

LAND USE COMMISSION  
MINUTES OF MEETING

November 17, 2006

Maui Prince Hotel Makena Resort  
5400 Makena Alanui  
Makena, Maui, Hawaii

COMMISSIONERS PRESENT: Michael Formby  
Lisa Judge  
Duane Kanuha  
Steven Montgomery  
Nicholas Teves, Jr.

COMMISSIONERS ABSENT: Thomas Contrades  
Kyong-su Im  
Ransom Piltz  
Reuben Wong

STAFF PRESENT: Diane Erickson, Deputy Attorney General  
Anthony Ching, Executive Officer  
Maxwell Rogers, Staff Planner  
Sandra Matsushima, Chief Clerk  
Holly Hackett, Court Reporter  
Walter Mensching, Audio Technician

Presiding Officer Formby called the meeting to order at 9:40 a.m.

A89-649 LANAI RESORT PARTNERS (Lanai)

Presiding Officer Formby stated that this was an action meeting to receive a report from the parties on the status of the settlement discussion.

Presiding Officer Formby noted that there were no public witnesses.

## APPEARANCES

Bruce Lamon, Esq., represented Petitioner

Anthony T.J. Quan, Esq., represented Intervenor

Jane Lovell, Esq., represented the County of Maui Department of Planning

Jeffrey Hunt, Staff Planner, County of Maui Department of Planning

Bryan Yee, Esq., represented State Office of Planning

Abe Mitsuda, State Office of Planning

Mr. Lamon stated that the parties are making progress and that the parties have worked out a number of issues and may be close to a resolution. Mr. Lamon added that 6 months would be adequate to resolve the matter and to document it.

Presiding Officer Formby noted that the document submitted by the OP is for discussion purposes only and was not being submitted as evidence for the record.

Vice Chair Montgomery commented that he was looking forward to the resolution of the parties' discussions and to hopefully learn more about the fencing of the watershed since this is an island with no permanent streams. Vice Chair Montgomery commented that the report could also cover the status of efforts to control the harmful activities of island goats.

Ms. Lovell stated that the County agrees with the report provided by the OP and expressed their appreciation to Mr. Yee for his efforts in moving this matter along, adding that it appears some progress has been made.

Mr. Yee suggested a hearing not sooner than 6 months from now, assuming that the parties can reach a settlement. Mr. Yee then discussed a time period for their settlement discussions.

Mr. Quan stated that the LSG (Lanaians for Sensible Growth) also join in OP's submittal and echo the sentiments expressed by the parties today. Mr. Quan added that much progress has been made and that a resolution may arrive soon. Mr. Quan noted that they believe that the 6-month period is appropriate and requested that a 3-month status report be scheduled for an update on the status of negotiations by the parties.

Ms. Lovell commented that a 3-month status report was an excellent suggestion.

Mr. Lamon concurred with the suggestion that the parties provide the LUC with a 3-month status report.

A recess break was taken at 10:10 a.m. The meeting reconvened at 10:20 a.m.

Presiding Officer Formby stated that the 3-month status report may be held on March 15-16. The LUC requested that written reports by all parties be submitted to the LUC by February 26. The tentative date for the remand hearings will be July 19-20, 2007 on Lanai. A prehearing may be necessary before the July hearing dates.

The meeting adjourned at 10:22 a.m.

*(Please refer to LUC Transcript of November 17, 2006 for more details on this matter.)*