years, what do you guys do? Do you guys have like a Plan B and a Plan C if you don't get the approvals?

Ms. Okuma: It would be very difficult. But as I mentioned, we are going through that integrated solid waste plan and we're going to take a look and see where that does come out. But I'm not sure that if even on a short horizon whether it's feasible to not have a landfill here. And if we can not get the Special Use Permits or all the permitting that's required then we wouldn't be able to operate this landfill, and the question is "what do we do with the trash?"

Mr. Gima: Well yeah, I'm not expecting it's not going to be approved, period. However, I would hope as a responsible Department or agency that you do have a Plan B and not assume that yeah we're going to get the approval. Because if you guys don't approve it, where are you guys going to throw all your rubbish? I don't want that kind of arrogance in planning. I would hope, like I said, you'd have some responsibility and coming up with a Plan B or Plan C for different contingencies.

Ms. Okuma: Sure. You ask a very good question. I mean, we know what our choices are.

It's either landfill; shipping, which is very expensive; or some sort of burning – waste energy or something like that, which is also very expensive. So if you ask us do we know what options there are given the technology and the methods of handling today – yes we do know generally what that is. It's all expensive. The question is what would work? If there is no landfill, then we're stuck with two choices – shipping which is very expensive or building some sort of facility that's going to handle it here, which is also very expensive. So we have a general idea and concept of what our options are. It's just that those options, right now, are very costly. And I don't know that the community, any community here, can sustain that. We are always thinking about what are the options. We are looking at the different programs, how much effort we put into recycling. But even that effort, when it gets into processing and shipment, we have to give that careful consideration because it does come with a cost. So yes, we do think about that, but we don't have a really good answer to a Plan B and a Plan C. So I think it puts us in a difficult situation obviously and I don't want to say we have a good answer today. But we are thinking about that. We're always thinking about that.

Mr. Gima: Thank you. Alberta?

Ms. de Jetley: Mr. Chair, I have a question. If we do nothing, what happens then? Does anybody know? I mean, if we, as a body, just did not defer action and did not vote on this, will it just then go to the State Land Use Commission anyway? It will? Is there any way that other Commissioners – do you think that maybe we could defer action to another meeting date? And what I would like that meeting date to be is when they have this final plan written, come back to us then. How much time do they need? When will this go to the State Land Use Commission?

Mr. Gima: Planning Department, can you comment on Alberta's question?

Mr. Prutch: When it goes to the State Land Use Commission – well first off, of course, recommendations from your Commission – I don't know the timing of when it goes to the State Land Use Commission. I'm not sure their agenda and how soon it will get to them. Do you have any idea on State Land Use Commission applications?

Mr. Alueta: It all depends on the record, but we would encourage you to do either one. You can either have a recommendation, for or against; or you can, sometimes, you can send it off with no recommendations, but that's your–

Ms. de Jetley: What I wondered is whether or not we could defer it until they are ready with their final plans so they can present it to us so we can make an informed decision.

Mr. Alueta: What final plans?

Ms. de Jetley: . . . (Inaudible. Changed cassette tapes.) . . . be ready until the next budget cycle so that would make it 2009.

Ms. Okuma: I just want to mention to the Commissioners that this is a requirement to get our zoning all in place, and time extensions and Special Use Permits. And it's important for our Department of Health permit which my understanding is we're going through an application process right now. And if this isn't acted on, you know, obviously, we'll keep Department of Health informed, and I'm concerned that it would be considered another violation. And technically and legally one would argue we shouldn't be operating a landfill.

Ms. Zigmond: It seems to me that everyone would want us to have as much information as we can to make the best decision. I mean, it appears there were four years when this was being batting around. I mean didn't somebody think about that then?

Mr. Prutch: Yes, it's been batted around since 2004, but yeah.

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

Mr. Prutch: Well actually the 10-years would be from 2004, so technically 10-years really is only six more years. And we'll be back here for another extension request at that time again. And you guys do of course have the option if you want to request five years, that's fine. We will make your recommendations. We will pass it to the Land Use Commission. If they decide and agree five-year extension limit, they can approve that. If they decide no, we want ten years, they can do that as well. But you can make your recommendations to them. That goes up to them and then they make the decision. But you could request five-years rather than 10 if you feel better that would give you a little more time to look at it closer again sooner than waiting 10 years out and not knowing what's going to be happening 10-years from now.

Ms. Kaye: It seems to me the option in front of us is if we would want to change your recommendation or suggest another one, it would be five-years, but you only get six with what you just said. This just goes to 2014.

Mr. Prutch: Yeah, so technically, I guess, five-years would be next year. We would be back again next year, in 2009.

Mr. Alueta: Again you're making a recommendation to the State Land Use Commission who's permit this is. You're a recommending body to the State Land Use Commission. This is a permit that they delegated down to the County for recommendations. If this application was for 15 acres, you would be the final authority. But because it's greater than 15 acres, the State Land Use Commission is the final authority. Again, just to be sure

that you understand that you're just making a recommendation to them.

