

LAND USE COMMISSION
STATE OF HAWAII

2016 SEP -2 A 8: 22

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-649
)	
LĀNA'I RESORT PARTNERS)	MINUTE ORDER NO. 4; AND
)	CERTIFICATE OF SERVICE
To consider further matters relating to)	
an Order To Show Cause as to whether)	
certain land located at Mānele, Lāna'i,)	
should revert to its former Agricultural)	
and/or Rural land use classification due)	
to Petitioner's failure to comply with)	
Condition No. 10 of the Land Use)	
Commission's Findings of Fact,)	
Conclusions of Law, and Decision and)	
Order filed April 16, 1991, Tax Map Key)	
No. 4-9-002:049 (por.), formerly Tax Map)	
Key No. 4-9-002:001 (por.))	
_____)	

MINUTE ORDER NO. 4

AND

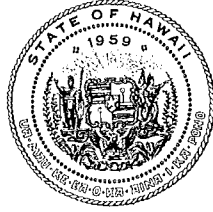
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE DOCUMENT ON FILE IN THE
OFFICE OF THE STATE LAND USE COMMISSION,
HONOLULU, HAWAII.

Date 09/02/16

BY

Executive Officer



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STATE OF HAWAII

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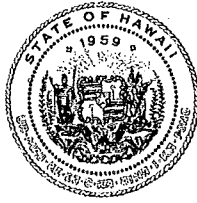
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MINUTE ORDER NO. 4

PLEASE TAKE NOTICE that a Second Pre-Hearing Conference in the above-captioned Matter will be held on Friday, September 9, 2016, at 10:00 a.m. in Room 405 of the State Office Building at 235 South Beretania Street, Honolulu, Hawai‘i, for the purpose of:

I. Finalizing Procedural Matters:

- a) Having the parties provide time estimates for their direct and cross examinations;
- b) Discussing the hearing schedule if more than two days of hearings appear to be required;
- c) Discussing if additional hearings are required, the possibility of holding subsequent meetings on the island of Maui;
- d) Addressing the question of having a representative from the State Department of Health testify by phone or video conference;
- e) Discussing other procedural matters the parties believe are relevant; and,
- f) Addressing such other matters as requested by the Hearings Officer.

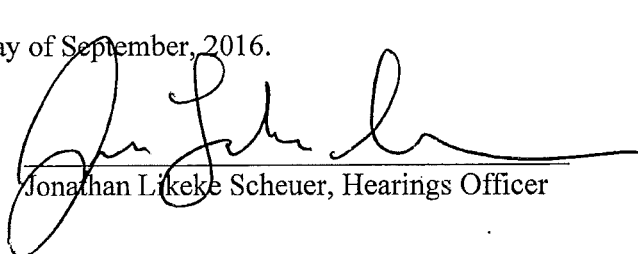
II. The Hearings Officer would request that in addition to any other issues that the parties deem relevant, they be prepared to address the following issues at the hearings scheduled to commence on November 9, 2016:

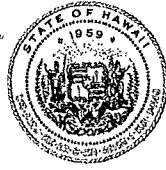
- a) What did the Commission mean by the word "potable" in Condition 10 of the Decision and Order dated April 16, 1991?
- b) Based on the entirety of the record, was the intention of Condition 10 to ensure that:
 - i. there would merely be no direct use of potable water by the golf course; or,
 - ii. in addition to prohibiting use of potable water for irrigation, there should be no implementation of irrigation that would negatively affect potable water in the high level aquifer?
- c) Does the pumping of water for golf course irrigation negatively affect past, current or future uses of potable water from the high level aquifer?

Addressing these issues does not preclude the parties from raising any other issues they deem relevant, so long as the other parties have notice and the opportunity to prepare for and address those issues.

III. The parties have been discussing and are supportive of the County of Maui filing and serving all parties electronically. The Hearings Officer will allow this as long as the electronic filing with the Commission and to the other parties meets the deadlines established in prior minute orders or as they may be amended by future minute orders.

SO ORDERED this 2nd day of September, 2016.


Jonathan Likeke Scheuer, Hearings Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Minute Order No. 4 in the above referenced-docket was
duly served by U.S. Mail, postage prepaid, to the following persons at their last known
addresses:

BENJAMIN A. KUDO, Esq.
CONNIE C. CHOW, Esq.
Ashford & Wriston LLP
999 Bishop Street, Suite 1400
Honolulu, Hawai'i 96813
Attorneys for Lāna'i Resort Partners

LEO R. ASUNCION, JR., AICP
Director, Office of Planning
State of Hawai'i
235 S. Beretania Street, 6th Floor
Honolulu, Hawai'i 96813

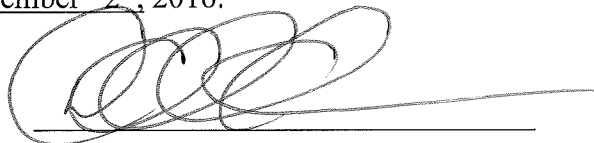
BRYAN C. YEE, Esq.
DAWN TAKEUCHI-APUNA, Esq.
Deputy Attorneys General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorneys for State Office of Planning

WILLIAM SPENCE
Director, Department of Planning, County of Maui
2200 Main Street
One Main Plaza Bldg., Ste 315
Wailuku, Hawai'i 96793

MICHAEL HOPPER, Esq.
CALEB ROWE, Esq.
Department of the Corporation Counsel
County of Maui
200 S. High St.
Wailuku, Hawai'i 96793
Attorney for County of Maui
Department of Planning

DAVID KEITH KAUILA KOPPER, Esq.
LI'ULA NAKAMA, Esq.
Native Hawaiian Legal Corporation
1164 Bishop Street, Suite 1205
Honolulu, Hawai'i 96813
Attorneys for Intervenors Lāna'ians for Sensible Growth

DATED: Honolulu, Hawai'i, September 2, 2016.

A handwritten signature in black ink, appearing to read 'Daniel Orodener', written over a horizontal line.

Daniel Orodener
Executive Officer, Land Use Commission