

1 BOARD OF WATER SUPPLY

2 COUNTY OF MAUI

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10 REGULAR MEETING

11 THURSDAY, DECEMBER 18, 2008

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16 Held at the Department of Liquor Control Conference

17 Room, David Trask Building, Room 105, Wailuku,

18 Maui, Hawaii, commencing at 9:40 a.m.

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28 Transcribed from the audio recording by Gaye

29 Hayashida, Commission Support Clerk, Department of

30 Water Supply, County of Maui.



1 CHAIR ALDRIDGE: Alright, let's...I'll try to speak  
2 louder. Remind me, Gaye. We don't have a  
3 microphone today. You all have to shout.

4 MEMBER HALLER: It's ok by me.

5 CHAIR ALDRIDGE: This is a regular meeting for the  
6 Board of Water Supply. Today is Thursday, December  
7 18, 2008. Call to order; members present include  
8 myself, Carl Holmberg, Vice Chair, Marion Haller,  
9 Michael Howden, and Kelly Myers. Members absent  
10 and excused include Ted Yamamura, Phyllis Robinson,  
11 Scott Luck and Kui Lester. Announcements, I have  
12 no announcements, are there any from the Director's  
13 position? Ok. Also present is Eric Yamashige,  
14 Deputy Director of the Department of Water Supply,  
15 and Ed Kushi, Corporation Counsel was here a moment  
16 ago. I assume he'll be right back. Excuse me.  
17 Approval of Minutes. We have minutes from October  
18 23<sup>rd</sup> and minutes from November 20<sup>th</sup>. I have  
19 comments, primarily just corrections and so if I  
20 could just hand them over to you, rather than bore  
21 everybody with reading over these.

22 MS. HAYASHIDA: And then I think, I believe Kelli  
23 has some corrections, too.

24 CHAIR ALDRIDGE: Ok.

25 MEMBER MYERS: Just small kind. It's highlighted.

26 MS. HAYASHIDA: Ok, so ok. I'll take it and then...

27 MEMBER MYERS: Will be obvious.

28 MS. HAYASHIDA: Ok, so I'll go ahead and make...

1 CHAIR ALDRIDGE: Any other corrections from any  
2 other board members? None. Thank you. Do I have  
3 a motion to approve the minutes, October 23<sup>rd</sup> and  
4 November 20<sup>th</sup>?  
5 VICE CHAIR HOLMBERG: I so move.  
6 CHAIR ALDRIDGE: Second?  
7 MEMBER HOWDEN: Second.  
8 CHAIR ALDRIDGE: Moved and seconded. All in favor?  
9 (a chorus of ayes)  
10 CHAIR ALDRIDGE: Testimony from the public. We  
11 have a...  
12 MS. HAYASHIDA: Sorry, forgot to make you sign in.  
13 Today is the 18<sup>th</sup>. And what are you going to be  
14 speaking on?  
15 MR. GOODE: Appeals.  
16 CHAIR ALDRIDGE: Mr. Goode, welcome to the Board of  
17 Water Supply.  
18 MR. GOODE: Thank you, Chair.  
19 CHAIR ALDRIDGE: And you got 3 minutes, but given  
20 the fact that we made you wait so long, take as  
21 much time as you feel you need.  
22 MR. GOODE: Alright, thank you. I shouldn't need  
23 any more than that.  
24 CHAIR ALDRIDGE: Alright, thank you.  
25 MR. GOODE: I just wanna be short. Good morning,  
26 members, Chair. My name is David Goode. I'm the  
27 president of KSD Hawaii. We're an appellant before  
28 the board and we haven't had our case yet. And I

1 thought I'd just stop by today. I did have a  
2 chance to see your agenda on-line, I think when it  
3 was posted and I noticed that this same appeal, 07-  
4 03 by Mr. Behnke is still on your agenda and I  
5 don't know exactly when this came on but I'm gonna  
6 guess it's been about 6 months. And as I've  
7 testified in the past, I'm asking that the board  
8 perhaps as a New Year's resolution if you will, try  
9 to expedite review of the existing appeals that are  
10 before you. Been waiting for the meeting this  
11 morning, I spoke to Ms. Hayashida, she informed me  
12 that there's been some clearing up, I think, of a  
13 couple items perhaps in front of us, people have  
14 withdrawn, which is good news, I guess for us. And  
15 that the number of appeals coming in is slowed,  
16 primarily due to the \$300 filing fee. So there's  
17 not that many out there but again it is the one  
18 function that you folks have that you have absolute  
19 power on, and I'm asking the Board to find a way to  
20 clear through some of these appeals. We just want  
21 to be heard, you know, up, down or sideways on  
22 decision making but it is hoped, it will be holding  
23 up within a few months, it will be holding up  
24 millions of dollars of construction that this  
25 economy sorely needs and it will be at some point,  
26 this is gonna be the last item out there if it's  
27 gonna take another 6 months. Well at the rate  
28 we're going obviously even longer than that. So,

1 again my testimony this morning is to plead with  
2 the Board, if you will, to find a way to clear out  
3 some of these appeals because those that are thus,  
4 that are still in the pipeline have economic  
5 decisions we need to make, you know, that are  
6 important, not only to us but to everybody that we  
7 are in business with. So, that's the conclusion of  
8 my testimony. If you have questions I'd be happy  
9 to take it.

10 CHAIR ALDRIDGE: Any of the board members have any  
11 questions? I have a comment, I'll respond to Mr.  
12 Goode, but if anybody else does...Thank you for  
13 coming Mr. Goode and please bear in mind we try to  
14 expedite these and we work our hardest to do this,  
15 all of the board members are volunteers, we all  
16 have jobs. And to answer part of your question we  
17 have made an attempt to expedite in the form of  
18 establishing a board committee that's comprised of  
19 3 of the board members so that we might be able to  
20 take cases contemporaneously more than one a month.  
21 This one that has appeared time and time and again  
22 is not one that we're hearing but the one that  
23 we're continuing because it's actually outside of  
24 the hearing process, it's gone into a negotiation  
25 with the department staff and so we simply leave it  
26 on the agenda awaiting the applicant's or the  
27 appellant's signature of a negotiated agreement  
28 with the Department. So we're not actually hearing

1 it, but in order for it to continue in case that  
2 falls apart that's the reason it's here. In the  
3 meantime, we have been taking other cases and what  
4 we've been doing is taking the cases on in the  
5 manner in which, well, basically on a time when  
6 they first made their application. So, you know,  
7 we haven't tried to discriminate..