I agree with your analysis that this permit has been batted around, and by no means is the Department trying to pressure you into a recommendation at any time. If the Commission wants, your options have always been to defer, of course, for a specific reason and for information that you wish to seek; or to recommend approval as recommended by the department; or recommend approval with amendments; or recommend denial to the Land Use Commission. So again, you have several options to deal with.

Ms. Kaye: Can I ask a question? Is the main hesitation that everyone is feeling is the discrepancy between reading 42-years and hearing 10? Is that primarily what's causing – is there some way to address that in a way that would raise the comfort level of this body?

Mr. Prutch: And the only thing I can go with on that is what I have in my file is a 2004 annual report and a 2005 annual report. And now whoever – maybe Mike can elaborate a little better.

Mr. Souza: And this could have been the case – let me just clarify. When they made the projection or they said 42 years or 43 years, I think what they were doing is considering all of the air space in that whole area. I don't think they were using that number to say that this applies specific to this situation. So if you take that landfill and you say – because if we could go back to the State and say we want to get an amendment to our solid waste permit to vertically increase our height of our landfill to 200 feet or 300 feet – I mean if you can comply with all of the criteria of how the landfill would be built and meet all the standards with the storm water and everything like that, they could give you that. They could say, okay, we'll give you the exemption. So I think that the 40-something years is consistent with that whole area. I think that's where that number might have been generated from. But with the existing site, with the existing conditions, and the numbers in the permit, that doesn't apply to that.

Ms. Kaye: You're saying tonight that in your professional opinion and you're closest to the ground, it's 10 – nine to 12--?

Mr. Souza: I'm saying if you stay within the existing conditions of the permit – right we're at right now when you look on the top end of that side and you kind of come down, it's suppose to come down – it's suppose to match the ambiance of the roadway. So when you're driving on the road, the landfill is suppose to kind of step down. It's not suppose to be shooting straight out into the air to block the ocean when you're driving down. It's suppose to kind of like step down. The slopes are suppose be like three to one. You know you get adequate drainage, you vegetate the slope, and it's suppose to look pretty

nice, really. In the landfill business we see it that way. But like I said, if I took central landfill and I said well potentially we have 60 years of life because we're way out there and we could probably go back to the State and we want to go up another 200 feet or whatever. So potentially you have that kind of air space. So I think, pretty sure that number might have been coming from that kind of mind set. Don't quote me.

Mr. Gima: Well again, I'm not sure –

Mr. Souza: Because we've had that kind of discussions with consultants and we say hey we can get more in here.

Mr. Gima: Like I said, I'm not sure who's this author of this compliance report, but when you put down 42-year life span, you have to back it up. And that's why I initially asked the question about what was some of the assumptions of this projection. Now in all fairness to previous applicants that have come before this Commission, when they have come with inaccurate information or can not justify or back it up, we're going to hit you guys with all the questions.

Mr. Souza: I agree.

Mr. Gima: We need the landfill. There's no doubt we need the landfill, but there has to be that level of responsibility when you put something on paper, you've got to back it up. And when there's a discrepancy between what's on paper and then what's given in oral testimony, that's why we're presenting all of these questions. I personally would want to defer but I'm not going to here at the next meeting. I'm gone. So basically it's Matt, and Stan, Alberta, Beverly, and Dwight, and Sally to make a decision on what you guys are going to do. But I hammered the Company at the last meeting because they were irresponsible in their report and they tried to change it right in front of us. And it's pretty similar what's happening right now.

Mr. Souza: We're definitely not trying to change accurate information, but we would really want to clarify what information is being presented to you. You have great questions and concerns. You care about your community. We want to be a part of what you want to be. If we're going to build a landfill, we want to do it properly. We want to support recycling. I just want you guys to know that even if there's this extension thing, it gets approved and all that kind of stuff, it doesn't mean that, all right, we got the extension, we just continue landfill and just bring it in. I mean, it's over. We look pro-actively for every opportunity to work with the communities in what they want to see. But it's what you need in a community because to me it's a health and safety issue if you don't have a landfill. You have to have that. So yes, there's kind of like the tweaking – it looks good and bad, but I just want to assure you.

Mr. Gima: Okay, any other comments or questions before I take it to public hearing?

Ms. de Jetley: My concern is that we're such a small community and our population base is so small that we will continually be put on the back burner because other communities have greater needs. So it will continually come before us so we need another 10-year, we need another 10-years. I really don't want to see that. So if we press the issue it will force you to give us a better landfill now. This has been going on since the 1990's. I'm going to be on this Commission until 2012. I don't want to see you before us again.

Mr. Souza: I'll be retiring in two years. I totally agree with you, and I hear what you're saying. And there are other communities that have taken that approach, that have run into technical problems because they weren't prepared for a landfill. And yes I agree that you have to take a strong stand of what you want when it comes to recycling. And it shouldn't by all means initiate more activity in landfill, but if recycling is the effort, then I think that should be the effort and we should all support that – I definitely think that. But at the same time, I know it's very important to have your facility property permitted because the solid waste permits will allow the State to address the concerns that can affect the health and safety of the island. So it's little bit more than that. Storm water, leech, air quality – all of those things, when you have a permit, it gets addressed and you have to do it on a day to day basis. If it requires more staffing, more equipment, then we have to go after that. But it just means that if you do it, you have to do it properly because you want to protect the quality of the people as far as their health and safety goes. Okay. Thank you.

