

LAND USE COMMISSION
STATE OF HAWAII

2016 SEP 33 A 10: 48

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A89-649
)	
LĀNA'I RESORT PARTNERS)	MINUTE ORDER NO. 6
)	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. 6

AND

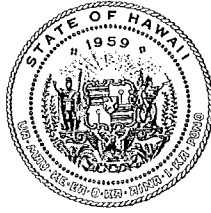
CERTIFICATE OF SERVICE

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 10/3/2016

BY


Executive Officer, Land Use Commission



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-649
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LĀNA‘I RESORT PARTNERS)	MINUTE ORDER NO. 6;
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MINUTE ORDER NO. 6

A Pre-Hearing Conference in the above-captioned matter was held on Friday September 30 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. Considering pre-hearing motions submitted by Lāna‘ians for Sensible Growth and Lāna‘i Resorts; and
2. Clarifying the issues to be considered at the hearing on this matter scheduled to begin on November 9th, 2016

Present were Benjamin Kudo, Esq. and Clara Park, Esq., attorneys for Lāna‘i Resorts;

Caleb Rowe, Esq., Deputy Corporation Counsel for the County of Maui; Bryan Yee, Esq., Deputy Attorneys General, representing the Office of Planning; Rodney Funakoshi, Office of Planning; David Kopper, Esq. and Li‘ulā Nakama, Esq., of Native Hawaiian Legal Corporation, representing Lāna‘ians for Sensible Growth.

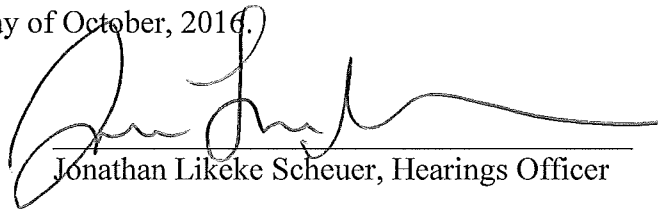
At the beginning of the Pre-Hearing Conference the Hearings Officer reviewed the matters to be discussed.

As a result of the Pre-Hearing Conference, the motions and responses filed, and oral argument received at the Pre-Hearing Conference, the Hearing’s Officer has hereby determined that the following issues will be the subject of the upcoming Hearing:

1. The scope of the remand is limited to the use of wells 1 and 9 to irrigate the golf course and whether such use violates condition 10 of the LUC Decision and Order dated April 6, 1991. Evidence will be accepted with regard to wells 1 and 9 from the date of the 1991 Decision and Order until present. If the use of any other wells in the aquifer has relevance to the issue of whether the use of wells 1 and 9 to irrigate the golf course results in a violation of condition 10, evidence of such may be considered. However, allegations that the use of additional wells not a part of the 1996 proceedings (i.e., the original order to show cause proceedings) are in and of themselves a violation of Condition 10 are not a part of the remand.
2. Has Lāna‘i Resorts utilized potable water from the high-level groundwater aquifer to irrigate the golf course?
3. What does the phrase “potable” mean in condition 10?
4. Is there leakage of potable water to the wells in the Pālāwai Basin and if so does such leakage constitute utilization of potable water as prohibited by condition 10?

This Minute Order No. 6 supersedes Minute Orders 2 and 4 to the extent they are inconsistent with this Minute Order No. 6.

SO ORDERED this 3rd day of October, 2016.



Jonathan Likeke Scheuer, Hearings Officer



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_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of Minute Order No. 6 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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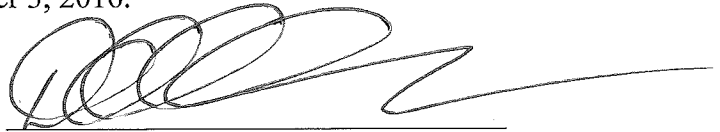
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Attorneys for Intervenors Lāna'ians for Sensible Growth

DATED: Honolulu, Hawai'i, October 3, 2016.

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

Daniel Orodener
Executive Officer, Land Use Commission