8 MR. GOODE: Yeah, that's fine.

9 CHAIR ALDRIDGE: In any event and we'll get to  
10 yours, believe me, as soon as we can. We may get  
11 to it sooner now that we have a committee and, and  
12 we're trying to take on more than one case at a  
13 time. But it's, it's..the time constraints include  
14 not only our own but the appellant's attorneys and  
15 the appellant's time themselves just in order to..

16 MR. GOODE: Uh huh. Yeah. I understand.

17 CHAIR ALDRIDGE: So we're trying the best we can.  
18 We'll get to yours.

19 MR. GOODE: Ok, I appreciate that and look forward  
20 to going through some of these in 09.

21 CHAIR ALDRIDGE: Ok.

22 MR. GOODE: Alright.

23 CHAIR ALDRIDGE: Thank you.

24 MR. GOODE: Thank you. Have a good meeting.

25 CHAIR ALDRIDGE: Thank you. Speaking of appeals,  
26 next item on is Appeal 07-03, an appeal by Thomas  
27 L. Behnke on behalf of John C. Behnke, Jr., of the  
28 Director's decision or order dated September 7,

1 2007 to deny their proposal to connect to a new  
2 waterline to the Department's water system to  
3 provide fire protection to their subdivision  
4 located at 150-170 Haiku Road. Eric, have you any  
5 update on that, the status.

6 DEPUTY DIRECTOR YAMASHIGE: Ah yes, Mr. Chair, as,  
7 as you've mentioned the Department is working out  
8 an agreement with the Behnkes to resolve their  
9 appeal, and we are very close. We've had final  
10 drafts that have been reviewed and re-reviewed,  
11 minor changes being made, but I, I am certain that  
12 it'll be resolved very shortly.

13 CHAIR ALDRIDGE: So is it currently in the  
14 appellant's hands? Are you still working on that,  
15 any changes or...

16 DEPUTY DIRECTOR YAMASHIGE: Yeah, it is actually  
17 back in our hands. Their attorney had a couple  
18 revisions that they wanted to make, this is after  
19 it's gone back couple times. But we just need to  
20 see it, you know, if it's acceptable, those last  
21 conditions.

22 CHAIR ALDRIDGE: So it's currently being reviewed  
23 by...

24 DEPUTY DIRECTOR YAMASHIGE: Yes.

25 CHAIR ALDRIDGE: The Department's attorney?

26 DEPUTY DIRECTOR YAMASHIGE: The Department and our  
27 attorney.

28 CHAIR ALDRIDGE: Yeah, and your attorney. Ok.

1 DEPUTY DIRECTOR YAMASHIGE: Yes.

2 CHAIR ALDRIDGE: Alright, any questions? Ok.  
3 Unfinished Business, none. Other Business,  
4 Discussion regarding the drought/water supply  
5 situation and its affect on the Upcountry water  
6 system. Eric, do you wish to make a report on  
7 that?

8 DEPUTY DIRECTOR YAMASHIGE: Gaye distributed this  
9 form for you. It's the Upcountry report. This  
10 pretty much tells you what's happening Upcountry.  
11 I'm sure you're aware that we stopped producing  
12 water up at the Olinda Treatment Plant for the  
13 distribution to the Upper Kula system, I guess  
14 sometime ago, can't remember when. But on Monday,  
15 the 15<sup>th</sup>, because the reservoirs were up at 80 or  
16 90%, we, we started up the Olinda Treatment Plant  
17 again to service the Upper Kula system. The report  
18 that you have before you, December 17<sup>th</sup>, actually  
19 reports those figures that were compiled on the 16<sup>th</sup>  
20 and it shows that we have almost 89 million gallons  
21 in the Kahakapao Reservoir, 48 million gallons in  
22 the Piiholo Reservoir, and the Wailoa Ditch was  
23 running at about 26 million gallons a day. But on  
24 the right side of this chart you'll see the demands  
25 or actually the actual production and demand was  
26 only at about 4.6 million gallons 2 days ago. So,  
27 the demand is very low right now and I'm sure we  
28 all know that we had just had a pretty good rain

1 but it was a Kona wind, Kona storm which really  
2 doesn't contribute a lot to our reservoirs but we  
3 did receive enough to feel somewhat comfortable to  
4 start producing again up at Olinda. Don't know if  
5 you have any questions.

6 CHAIR ALDRIDGE: Do you know what the prediction is  
7 in the climate prediction center as far as drought  
8 conditions for the next few, couple months?

9 DEPUTY DIRECTOR YAMASHIGE: The last I recall is  
10 late December or January is when we're supposed to  
11 be getting those rains back, our normal winter  
12 rain, winter weather. So we're cautiously  
13 optimistic that it will be back. Deciding at 80,  
14 80% or 80 million gallons to, to go back to the  
15 Olinda Treatment Plant was something that we went  
16 back and forth on. We don't wanna switch and then  
17 have to switch back but at the same time we don't  
18 wanna have all this water up there and not utilize  
19 it. So we're trying to manage the resource and we  
20 do anticipate the rain coming back.

21 CHAIR ALDRIDGE: Ok, so the last part of November  
22 it appeared this year was even drier than last year  
23 because I saw that right in this report, the Wailoa  
24 Ditch had dropped to almost less than 10% flows.  
25 And I think as you had remarked earlier before the  
26 meeting began, it seems that the flows in the  
27 Wailoa Ditch are dropping off very rapidly now  
28 after each rain which is, rather than releasing

1 from longer time period and allowing you to manage  
2 your reservoirs better. It's not a good indication  
3 of the state of the water resources.