Mr. Gima: Okay. Anybody from the public wishing to testify on this matter? Okay, Pat and then Ron.

Mr. Reilly: Thank you Mr. Chair. Pat Reilly. I appreciate all of your questions too. When I'm listening this is only – if you give them a 10-year, they get six; and I would say five assuming today was the start. So I can live with six. The other side of the coin is if they're in violation now, and the Department of Health ends up fining them, that's our tax payer's money going for a fine that we don't need to pay. It's our tax payer's money that would pay for the fine if the Department of Health finds them in violation. So give them 10. But I would say a condition should be six months prior to that date, they should inform Lana`i Planning Commission that their thing is going to expire. They should be here a year before, and they should bring that up. There should be some condition on your recommendation. I would also – you've got to make a recommendation to the Land Use Commission. Don't go with no recommendation. They have to hear this. They have to hear it's a concern for Lana`i because they will listen. So that's my recommendation. Thank you.

Mr. Gima: Thanks Pat. Any questions for Pat? Ron? Stand up and testify so it don't hurt.

Mr. McOmbler: We're beating this thing like a dead horse. All we want is a reasonable expectations that we're going to have a dump as you call it, or landfill, that we don't have to be ashamed of or we don't have to get bombed by it as we drive by. Remember when they first go this permit, these hotels weren't doing as much as they're doing now. There wasn't buses going to the landfill at that time. A lot of this was based on Dole Company. When they first started doing this in '66, when they got the first 10 acres, there was no dreams of hotels here. There was no dreams of that stuff. So the landfill and the 10-acre area more than adequate to handle what was going on at the time. Because remember Dole could go out with their equipment and they did it all over this island, digged great big holes and buried all of their steel and all of their drums and all of their waste in huge fields around this island. We have contamination all around this island, and I mean it's nasty stuff. Some of the pesticides that they buried when they closed the Quantus Huts. I know exactly where they're buried. We tried to have that taken out but they wouldn't touch it. It has nothing to do with the County, but Dole got rid of their stuff in a unique way. They just buried it. You can't do that now. They can't, the County can't do that.

The other problem that we've got is as everyone of you know, if you've been going down below City in the old crusher area, they've been dumping cars down there at 10 or 20 a day are going in there. The City looks petty good for a change. It's the first time. Even what you call it, over there, the junk yard on Third Street is even thinned out. But we have problems on this island we need to take care of. I understand it was \$40,000 – that Recycle Maui was going to bring containers in here and they were going to take –. They did a great clean up once but they didn't do – they weren't expecting exactly what they got hit it. They got about 2/3 of it off the island, and they still have to come back again. I encourage the County to support that and get back over here and finish the job they started. So keep that stuff out of that landfill. We, at the time that I was UPW shop steward, we tried to convince the County and the workers down there to open that dump seven days a week, and they can do it. They can have an attendant down there on the weekends, open those gates, and let people go in and dump their stuff instead of using those containers. Those containers are – you know what happens folks, everybody takes their refrigerators, they take their freezers, they take their washing machines, they take their batteries, they take your tires and they throw it down there, and then Manny has to go and clean it up the next day, on Monday.

Those containers are not a workable situation. That's got to be changed someway. Unless you take those containers and make an area where they can back into and dump it in there like they do on Maui, on Olowalu site. Maybe we can do that. But those containers are not good. And it seems like ever guy on the island trims their trees on the weekends and that fills up those containers and we don't get the rest of the stuff – instead of taking it down during the week. It's not all your fault, but we have a very active community and a lot more people here than they did in 1966 when they got 10-acres. All

we ask is we take care of our workers down there and take care of the site, and let's move forward with it. Thank you.

Mr. Gima: Any questions for Ron? Okay. Anybody else. I'll close the public hearing portion of this issue. What's the pleasure of the Commission?

Ms. Kaye: Well my first reaction after listening to all of this is that the time frame that they are, in fact, in questioning, is within the more conservative time-frame of what's the life of the landfill is. So along with Pat, I'm comfortable giving them the 10-year extension because in reality, it's only six. And I don't see that we have option to put conditions on this. This is defer, approve or vote against it correct? I mean, you've heard the testimonies, you've heard the concern, I don't see that there's an option.

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

Ms. Kaye: We can? Okay.

Mr. Prutch: That extension time, yeah.

Ms. Kaye: Okay, but are we recommending to the Land Use Commission that they –?

Mr. Prutch: Yes.

Ms. Kaye: Okay.

Mr. Prutch: Whatever recommendations you make today, I put in a staff report to the Land Use Commission as these are the recommendations of the Lana`i Planning Commission. That gets forwarded to them and then they act.

Ms. Kaye: Okay. Well for starters, would we want, for those of us who are going to be here, to see this report when it's done or is there somebody representing the island on the Committee that would get that report that we could ask? Not till summer.

Ms. de Jetley: Commissioner Kaye since no one really knows who is officially representing the community – you are Larry – no. Okay, what I would suggest is that we approve the extensions with a request to the State Land Use Commission that two years before the extension expires, they will come back to the community with the comprehensive plan on how the State and County plan to manage the island's solid waste.

