



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. 2;
)	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. 2

A Pre-Hearing Conference in the above-captioned matter was held on Tuesday, July 5, 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:

1. Setting a hearing date for the contested case hearing;
2. Clarifying the issues;
3. Setting deadlines for the submission and/or exchange of briefs, exhibits, exhibit lists, witness statements, witness lists, motions, memoranda and other documents;
4. Discussing other procedural matters; and
5. Addressing such other matters as may be deemed appropriate by the Hearings Officer.

Present were Benjamin Kudo, Esq., attorney for Lānaʻi Resorts; Michael Hopper, Esq. and Caleb Rowe, Esq., Deputy Corporation Counsel for the County of Maui, Clayton Yoshida, Manny Dias, and Michele McLean, for the County of Maui Planning Department (all Maui representatives present via telephone); Bryan Yee, Esq. and Dawn Takeuchi-Apuna, Esq., Deputy Attorneys General, representing the Office of Planning; Leo Asuncion and Rodney Funakoshi, Office of Planning; David Kopper, Esq. and Liʻulā Nakama, Esq., of Native Hawaiian Legal Corporation, representing Lānaʻians for Sensible Growth.

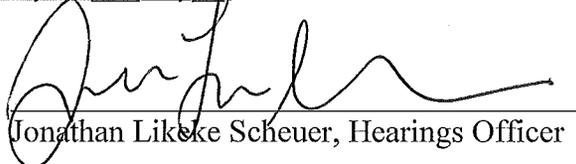
At the beginning of the Pre-Hearing Conference the Hearings Officer reviewed the matters to be discussed and made disclosures of several matters in which he has been involved, but do not have a direct bearing on this matter, either factually or financially. The Hearings Officer stated that he had no conflict of interest and that he would be fair and impartial. Each party was given the opportunity to raise objections. No party objected to the Hearings Officer serving for this matter.

As a result of the Pre-Hearing Conference the following issues have been determined:

1. The issues to be covered during the hearing are:
 - a. Does Lānaʻi Resorts use potable water from the high-level groundwater aquifer to irrigate the golf course?
 - b. Is any source of the irrigation water for the golf course within the high-level groundwater aquifer?
 - c. Is that water "potable" or not?
 - d. Does leakage of potable water to the wells in the Palawai Basin constitute "use" of potable water?
 - e. What is the definition of "potable"?

2. The calendar has been determined as follows:
 - a. The hearing will be held on Wednesday, November 9, 2016, at Lāna'i City, Lāna'i and continue to November 10, 2016. If additional time for hearing is necessary potential hearing dates are Tuesday and Wednesday, November 15 and 16, 2016 and/or Wednesday and Thursday, December 7 and 8, 2016.
 - b. Position statements from all parties shall be filed on or before August 12, 2016. Position statements shall include, among other things, the parties' position on the definition of "potable" water.
 - c. Witness lists, Exhibit lists, and written direct testimony of expert witnesses shall be filed by all parties on or before September 2, 2016.
 - d. Exhibits, lists of rebuttal witnesses and all amended pleadings shall be filed by all parties on or before September 23, 2016.
 - e. Written rebuttal witness testimony, rebuttal exhibits, final Witness lists and final Exhibit lists and all other documents shall be filed on or before October 10, 2016.
3. Lāna'i Resorts' substitution of counsel and Lāna'ians for Sensible Growth's Motion regarding substitution of parties will be taken up at the hearing.
4. Upon agreement of the parties, the Office of Planning will put its case on first, followed by Lāna'i Resorts, the County of Maui, and Lāna'ians for Sensible Growth.

SO ORDERED this 6th day of July 2016.


Jonathan Likeke Scheuer, Hearings Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Minute Order No. 2 in the above referenced-docket was
duly served by U.S. Mail, postage prepaid, to the following persons at their last known
addresses:

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DATED: Honolulu, Hawai'i, _____ July 6, _____, 2016.



Daniel Orodener
Executive Officer, Land Use Commission