4 DEPUTY DIRECTOR YAMASHIGE: Yes, yes. Chair Lee  
5 and I were discussing before the meeting, the fact  
6 that the Wailoa Ditch rises real quickly, you know  
7 it could be a storm, but in the past the, the  
8 reduction in flow in the ditch would've been slower  
9 because there was a lot undergrowth and maybe a lot  
10 of leaves and things in the watershed but now it  
11 appears that when it rains that water just runs  
12 right out of the watershed and there's no storage.  
13 I remember seeing something on the news or, or a  
14 special on TV, we used to have a lot of moss and  
15 things in the watershed, in the rainforest,  
16 apparently we don't have a lot of that anymore and  
17 that used to like a sponge hold the water and  
18 slowly release it. I'm sure we all have seen that.

19 MEMBER HOWDEN: There are real questions about the  
20 watershed management. I'm not referring to the  
21 Department or to HC&S but you know you have a  
22 watershed that's loaded with exotics which don't  
23 lead really to facilitating percolation of, of, of  
24 moisture in, in the soil and it's a wider problem  
25 and a problem that you know, I think we need to  
26 address inter-departmentally. And also with the  
27 organizations like the watershed group there. But  
28 that's something that we might want to begin to

1 look at. I mean it would provide jobs if we began  
2 to harvest some of the exotics out of the upper  
3 parts of the watershed and, and do projects of  
4 reforestation. I think it'd be something that  
5 perhaps our present administration would be open  
6 to.

7 DEPUTY DIRECTOR YAMASHIGE: Mr. Chair.

8 CHAIR ALDRIDGE: Yes.

9 DEPUTY DIRECTOR YAMASHIGE: Yeah, Michael makes a  
10 very good point. Which is why when we considered  
11 our 2010 fiscal year budget, and we're looking for  
12 areas where we can cut, you know, the first place  
13 you would normally cut is your grants, the money  
14 that we're giving away to those organizations, but  
15 we tried not to cut their budget because they do  
16 perform a big function in the maintenance of the  
17 watershed. So, we're still supporting those  
18 organizations that are trying to manage the  
19 watershed.

20 MEMBER HALLER: I think the point here is it's not  
21 enough. And so I think it, it would behoove the  
22 Department to look at that as a serious, this is  
23 serious. Now, the other side of that is, in 3  
24 years on the Board I've never seen water  
25 consumption at 3.6 or 3.8. That was, what happened  
26 to the population?! I don't know, like we're  
27 moving away or something. I don't know what that  
28 was, but pretty amazing. But in the meantime...I

1 don't know, you know, it's like I go back to the  
2 conference we had over in Wailea and the  
3 presentation of that information about the fencing  
4 and the difference, one side of the fence to the  
5 other side of the fence, and you get rid of the  
6 pigs and you get, it's staggering. That alone with  
7 getting rid of those...

8 CHAIR ALDRIDGE: Invasive plants.

9 MEMBER HALLER: Kahili ginger all over the...I don't  
10 know it just seems to me like supporting 'em at the  
11 same level, if, if this would demonstrate that  
12 maybe increasing their budget given the  
13 circumstances might be worth considering especially  
14 since they get all of what, 100, \$150,000. This is  
15 not a huge amount of money if you were to give 'em  
16 50,000 more, you know. And I understand the budget  
17 was just set but...

18 MEMBER HOWDEN: Yeah, there seems to, I met with  
19 the, Charmaine earlier in the week and the first 45  
20 minutes of the presentation was Kalbert Young,  
21 explaining why they, the administration didn't have  
22 any money to work with. But you know it, we really  
23 wanna build an economy if we wanna really build in  
24 sustainability to our systems, we have to, we have  
25 to be innovative, we have to try to move forward.  
26 I'm, I have other concerns in general but I think  
27 it'd be helpful maybe in January if we can look at  
28 this and because the amount of funding as Marion

1 pointed out is minimal, maybe even less than  
2 minimal. The, the efforts, I think they're  
3 competent and very dedicated people in the  
4 watershed management group but they're considerably  
5 under funded for what, what's before them, the task  
6 before them.

7 CHAIR ALDRIDGE: Any other comments? Carl.

8 VICE CHAIR HOLMBERG: Mr. Chair, I just wanted to  
9 ask if Marion or, or Michael had any, or anyone,  
10 had any feel if it's the exotics or the pigs seem  
11 to be if, if, if we're trying to triage it and hit,  
12 and get the low hanging fruit, which, which would  
13 seem to have the most effect, clearing out the, the  
14 critters or trying to clear out the exotics?

15 MEMBER HOWDEN: I, I, from my point of view I think  
16 the exotics. In the Hawaiian tradition, pigs which  
17 are kinilau of kama pua'a are considered actually  
18 to be a representation of fertility in the soil,  
19 but when you have exotics dominating to the point  
20 where, and, and water hungry exotics, I think you  
21 really need to look at harvesting those and, and  
22 efforts of reforestation. I see somethings  
23 differently. I mean for instance, like the kahili  
24 ginger, that does serve a purpose in terms of  
25 slowing down erosion, you know and you can harvest  
26 that for bio-mass the same way you can with the  
27 eucalyptus trees that they brought chippers up  
28 there and began selectively thinning, 'cause you

1 can't just clear cut. This, this ain't Oregon.  
2 And, and, and you don't want that kind of massive  
3 erosion, the potential for massive erosion on steep  
4 volcanic slopes, which are very vulnerable to...

5 VICE CHAIR HOLMBERG: Thank you.

6 CHAIR ALDRIDGE: I think that there're also  
7 probably seeing the effects of several years of  
8 below normal rainfall and I just noticed even  
9 around our house the ground is so dry now that any  
10 time it rains it just immediately soaks up, or, or  
11 runs off first and then soaks but you know, it just  
12 doesn't, it seems to dry up immediately afterwards,  
13 after the rain. But I noticed that time you and I,  
14 Marion, went on that tour at the upper flume, the  
15 Waikamoi flume and Paul had pointed out the loss of  
16 the, the moss. I don't know if it was because they  
17 were drying up or because the feral pigs were, were  
18 you know, digging them out but I think once you  
19 lose that, it takes a long time for that to recover  
20 and we need several years of normal rainfall, which  
21 we really haven't had.

22 MEMBER HOWDEN: Without some level of intervention,  
23 I mean that's what we haven't done...

24 CHAIR ALDRIDGE: That's...

25 MEMBER HOWDEN: We haven't really like looked at  
26 places where there's a lot of erosion and try to  
27 reseed those areas with, with ground cover and some  
28 shrubs and stuff.