Ms. Kaye: Perfect!

Ms. de Jetley: I wrote it down.

Ms. Kaye: Second.

Mr. Gima: Okay, it's been moved by Commissioner de Jetley and seconded by Commissioner Kaye –

Mr. Prutch: If I may, just so I can make sure I get this condition put in there correctly. Could you read back some of that or you have a copy of all of it?

Ms. de Jetley: Okay, approve the extension with a request that two years before the extension expires, they will come back to the community with a comprehensive plan on how the State and County plan to manage the island's solid waste. And I think Commissioner Zigmond may have a small amendment.

Ms. Zigmond: Well for one when you re-read that I was thinking come back to the community or come back to the Commission. I mean, should –. Okay, let's put in there the Planning Commission. And I just was wondering if we could put something is there about recycling too.

Mr. Endrina: Will that include the GBB plan on recycling since that's not coming out till summer I guess?

Mr. Gima: You guys have to be on the mic.

Mr. Prutch: I think so far what we have is two years prior to the extension, 2012, that is in 2014 when it would expire, the applicant comes back here to the Lana`i Planning Commission with a comprehensive report on how the State and County plans to manage the Lana`i's solid waste, and I think maybe just add to that, and maybe provide methods for recycling.

Mr. Elliott: Just a recommendation, come back with a report, parenthesis, including recycling, and then it would incorporate the recycling aspect.

Mr. Ruidas: Would that include like a secondary site?

Ms. de Jetley: I don't know if it will be on a secondary site. What Mike was saying that on Maui they accept recycling at their main plant.

Mr. Ruidas: That's not the recycling part. As far as a newly landfill. You know plan B, plan C.

Ms. de Jetley: I don't know. We're going to approve just what they have now.

Ms. Kaye: Alberta – I think the way has worded it, covers everything. It doesn't nit pick to the point where – if they're going to do a comprehensive plan, it's going to cover all of those things. Either the landfill is going to fill up and they'll have to find new space; and/or they're going to do recycling and here's how they're going to do it. I think, in this case, the broader the better, unless you have something specific, you think that's not addressing?

Ms. de Jetley: What we want to do is we want to send them a message that we're really going to be hard on them. They can't keep coming back to us for 10-year extensions – that we're going to say "no" the next time they come back. You know, they have to develop a plan because the next time they come and ask us for a 10-year extension, those of us who are still here are going to say, no, you've already done that. So that's what – we're sending them that message, that they need to work on a comprehensive plan that would include all of the options.

Mr. Ruidas: Okay.

Mr. Souza: As far as landfill goes – and you're talking about building new cells and acquiring land, permitting, and doing assessment, and EIA's and all that stuff – normally at a minimum it's about five years out – you start working on those things. And that's just to get a landfill, you know, basically designed and built. So just to let you know that time frame. And like I said, that's kind of a minimum of how they look at it.

Ms. Kaye: Well that makes sense then because if you come back two years before this is going to expire, you will have hit, according to your 10 to 12 year range, you will have hit the point where you're going to know whether you have to go do that or not, and you'll be able to tell us at that point.

Mr. Souza: Hopefully if it comes down to requesting an extension again – if it came to that for landfill, I'm saying that hopefully we would have everybody very knowledgeable about what is happening with the waste stream, that we've recycled this much, and all that kind of stuff. It would be like, we wasn't aware of this, so hopefully that can happen.

Mr. Gima: We still have a motion on the floor. Go ahead.

Mr. Endrina: Just a question. Then do you have a plan for another site in the plan?

Mr. Souza: I'll have to check my information, but we have funds for every site, Molokai, Lana`i, Central and Hana, to do Master Planning. In that Master Planning, before we make that project more forward, we can identify or basically state what we want the scope of

work to be. So as part of that Master Plan, we can say, do a feasibility study for a new site, and what it would cost, and that information would be available. So Central, we've already done the Master Plan for that. And basically those Master Plans are to identify you cell syncing, quantities, air space studies, sound motor controls, ground water monitoring wells – I mean, they pretty much, they cover all those kinds of things. But they also look for future cell construction. If it's feasible to stay at that site, sure, I think input is great because then you could talk about what you want to see. But whenever you get a new site, basically it means closing the old site because it's contiguous. So yeah, we're going to work on that.

Mr. Gima: Let's keep in mind that when we say 10 year or 42 year life span, that's one way to measure, but you can also look at, like what you brought up, capacity. Let's say we have one million cubic feet left in our landfill. Five years from now, when they come and they say we only have 200,000 cubic feet, and that's going to be a red flag. But if they come back and say we still got 600,000 cubic feet left, then that's going to be a better buffer. That being said, we've got a motion by Commissioner de Jetley and seconded by Commissioner Kaye that – well, she's already read it with the amendment regarding the recycling. Okay. Any further discussion? Everybody understand the motion and the implications? All in favor say aye.

Commission Members: "Aye."

Mr. Gima: Oppose? Okay, motion is carried.