1 CHAIR ALDRIDGE: But it's gonna take more effort  
2 than what's been going on. Way more effort.  
3 That's what both of you are saying, I believe that  
4 too.

5 MEMBER HOWDEN: Well, you know when, if, if the  
6 Commission on Water Resource Management ever does  
7 make a decision in terms of you know, I mean they  
8 sort of made a decision on 8 streams. But just to  
9 put stream flow back in the watershed I think will  
10 help again to regenerate the watershed. And that's  
11 another issue is that for over 130 years on average  
12 160 million gallons a day has been taken out of the  
13 watershed. And watersheds need to regenerate. So,  
14 hopefully that will help some.

15 CHAIR ALDRIDGE: Well if we don't have a normal  
16 late winter season, we, we may see more of a  
17 controversy with H'poko wells. I just saw an  
18 editorial or article sent into the editorial from  
19 somebody in Kula about the H'poko wells, why we  
20 shouldn't be using, or why we should be using them.  
21 So that's gonna continue. It's gonna return. And  
22 you know, bless their heart with Michelle gone, I'm  
23 not sure there's gonna be an advocate against it  
24 much, on the Council. Now that's not true on the  
25 ground but...

26 MEMBER HOWDEN: It's only a million gallons a day,  
27 isn't it, Eric?

28 DEPUTY DIRECTOR YAMASHIGE: It's about 1 and 1/2.

1 CHAIR ALDRIDGE: One and a half.

2 MEMBER HOWDEN: One and a half. You know, and  
3 that's, and it's low. It's low in the system and..

4 CHAIR ALDRIDGE: Yeah. No, it...

5 MEMBER HOWDEN: That would make a lot more sense  
6 just to give that well to HC&S and trade them..

7 CHAIR ALDRIDGE: Trade them for water.

8 MEMBER HOWDEN: For some more water allocation in  
9 Kamole.

10 CHAIR ALDRIDGE: Yeah, just what you had mentioned  
11 a long time ago.

12 MEMBER HOWDEN: I might be old, but I don't forget.

13 (laughter)

14 CHAIR ALDRIDGE: No comment.

15 MEMBER HOWDEN: Ok, thanks, man.

16 CHAIR ALDRIDGE: Any other...

17 MR. KUSHI: Mr. Chair.

18 CHAIR ALDRIDGE: Yes.

19 MR. KUSHI: If I may make a comment. You know, I'm  
20 coming, coming from a different perspective on this  
21 agenda item, Upcountry Drought. And I apologize  
22 not discussing this matter internally with either  
23 Eric or Jeff Eng, the Director, but as you recall  
24 the Collins appeal that her name came up on the  
25 priority list and she was ready to hook up. And  
26 because the Board declared the drought, suspending  
27 any hook-ups, and some other miscellaneous pipe,  
28 leaking pipe..

1 CHAIR ALDRIDGE: Yeah, right.

2 MR. KUSHI: But anyway, you remember that appeal.  
3 So as I understand it now the Board has still, we  
4 still are in a drought watch, which you declared on  
5 May of this year. And I forgot to bring my, my  
6 action steps, but we still, the Department's still  
7 prevented from hooking up because of the drought  
8 watch.

9 CHAIR ALDRIDGE: I don't know. I don't remember.  
10 Eric, can you comment on that.

11 DEPUTY DIRECTOR YAMASHIGE: I'm old and I forget.

12 MR. KUSHI: But you know, again that's my questions  
13 and maybe for a future meeting you can talk about  
14 because, again, this doesn't happen every, all the  
15 time because there's a priority list and the  
16 Department should not be calling these people, "ok,  
17 your number came up," because we have no new  
18 sources. That's why, the reason for the priority  
19 list. But historically, there are people who were  
20 called before this drought was issued, declared and  
21 for whatever reason they weren't ready to hook up  
22 'cause they had to put in infrastructure  
23 improvements, etcetera, but with this drought  
24 watch, the question becomes are they still, let's  
25 assume they did all the infrastructure, they're  
26 ready to hook up, their name was called before the  
27 drought was issued or declare, what does the  
28 Department do? Again, I'm trying to look forward

1 to future appeals before the Board, you know.  
2 Again, in my, in my opinion those drought  
3 guidelines are Board creations. This Board can  
4 amend those drought guidelines as they, as you see  
5 fit. And this may be an instance where because of  
6 the situation although it's not perfect, I don't  
7 think it's dire. May be hook-ups for people on the  
8 priority list who have fulfilled their improvement  
9 should be allowed.

10 CHAIR ALDRIDGE: Were those guidelines, if I may  
11 ask a question, I, I thought those guidelines were  
12 brought before the County Council or as ordinances?

13 MR. KUSHI: Nope.

14 CHAIR ALDRIDGE: They were not?

15 MR. KUSHI: They're on the, on deck but they  
16 haven't been...

17 CHAIR ALDRIDGE: They have not been approved.

18 MR. KUSHI: So what you're left with are the old  
19 Board guidelines. You know, the action steps where  
20 you go from a watch to a warning to an emergency  
21 and the action steps going down.

22 CHAIR ALDRIDGE: Yeah. Well this is probably first  
23 step in, in this whole process is perhaps where the  
24 Board can review the whole drought situation with  
25 respect to the drought declaration or watch, let's  
26 say at the next meeting or February meeting..

27 MR. KUSHI: Right, right. Or, or, or maybe just  
28 wait until Council tackles but you never know when.

1 But, I, I'm looking from the perspective of  
2 somebody like Terry Collins coming in and appealing  
3 again.

4 CHAIR ALDRIDGE: But sounds like a, a subject we  
5 should bring up at the next meeting.

6 MR. KUSHI: Because there are people who have been  
7 called on the priority list, they made a  
8 reservation and they're just doing their  
9 improvements as they, as they can and when they're  
10 ready to hook up we say, "oh, look too bad, the  
11 Board declared a drought."

12 CHAIR ALDRIDGE: Yeah. Well, I'm sensitive to that  
13 and the whole issue of the drought itself. It's  
14 one thing to declare a drought that they haven't,  
15 basically perpetual, doesn't speak well for our  
16 management of the resource.

17 MEMBER HOWDEN: Well, but we don't have control of  
18 the resources.

19 CHAIR ALDRIDGE: That's true.

20 MEMBER HOWDEN: You know, and then, and that's  
21 something I think again we need to look at in the  
22 new year.

23 CHAIR ALDRIDGE: Right. Agreed.

24 MR. KUSHI: Again, just, well, just my comments so  
25 you're aware of the...

26 CHAIR ALDRIDGE: Some of the ramifications...

27 MR. KUSHI: The problems that may come up.

28 CHAIR ALDRIDGE: Any other comments or questions?

1 VICE CHAIR HOLMBERG: I was just..

2 CHAIR ALDRIDGE: Carl?

3 VICE CHAIR HOLMBERG: Gonna say, Mr. Chair, that  
4 it, since it seems that we are in perpetual  
5 drought, does it, I mean I understand the, the  
6 conundrum that we're telling people that, they,  
7 they've, now their number is up but is the water  
8 really there and are we gonna solve that, is that  
9 problem ever gonna be solved until new source, new  
10 storage comes on line and that perhaps until  
11 somebody develops, whether privately or public  
12 develops a new source, that they're just out of  
13 luck. I, I don't know the answer to that or not.

14 CHAIR ALDRIDGE: Yeah, I don't either. But it  
15 seems that it is incumbent on the Department to try  
16 to solve the problems of those that are already  
17 been waiting for 10, 15 years.

18 VICE CHAIR HOLMBERG: Yeah.

19 CHAIR ALDRIDGE: Just seems to me that we haven't  
20 done enough. I mean we've been working on it but  
21 it's just been, progress has been too little, too  
22 slow.

23 MEMBER HOWDEN: Well, you know, you know why don't  
24 we have control of the public trust waters. I  
25 mean, what's the reluctance on the part of, you  
26 know successive administrations to move forward  
27 with the, using eminent domain to take control of  
28 Na Wai Eha and the, the East Maui waters? You

1 know, I mean, we, we just spend years and years  
2 spinning our wheels trying to get a little bit of  
3 water back into the streams and take care of  
4 kuleana landowners and you know the injustice  
5 continues. And really the County is the guardian  
6 of these waters as Jeff pointed out recently. You  
7 know, that, with a well-intentioned and active  
8 county administration. It's really our kuleana to  
9 take care of this stuff, so hopefully when we have  
10 a full board we could discuss it.

11 MEMBER HALLER: I'm sorry, but I, you know, this is  
12 like, give me a break. We have a water delivery  
13 system problem. We don't have enough wells, we  
14 don't have a, the Kamole Plant when it produces at  
15 capacity can take more water if it needed to, it's  
16 not the fact that we don't get enough water, it's  
17 the fact that we don't have the capacity to deliver  
18 it clean. So, it's, if anything it's, it's our  
19 infrastructure that limits us. I mean the next is  
20 the water itself but c'mon if we had a Kamole Plant  
21 that produced 8 or 9 million gallons, well, then we  
22 could take 9 million, but we can't right now. We  
23 can only take 6½ to 7 'cause that's all the plant  
24 will do. But the contract with that private  
25 landowner calls for 12 to 13. So, I don't see this  
26 problem quite that way. I see the problem right  
27 here and the political will to produce more  
28 carrying capacity or production capacity and I

1 think the political will is hampered by the  
2 community's desire not to expand this part of the  
3 island dramatically. So, I think there's a lot  
4 going on here not just we should..

5 MEMBER HOWDEN: I don't, yeah..

6 MEMBER HALLER: Declare eminent domain.

7 MEMBER HOWDEN: I, I think that we, you know that's  
8 been an issue, you know the variable speed pumps  
9 and, and the filters and Kamole Weir moving into 8  
10 or 9 million gallons a day of production. I, I  
11 think, though Marion, truthfully I think the  
12 County's a little intimidated by it's relationship  
13 with A&B and HC&S, EMI. You know that they're,  
14 they're a little timid about like saying, "ok, we  
15 will, we are prepared to take more water." Even  
16 the Dual Line, that agricultural line, where you  
17 don't have source capacity in, for Upper Kula, that  
18 really should've been part of the Makawao-Pukalani  
19 system, so you could take directly from Kamole and  
20 bring the water to Omaopio and Pulehu,  
21 strategically. You know, 'cause those are things  
22 you can do without pumping without great energy  
23 costs. And you have source capacity. It seems  
24 that we're unwilling to really avail ourselves of  
25 this source capacity.

26 MEMBER HALLER: Yeah.

27 CHAIR ALDRIDGE: Yeah, you're both right. But we  
28 have an agreement..

1 MEMBER HOWDEN: As usual.

2 CHAIR ALDRIDGE: We have an agreement with HC&S  
3 that we really haven't confirmed, if you wanna call  
4 it that. We have an MOU that's 5 years out of  
5 date, that had to call for subsequent agreements  
6 with HC&S to even confirm the current capacity that  
7 the Department's supposed to have off of the Wailoa  
8 Ditch and nothing's been done about that as far as  
9 I know. I've asked Jeff to put that on the agenda  
10 but it's not a full board anyway but that's an item  
11 I think we need to discuss. We need to understand  
12 why the Department has been reluctant to pursue  
13 that agreement. It's sort of a gentlemen's  
14 agreement at this point in time, you know. Do you  
15 remember the MOU? It's very specific and it has  
16 some increases in capacity. They have some limits  
17 on what the Department can take, particularly if  
18 the Wailoa Ditch drops below certain levels, you  
19 know, and they're not even, we were below that  
20 level at one point in time. We've been below that  
21 level a number of times this year. So if HC&S  
22 actually wanted to run by the letter of the  
23 existing agreements with the Department they  
24 could've cut you off. We would of have even less  
25 than 5 million gallons a day, so we, you know.  
26 You're probably right, there is some intimidation  
27 there. But then there's also reluctance to run

1 some of our wells year round, you know, like, like  
2 the Piiholo Well.