It was moved by Commissioner Alberta de Jetley, seconded by Commissioner Sally Kaye, then unanimously

VOTED: To recommend approval of the Department's Report & Recommendations to the State Land Use Commission with the condition that two years before the extension expires, the applicant will return to the community / Commission with the comprehensive plan on how the State and County plan to manage the island's solid waste, and to provide methods of recycling.

2. Planning Department Memo regarding the status of the Lana`i Community Plan Update.

Mr. Gima: Back to the Planning Department regarding their memo regarding the status of the Lana`i Community Plan update. Is that you Joe?

Mr. Alueta: I'm sorry which item are you on now Commission?

Mr. Gima: Item #2 under communications – status of the Lana`i Community Plan update.

Mr. Alueta: In your packets, you have memos and that's basically what you requested.

Ms. Kaye: The only question I have is when is the estimated time that the community plan process will happen here?

Mr. Alueta: That memo didn't address that? I don't have an answer for that. I will find out. I thought that was –. Was that a specific question that you asked the last time? Oh, my god! Okay, I will follow up on that.

3. Status of the Mayor's nominees to the Lana`i Planning Commission.

Mr. Gima: Okay, onto #3, status of the Mayor's nominees to the Lana`i Planning Commission. In the Maui News a week and a half ago, they did not state who the nominees were.

Mr. Alueta: My understanding, after talking with my Deputy Director, is that there is none. Nobody applied or the only people that applied do not live on Lana`i. So I believe the Deputy had talked to Commissioner Kaye, is that correct, and that she had sent over the nomination and application forms to Commissioner Kaye to help shanghai some people to be on the Commission. If Commissioner Kaye wants to elaborate the discussion she had with my Deputy.

Ms. Kaye: No, just what Joe said. I wrote to Colleen and I said "are there any applicants?" She said "No. Two people had applied but they didn't in fact live on the island and here's the form if you want it." And that was the extent of our communication.

Mr. Elliott: I just happened to know that one person that applied is actually sitting in the room right now. David Green who lives on the island and I know he had applied through the Mayor's. Is that correct David? I'm just bringing that to everybody's attention. Can you explain that Joe?

Mr. Alueta: According to the information, our boss have not received any information from the Mayor's Office. If they applied to the Lana`i Planning Commission, we can check. It was for Lana`i Planning Commission and not for one of the other boards?

Ms. Zigmond: And someone who was here earlier said that he had also applied.

Ms. Kaye: I think that would have been really recent, if we're thinking of the same person, like within the last week.

Mr. Alueta: Do you understand how our problems is at the Planning Department where we have a staff shortage? So it's the same situation here, and you have a very limited pool. So we would encourage you again to beat the bushes and try to encourage those who you think would be good commissioners, to apply and so we can at least get a pool of candidates for the Mayor. I think the Mayor has exhausted all of her resources as far as trying to get people to apply. But we'll follow up on the gentleman or if you had someone else applied recently.

Ms. Kaye: I assumed David had applied and I gave it out to a lot of people and I can't force them, but I hope they would respond.

Ms. Zigmond: And so since there just five of us left, then we all really have to be here. Dwight, yeah.

Mr. Elliott: And since this is my last meeting too, I just want to say I'm a little upset about this because at the last meeting I specifically recall Colleen saying that names were ready but she thought she could not release them. I don't know if it was recorded exactly that way in the minutes but I think this is unfortunate. I mean because this is something that everybody's known that these vacancies exists. We've know it for a year. And then for the Commission to be put in that spot, I think is really very wrong. And I just wanted to express my concern over that.

Mr. Alueta: And I understand your concern, but it's your community and you need to get the people out to apply. I mean, it's not something that the Department can go and try to get people to apply or force people to apply. This is a volunteer board – people apply. And so, it's a problem that we have on Moloka`i also – as far as candidates. And so I just encourage you to try to get those that you think are good candidates to apply. I do not know what Colleen made representations last time. It appears that the people who did apply, the two candidates, were not residents. And so she may have been under the impression that they were residents when they applied. Obviously you would think if someone applied for the Lana`i Planning Commission they would have been a resident, but we got applications and someone checked it out and said they weren't residents.

Mr. Gima: Out of curiosity, who were those two?

Mr. Alueta: I don't know. I went and called her tonight at home and asked her like what's the status of this? And she just said that no one applied that was living on Lana`i, and that they did have two candidates but they weren't on Lana`i.

Ms. Zigmond: I think the length of our meetings are scaring people away.

Mr. Alueta: The length of your meetings? Just to let you know the Maui Planning Commission meetings go from 8:30 a.m. to 4:30 p.m. to 5:00 p.m., so –. Right, it's your choice to have them at night. We schedule the meetings based on your selections. So if you want to have them during the day time, we'll come during the day time.

Mr. Mano: Okay, I've got a question. I'd like to know the selection process because I've lived here all my life, I've applied for many Commissions and this is the first I've ever got.

Mr. Alueta: I don't have clue. I've never applied, so I don't know.

Ms. de Jetley: Mr. Chair, I would like to commend David Green. For the County to say he's not a resident is really unfair. I have been on the Commission now for three or four months. He's been at almost every meeting.

Ms. Kaye: Alberta, we don't know that he was one. We don't know.

Ms. de Jetley: I personally know that he has applied for the Planning Commission.

Ms. Kaye: No, no, no. You're right, but we don't know that he's one that they think that doesn't live here. They could be two other entirely different people.

Ms. de Jetley: Well, I just want to commend him because our meetings are very long and he has faithfully been a part of our audience. Sometimes the only one.

Mr. Alueta: Like I said, I will follow up on Mr. David Green to see whether or not he is – whether they lost his application – I don't know. But I will follow up with the Mayor's Office.

4. Selection of a Lana`i Planning Commission member to be a representative on the Lana`i Water Advisory Committee since Jim Elliott's term ends at the end of March 2008.

The Commission may take action to designate a new representative to the Lana`i Water Advisory Committee.

Mr. Gima: Okay, moving on to #4, selection of a Lana`i Planning Commission member to be a representative on the Lana`i Water Advisory Committee since Jim's term ends at the end of March 2008. So I can ask for volunteers and with no volunteers then we can nominate.

Ms. Kaye: I'm going to volunteer. Yeah, I'm going to volunteer if it's okay.

Mr. Gima: Any objections to Sally representing the Lana`i Planning Commission on the Lana`i Water Advisory Committee? Okay, hearing none, congratulations Sally.

Commissioner Sally Kaye volunteered to be the Lana`i Planning Commission's representative on the Lana`i Water Advisory Committee.

F. DIRECTOR'S REPORT

1. Commission Chair's request to discuss the following:

The feasibility of changing the zoning of the remaining 65 acres of land donated to the County of Maui by Castle & Cooke for affordable housing. The change would go from its current zoning to the appropriate type of zoning that would make the land ready to be improved.

Mr. Gima: Okay, onto Director's Report, regarding the remaining 65 acres donated to the County of Maui. I believe I emailed to Leilani, and then she forwarded to all of you about my meeting with Vanessa Medeiros regarding the housing study.

Ms. Kaye: I just had a question about your email. It was very factual and helpful, but I wasn't sure what it is that we have to do now – just say that we'll wait for the 2009 process? I mean, are we making some decision or further request?

Mr. Gima: If the Commission is willing to wait to the next study then we'll just wait till the next study and she assured us there's going to be a specific section on Hana, Moloka`i and Lana`i. However, if we want a study on Lana`i sooner than that, we need to make a decision and make that specific request to her.

Mr. Alueta: To Vanessa correct? And also I believe you have a CD that you got.

Ms. Kaye: And it's like the SMS, it's all County specific. It's not Lana`i specific. You're familiar with this? You've seen it? No. I'm going to guess then that there's not going to be anything in there that's any better than – SMS's stuff was great, but it's all Maui County. It's not Lana`i specific.

Mr. Alueta: And you can't part it out?

Ms. Kaye: No. You probably weren't here for that meeting, but I contacted them, and they

said that the tabs on-line were broken, and they were going to fix them. And as far as I know, they have not done that yet.

Mr. Alueta: That data, you can't part it out of that data?

Ms. Kaye: Well, I don't know. I just got it.

Mr. Alueta: That's what I'm saying is that maybe you would be able to part out data.

Ms. Kaye: Okay. Great!

Mr. Alueta: I'm hoping that's the reason they gave you a CD.

Ms. Kaye: Sorry, I'm just skeptical.

Mr. Gima: If any of you are going to be at the budget hearings tomorrow or see Riki in town tomorrow, you might want to ask him about his 201H process. Because if in fact that is what he intends to do for those 65 acres, the 201H application, from my understanding, has to show the intent of the project or they have identify the need to justify a 201H. So that may answer some of the questions we had about how best to use the 65 acres.

Mr. Endrina: Just as a comment, the 201G that was done in 2003 - 2004, there were 65 houses available, only half of that were taken. Everybody else was either over-qualified or under-qualified. So there were still 30-something – I think it was another 30 I think – homes that stayed with the Company because that could never – nobody could actually get it. It's probably back in the rental pool.

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

Mr. Endrina: No, that was done with the Company through the County I think, so that the County had to have them own. The Company issued housing for workforce and with that one, the homes were sold very inexpensive, but they had to do changes to the house – painting, change the post and piers, to the plumbing to code, wiring to code – and they some assistance back. They were given back \$15,000 out of what they paid in for the upgrade. And in that process, only half of that went, so I don't know.

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

Mr. Endrina: That was only for employees at that time.

Ms. de Jetley: Commissioner Endrina, I took part in that program. So we received \$9,500

cash back for everything. We had building covenants as conditions of the sale where we had to take care of these things because the houses are like 73 years old. And another condition was that only the people who were renting that particular house. So if you were in a Company house, and you were in a rental, and you were an employee, you were offered your house, but you could only get the house you were living in. I couldn't come to you and say "oh yeah Larry your house is better than mine, I want your house." So it was limited that way. But because of the age of the houses, a lot of employees are really, really hesitant to take the plunge in. And even in my immediate neighborhood, I had to go to my neighbors who were employees and say you have to buy your house, you have to buy your house. This is too good of an opportunity for us not to buy the houses, and they did buy the houses. But my next door neighbor, her family decided not buy their house, and it's been unbelievable. But it was a really excellent program and it really benefitted a lot of people.