3 MEMBER HOWDEN: The costs are so prohibitive...

4 CHAIR ALDRIDGE: Sure. Sure they are...

5 MEMBER HOWDEN: But to do that...

6 CHAIR ALDRIDGE: But so is the cost of running the  
7 Kamole Weir Plant. I mean, that has to pump  
8 basically from you know, 800 feet all the way up to  
9 4,000 if, if you're to deliver water all the way up  
10 to Olinda.

11 MEMBER HOWDEN: I, I, I think it's a multi-faceted..

12 CHAIR ALDRIDGE: Yeah, it is, indeed...

13 MEMBER HOWDEN: Problem obviously.

14 CHAIR ALDRIDGE: It is indeed.

15 VICE CHAIR HOLMBERG: Although, although, Mr.  
16 Chair, I should say that if, if HC&S ever wanted to  
17 see eminent domain happen quickly they'd do exactly  
18 that, turn off the spigot.

19 CHAIR ALDRIDGE: Yeah. Yeah, well yes.

20 VICE CHAIR HOLMBERG: So I encourage them to do it.

21 (laughter)

22 CHAIR ALDRIDGE: They won't. They, they won't.

23 MEMBER HALLER: Make my day.

24 CHAIR ALDRIDGE: Make my day.

25 (laughter)

26 CHAIR ALDRIDGE: Gosh, alright.

27 MEMBER MYERS: I wanna ask a question of  
28 Corporation Counsel. Regarding the rule about the

1 drought watch and not being able to do hook-ups, is  
2 that a board, you said it's board rules or...

3 MR. KUSHI: Yeah, that was done way back when, when  
4 the Board was semi-autonomous and it's by  
5 resolution.

6 MEMBER MYERS: Can we, can we revise that by  
7 resolution?

8 MR. KUSHI: I don't see why not because it was done  
9 by the Board.

10 MEMBER MYERS: 'Cause it...

11 MR. KUSHI: But again you know, it is, the whole  
12 issue of drought and the actions and the steps  
13 going back and forth and even the percentage of  
14 cut-backs.

15 MEMBER MYERS: 'Cause it seems like, like you're  
16 saying, in order to avoid future appeals such as  
17 hers, we should at least give the Department or the  
18 Director the option maybe of making an exception if  
19 they've gone through all the steps. You know, if  
20 it's a dire thing then they shouldn't be allowed  
21 but if, you know, it makes more sense...

22 MR. KUSHI: Right, I, I mean...

23 MEMBER MYERS: Then we can avoid her coming in  
24 altogether. You know, people like her.

25 MR. KUSHI: Again, the issue as to, the various  
26 issues because of the authorities is still kind of  
27 mixed up. When this Board became not semi-  
28 autonomous, a regular department, everybody said

1 you're advisory. But until the Council takes over  
2 by ordinance, yeah, your existing rules still  
3 stand.

4 MEMBER MYERS: As long as our rules stand it seems  
5 like we should be able to revise them if no one  
6 else wants to or can't.

7 MR. KUSHI: That's, that would be our position from  
8 our, our department. Until the Council makes an  
9 ordinance, and if you have an ordinance by the  
10 Council and you have your rule here, the ordinance  
11 takes, takes precedence. But they haven't done  
12 anything yet. They've acted on your authority to  
13 hear appeals, that's about it.

14 CHAIR ALDRIDGE: But the charter doesn't give the  
15 Board the authority to exercise power by utilizing  
16 any of the rules it had adopted when they were  
17 semi-autonomous, where do we actually stand in  
18 terms of those rules?

19 MR. KUSHI: It's a question of whether you can  
20 amend your rules. You can amend your rules in  
21 terms of procedure, contested case, you know...

22 CHAIR ALDRIDGE: Right.

23 MR. KUSHI: Administrative procedures. Substantive  
24 procedures there's still an issue.

25 CHAIR ALDRIDGE: That's what I thought.

26 MR. KUSHI: Right, but again you know, rather than...

27 MEMBER MYERS: Should we try?

1 MR. KUSHI: Having an appeal come up, I mean you  
2 know.  
3 CHAIR ALDRIDGE: To avoid it.  
4 VICE CHAIR HOLMBERG: Force the issue.  
5 MEMBER MYERS: Yeah.  
6 MR. KUSHI: Force the issue and then you know...  
7 MEMBER MYERS: Since no one else is doing it.  
8 MR. KUSHI: As advisories to the Department, I  
9 think it's fully within your, your, your  
10 jurisdiction to advise the...  
11 CHAIR ALDRIDGE: To advise them.  
12 MR. KUSHI: Recommend to the Department, "although  
13 we're in a drought, allow hook-ups."  
14 MEMBER MYERS: At least exceptions if you know, I  
15 mean...  
16 CHAIR ALDRIDGE: Or those...  
17 MEMBER MYERS: Make case by case even...  
18 CHAIR ALDRIDGE: That you've already asked or  
19 allowed.  
20 MR. KUSHI: Those, I mean...  
21 MEMBER MYERS: They should know better.  
22 MR. KUSHI: In my mind, those who have been called,  
23 their number has been called on the priority list...  
24 CHAIR ALDRIDGE: Right.  
25 MR. KUSHI: Because they have, they now...  
26 CHAIR ALDRIDGE: They've expended money to...  
27 MR. KUSHI: Right and you know...  
28 CHAIR ALDRIDGE: Meet their obligations.

1 MR. KUSHI: The way, the way it works right now, if  
2 your number comes up, they'll send you a letter and  
3 within 30 days you have to say, "ok, I'll take it,"  
4 or "if I don't" you go back to end of the bus...

5 CHAIR ALDRIDGE: Right.

6 MR. KUSHI: Right, end of the line. So, people  
7 have said, "ok, I'll take it but I'm not ready to  
8 bring a line into my property. I need to have some  
9 time." We give 'em a reservation, 2 years.

10 CHAIR ALDRIDGE: Uh huh.

11 MR. KUSHI: So, then they expend monies and now  
12 they're ready to hook up...

13 CHAIR ALDRIDGE: Yeah, and then we say no, there's  
14 a drought.

15 MR. KUSHI: "No, no, no, you cannot because we're  
16 in a drought."

17 CHAIR ALDRIDGE: Yeah, that seems patently unfair.

18 MR. KUSHI: That's the, that was the Collins case.

19 CHAIR ALDRIDGE: Yeah.

20 MR. KUSHI: But the Collins case was more  
21 complicated because during that time, her line,  
22 private line...

23 CHAIR ALDRIDGE: Right, right.

24 MR. KUSHI: Broke and...

25 MEMBER MYERS: Burst.

26 CHAIR ALDRIDGE: I know.

27 MR. KUSHI: But, but technically that was the  
28 situation.

1 CHAIR ALDRIDGE: Yeah.

2 MEMBER HALLER: So do we need to study that a lot  
3 further or can't we just pass, I mean, I...

4 MEMBER MYERS: Resolution.

5 MEMBER HALLER: I kinda of agree with Kelli that we  
6 just pass a resolution here that says, "let's give  
7 the Director discretion to authorize continuation  
8 with those people who've already had their number  
9 called."

10 MR. KUSHI: Now I gotta stop you. It's not on the  
11 agenda. Maybe for the next meeting.

12 MEMBER MYERS: Can we put it on?

13 CHAIR ALDRIDGE: We can put that on..

14 MEMBER HALLER: Yeah, put it on the agenda.

15 CHAIR ALDRIDGE: We'll put that on the agenda.

16 Let's all agree to put that on there.

17 MEMBER MYERS: I wanted to bring that up in  
18 September but I was not here.

19 CHAIR ALDRIDGE: You're trying to make up for not  
20 being here that's all.

21 MEMBER MYERS: I, I actually wanted to bring it up  
22 in September, I'm sorry. I, I was, I thought about  
23 it after..

24 MEMBER HALLER: After the Collins case, yeah.

25 MEMBER MYERS: Yeah, after we had that meeting and  
26 I said, "you know, our rule might not be fair."

27 MEMBER HALLER: Yeah.

1 CHAIR ALDRIDGE: Thank you for that. Alright,  
2 let's, let's move on to item B, Discussion  
3 regarding the drought watch/supply situation and  
4 its affect on Central Maui water and West Maui  
5 water systems. Eric?

6 DEPUTY DIRECTOR YAMASHIGE: There has, there's been  
7 no big changes in the Central or West system.  
8 You've probably read in the paper recently about  
9 our, our application to the Commission for the  
10 remaining allocation of the 'Iao Aquifer. And  
11 that's not a whole lot to discuss about that one.  
12 I did wanna let you know though, just this past  
13 week, the power in Central Maui went out for a  
14 little bit and that affected our wells from Waihe'e  
15 all the way out to Hana. I'm not sure how Maui  
16 Electric system is distributed but all of our wells  
17 out here went down. Shaft 33 didn't. So there was  
18 a period of time in about 2 hours I think I read in  
19 the paper this morning that power was out and that  
20 didn't affect our ability to provide water because  
21 of our storage. But that did happen this week. I  
22 just wanted to let you know that. And out in  
23 Kanaha Valley the power went out. That did affect  
24 us a little bit. The, the pumps at the treatment  
25 plant were not able to pump up to the storage  
26 reservoir. The pumps in the valley, the wells,  
27 were not able to pump because there was no power.  
28 So, the Waipuka wells were on for a little while

1 to, to maintain the levels at the Lahaina system.  
2 That was resolved and we're back now stable in our  
3 system. I just want to mention that these are  
4 things that the guys in the field are dealing with  
5 quite regular, well not regularly, hopefully not  
6 regularly, but they are prepared and they do  
7 respond to these things, without any impact on the  
8 public, our customers.

9 MEMBER HALLER: Well, we all know when the power  
10 goes down, 'cause it does that. I mean it just did  
11 it yesterday in Makawao for 2 hours, all of Haiku...

12 DEPUTY DIRECTOR YAMASHIGE: Oh.

13 MEMBER HALLER: Up into Makawao. It was just like  
14 a sunny day...

15 CHAIR ALDRIDGE: Yeah, no wind, nothing.

16 MEMBER HALLER: Hello! You know. Whatever.

17 DEPUTY DIRECTOR YAMASHIGE: I think in the, I read  
18 in the paper it was a generation shortfall in  
19 Maalaea that caused that.

20 MEMBER HALLER: Oh, that's cute. Blame the  
21 windmills.

22 DEPUTY DIRECTOR YAMASHIGE: Oh no, not the  
23 windmills. Yeah, we are still very dependent on  
24 Maui Electric.

25 CHAIR ALDRIDGE: And we will be for a long, long  
26 time.

27 MEMBER HALLER: Mr. Chair?

28 CHAIR ALDRIDGE: Yes, Marion.

1 MEMBER HALLER: I, I'm wondering about this  
2 stimulus package that the governor just passed and  
3 certainly what's gonna come down the pike. The  
4 reason I wanna bring this up is that federal  
5 government issued \$19 billion to the states, ooh  
6 about 6 months ago, to spend the money on, for  
7 governments to acquire foreclosed homes and convert  
8 them to affordable housing. And I serve on the  
9 Board of Na Hale O Maui, the community land trust  
10 here on Maui, and we approached the County  
11 government and they didn't really know about it and  
12 didn't have time to deal with it. So, Na Hale O  
13 Maui wrote the application for the County, the  
14 County submitted it and we were granted \$3 million  
15 to purchase foreclosed homes and convert them to  
16 affordable housing. If a private agency hadn't  
17 stepped in to do this, this local government wasn't  
18 even aware of it. So, I bring that up as an  
19 example that the stimulus packages come with, you  
20 gotta write the grant for it, right? You gotta  
21 know what's coming down, you gotta see it and see,  
22 I mean to me, this is a perfect opportunity to put  
23 it in the water system, put it in to our wastewater  
24 system, you know. This is infrastructure coming  
25 our way. So, I don't know whether we have someone  
26 on staff who has the time, 'cause it's gonna be  
27 time consuming, to stay ahead of this game and be  
28 aware of how to get these funds. So, I, I would

1 love to hear from the Department, you know, over  
2 the next couple of months, what we're doing to get  
3 some of this, how much did the governor just, what  
4 was it, 2, 1.9 billion dollars or something she..