Mr. Gima: No matter what you guys decide, I would strongly recommend that you have Vanessa come over because in that short one-hour meeting with her, as much information I got, it made things a lot more confusing because when we think about affordable and houses are built, it has to be followed by HUD guidelines. It doesn't automatically mean that it's going to be affordable or people are going to qualify. And I don't know if I did her justice in trying to explain it, but when people don't qualify for say the 140% – if nobody qualifies, then the developer can just move that up to the next level, and eventually if nobody else qualifies, then it can go to market. And so we may have good intentions in wanting to make the 65 acres affordable housing, but it may not end up that way.

Ms. Kaye: Well, we started this whole conversation remember by trying to get – and this was before Vanessa was even in the position – just trying to get somebody from the Department of Housing to come over and talk to us and educate us. And then there was a change in administration and then she came on board, and then Colleen said she was really busy. And the one time I met her, she was just a dynamite source of information. I couldn't agree with you more. The more I read about this, the more confused I get. So would we – you're leaving – so what you recommend we do? Just simply keep pursuing this with the Planning Department and ask them to contact her and just at her convenience when she can come over, give us some sort of workshop on how to think about this? What would you recommend?

Mr. Gima: Well, two things. Yeah, ask her to come over whether they do the study now or next year. So that's one recommendation. The second one is make a decision on whether we want to wait till next year's study or ask for a study now.

Ms. Kaye: You didn't put in how much it would cost.

Mr. Gima: For what, the study?

Ms. Kaye: You said – you make a – I didn't bring mine – I'm sorry – you referenced that it would have to be budgeted.

Mr. Gima: Yes.

Ms. Kaye: But we don't know how much.

Mr. Gima: No.

Ms. Kaye: So perhaps we should make the request that we want it this year pending a budget availability. Okay.

Mr. Alueta: My understanding, the budget has been submitted. It's very tight. In fact it's been cut because of lower projections in real property tax revenue. So I'm just letting you know. If she doesn't have funds in this fiscal, then mostly likely she'll get a budget for next year. It may be too late, one, to get it on this year's budget, so you may be forced to wait. But I'll let Vanessa speak to that. If you want it, then obviously there was some kind of hurriedness in her email about trying to get our decision on that.

Mr. Gima: So I can take the responsibility of contacting her about that . . . (Inaudible. Changed cassette tapes.) . . . and she can tell us no more money and we'll take it from there.

2. Transmittal of Copies of Ordinance No. 3502 (2007): Show Me the Water Bill.

Mr. Gima: All right, #2, transmittal of copies of Ordinance No. 3502, Show me the Water Bill. So that's just FYI Joe?

Mr. Alueta: That is correct.

3. February 11, 2008 Transmittal of the Planning Commissions' Recommendations on the Superstore Resolution.

Mr. Gima: #3, February 11, 2008 transmittal of the Planning Commissions' recommendations on the Superstore Resolution.

Mr. Alueta: FYI for that.

4. Open Lana`i Applications Report.

Mr. Gima: #4, open Lana`i applications report. I'm guessing the sunpower one is the solar farm application?

Mr. Alueta: Yes.

Ms. Zigmond: Joe, on the King's Chapel, what is the variance? Do you know?

Mr. Alueta: King's Chapel. I do not know. It's open. It still probably hasn't been transmitted or it hasn't been scheduled. That's a BVA. It's the Zoning Administration. It's in our Department, but it's a different division than the Current Division. BVA, Board of Variances and Appeals, so it's handled by the Zoning Administration. I can follow up. If you have a question on that, I can just try to follow up on it. Okay, I can follow up.

Mr. Gima: Any other questions on the open project's report? Alberta?

Ms. de Jetley: Joe, what happened to the Brown development project that was on our list for months? That was an SMA. It's gone from this list, so is it?

Ms. Kaye: We asked, I think last meeting or the meeting before, and Colleen explained that their part of this process is closed. So that's why it's off the list.

Ms. de Jetley: Okay, it's off.

Ms. Kaye: They haven't done anything that required attention from them.

Mr. Alueta: Yeah, this is only open stuff that we're actively working on. So once it's approved by this Commission or by the Director, it's taken off.

5. April 16, 2008 public hearing on the Photovoltaic Solar Array Land Use Commission Special Use Permit application in the Miki Basin area at 6:00 pm at the Lana`i High & Elementary School Cafeteria. (J. Prutch)

Mr. Gima: Okay, #5, April 16, 2008 public hearing on the Photovoltaic Solar Array Land Use Commission Special Use Permit application in the Miki Basin area – 6:00 p.m., right here.

Mr. Alueta: Yeah, we're just letting you know that's your next meeting that you have on your agenda.

6. **Scheduling of the following proposed legislation for the May 21, 2008 meeting:**
 - a. **Council Resolution 08-05 regarding the location of home occupations in various zoning districts.**
 - b. **The Planning Department’s Bill for an Ordinance Repealing Chapter 19.02, Maui County Code, Relating to Regulations Generally, and General Provisions and Definitions.**
 - c. **The Planning Department’s Bill for an Ordinance Amending Chapter 19.04, Maui County Code, Pertaining to General Provisions and Definitions.**

Mr. Gima: #6, scheduling of the following proposed legislation for the May 21, 2008 meeting. They’re all just FYI or –?

Mr. Alueta: Correct. We’re just getting reading to schedule those and put out the public hearing notices. So you have the home occupation bill for a resolution from the County Council. That’s pretty straight forward. That’s just adding home occupation as a permitted use to the various zoning districts as defined already in the Code. And we’re cleaning up some stuff for 19.02, interim district. That would similar to what we had to do with rural bill because the housing code is being eliminated, as well as 19.04, General Zoning Provisions, adding some definitions and providing some graphics. That’s pretty much it.

Ms. Zigmond: Can I ask you if our Water workshop is going be scheduled in May? I think that’s what we were shooting for and I know that guidelines were submitted to Colleen in timely fashion, and I think that was the plan.

Ms. Kaye: Actually, I think the plan was Colleen was going to invite the participants to come that we asked for, and suggest that June would be the first time that yeah there would be time on the agenda and space to do with. So without Colleen here, I don’t think we’ll find out till next month. But there’s no guarantee that she has even heard from anybody.

G. NEXT REGULAR MEETING DATE: April 16, 2008

Mr. Gima: Okay, next meeting April 16, 2008. Everybody is going to be here? We’re going to have quorum? All right, any other things we want on the agenda for April?

Ms. de Jetley: What do we do about selecting a Chair?

Mr. Gima: That’s at the next meeting.

Ms. de Jetley: We do it at the next meeting?

Mr. Gima: Yeah. I know the County is opposed to the whole zoning of the open space, OS1 and OS2. And again I'm not going to be on here. And I just bring that up because the wind farm, I think, is in open space designation, ag and maybe conservation. So something you guys might want to keep around.

Ms. Kaye: I didn't think we had that option. I thought the Department pretty much said they weren't going to touch until what –?

Mr. Gima: Community Plan process.

Mr. Alueta: Yeah, until you get your new Community Plan map to see if there's a change. But also it's like setting up parameters within that and then we can do a comprehensive zoning for that.

Ms. Kaye: You know, you said earlier that you can't tell us when we can start that process, right?

Mr. Alueta: Yeah.

Ms. Kaye: Why can't we do that process before the County adopts the Maui General Plan?

Mr. Alueta: I'm sorry, which process?

Ms. Kaye: The Lana`i Community Plan. You've always made it sound and I've always wondered about this like that can't start until all of the work on the General Plan has been formally adopted by the County Council.

Mr. Alueta: I'm not in the Long Range Division, so wouldn't have told you that. Maybe someone else can better understand this.

Mr. Giroux: I think the major factor in that is that there's a mandate that the Community Plan is consistent with the General Plan. So the idea is that the Community Plan will be consistent with the General Plan, meaning that the General Plan would be complete so you could have the consistency.

Ms. Kaye: I would still like a legal opinion on whether we couldn't do some preliminary work on a community planning. You offered us the draft that went to the Council. I've asked for a hard copy of it. I'll go through it. It's pretty consistent with what we asked for. I can't imagine County Council is going to make a whole lot of changes, but it could be

tweaked down the line. I'm just curious why we have to wait.

Mr. Giroux: Besides my first point, the second point might be within 280B I believe is the Code, there's a timing schedule that once you have a meeting, the time starts ticking and then you have 120-days to get a document out and it has to be moved along. So if you do something that triggers it, then you're –

Mr. Gima: James while we have you on the mic, is it appropriate to discuss the discussions about the possible changes in the sunshine law? At the next meeting? I mean will it effect us?

Mr. Giroux: What's the proposal right now?

Mr. Gima: I think they're talking about allowing two people on a Board or Commission to talk about matters of the Commission or Board as long as you are not making any overt attempts to influence voting.

Mr. Giroux: I think it is now that way. You can just –.

Mr. Gima: Maybe the new legislation they're looking at is more than –.

Mr. Giroux: Right now, only two can talk as long as that there is no commitment to a vote. You can talk – “well what do you think about that? Oh, yeah I think it's da-da-da” – it's not going to be a violation. But you can't do that serial – you can't go and do that to the next guy, and then do that to the next guy, and then do that to the next guy. That would be seen as an overt violation.

H. ADJOURNMENT

Mr. Gima: Okay, thank you. And thank you to Stan for bringing the tables and the comfortable chairs. Thank you everybody. Meeting is adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 9:30 p.m.

Sincerely,

LEILANI A. RAMORAN
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE:

PRESENT:

Reynold “Butch” Gima, Chair
Lawrence Endrina, Vice-Chair
James Elliott
Beverly Zigmond
Sally Kaye
Matthew Mano
Alberta de Jetley
Stanley Ruidas

EXCUSED:

Dwight Gamulo

OTHERS:

Joseph Alueta, Administrative Planning Officer
Joseph Prutch, Staff Planner
James Giroux, Deputy, Department of Corporation Counsel
Cheryl Okuma, Director, Department of Environmental Management
Mike Souza, Landfill Supervisor, Department of Environmental Management, Solid Waste
Division