5 CHAIR ALDRIDGE: Yeah, 2 billion, yeah roughly.

6 MEMBER HALLER: Yeah. That's a lot of money. So,  
7 what is that going for? Can't all go for roads,  
8 you know. So I'm hoping that the, yeah. But it  
9 was an interesting lesson. The County was not  
10 going to get any money if this private agency  
11 hadn't been aware of this and stepped in. So I  
12 know it takes somebody paying attention.

13 CHAIR ALDRIDGE: Your point's well taken because  
14 aren't they talking also now about potentially some  
15 800 billion in infrastructure?

16 MEMBER HALLER: That's right. Yeah. The federal  
17 government..

18 CHAIR ALDRIDGE: That's right. And, that's a,  
19 maybe a good chunk of that Upcountry reservoir  
20 would never be funded if it weren't for something  
21 like that. Need to look into that really  
22 seriously.

23 MEMBER HALLER: Yeah, yeah. 'Cause I, I think it's  
24 gonna come fast. I don't think he's gonna waste  
25 any time..

26 CHAIR ALDRIDGE: It, and it's a once in a lifetime  
27 opportunity.

1 MEMBER HALLER: Yeah. So I, I would've, you know,  
2 do you, have you talked about this internally?

3 DEPUTY DIRECTOR YAMASHIGE: Yes. There's quite a  
4 bit of different stimulus packages that are being  
5 referred to. The Mayor's office, the County as a  
6 whole, as I understand it, this is a grant that we  
7 are pursuing through the Mayor's office to get some  
8 of that money. We also know of a stimulus package  
9 coming through the Department of Health, from the  
10 EPA to the Department of Health on their Safe  
11 Drinking Water state revolving fund. And that is a  
12 loan program, and we've been working with the  
13 Department of Health trying to keep an eye on it  
14 because it hasn't been offered yet. People are  
15 talking about it but it's not something you know,  
16 you apply for it because it's, it's available.  
17 It's not available yet. So we are. We're on top  
18 of it; we're trying to keep track of it. Because  
19 they are stimulus packages, you have to do  
20 something right away. So, something like that  
21 reservoir, it's not ready to go. I'm not sure that  
22 they'll fund the studies, which is the phase that  
23 we kinda are trying to budget right now. But we,  
24 we're still trying to find out what is possible  
25 through these packages. But we, we are very aware  
26 of it and we're trying to keep on top of it.

1 MEMBER HALLER: Heck, even if we used 'em to  
2 replace pipes and used our budget to do the study  
3 real fast. I mean, it..

4 CHAIR ALDRIDGE: Right, sort of a trade off.

5 MEMBER HALLER: That's right, you know, there's  
6 gotta be ways to skin that cat, so I just hope the  
7 government, the, the Department has a(n) employee  
8 dedicated to this, a grant writer, somebody who can  
9 really take advantage of these funds. I would hate  
10 to hear 2 years from now, "oops, we missed that."  
11 That would be really a shame, so.

12 DEPUTY DIRECTOR YAMASHIGE: We've actually  
13 submitted to the Mayor's office a list of projects  
14 that we thought we would be able to benefit from  
15 this stimulus package. Office of Economic  
16 Development has included us in a(n) alternative  
17 energy package that they've submitted. You know,  
18 we're trying to take advantage of different angles.  
19 But thank you for bringing that up.

20 VICE CHAIR HOLMBERG: Mr. Chair, while I'm at it..

21 CHAIR ALDRIDGE: Yes, Carl.

22 VICE CHAIR HOLMBERG: I just wondered if I could  
23 ask the assistant director, speaking of power  
24 outages, I, I was curious, thinking back on the  
25 major outage that we had last year, at, how, at  
26 what point, how long do we have to be without power  
27 before the customers start noticing that their  
28 water pressure dying off? Depends on the system I

1 realize. And so that was leading me to wonder, and  
2 I'm it's the stuff you guys have discovered before  
3 but I'm approaching it from a naïve angle, has the  
4 Department ever seriously looked at, budget no  
5 option, what it takes to put emergency generations  
6 at the various pump stations and what not?

7 DEPUTY DIRECTOR YAMASHIGE: Yes, we have. Not  
8 budget, no. No problem.

9 VICE CHAIR HOLMBERG: Yeah, yeah.

10 DEPUTY DIRECTOR YAMASHIGE: We, we have a list of  
11 all of our energy requiring facilities; wells,  
12 booster pumps, treatment plants, and all of our  
13 treatment plants do have stand-by generators with  
14 the exception of 'Iao, which is a temporary  
15 facility. Our major groundwater sources such as  
16 North Waihee, we do have emergency generators.  
17 Certainly not nearly as much as we would need to  
18 continue service without interruption I would say.  
19 What we're trying to do is identify those  
20 facilities that we need to keep up when an  
21 emergency or catastrophic failure occurs and we do  
22 have an emergency response plan that identifies,  
23 like the hospital, as a critical resource and we  
24 will restore service to the hospital even if we  
25 have to shut down the rest of the Central system.  
26 But that emergency plan does identify where we need  
27 to and those are the facilities that we're really  
28 trying to provide an emergency generation. We have

1 several trailer mounted generators that we can take  
2 out to the sites when we need to. I'm learning a  
3 little bit about electrical connections and how,  
4 there's no plug that we can get from the generator  
5 and plug into our system and make it run because  
6 it's just too much. It's too big a plug I guess.  
7 So, I, we are working with it and we do have 2  
8 emergency generators or actually 3 emergency  
9 generators on our, I think it was our 09 budget or  
10 the 10 budget, I'm sorry, can't remember. One of  
11 'em was for Waihe'e because that is another pretty  
12 important source for the Central Maui. The other  
13 was out in Lahaina and then we have a small one for  
14 Moloka'i. We were looking in that, looking at  
15 alternative sources of funds. About a year ago we  
16 did get a grant from the Community Development  
17 Block Grant program for an emergency generator at  
18 Ke'anae which we are working on installing there,  
19 because that is their sole source of water. That  
20 was a grant that we were trying to take advantage  
21 of these other sources of funds. But that, that's  
22 a good point you know, we do have a long list of  
23 facilities and a short list of generators so we're  
24 trying to work on that.

25 VICE CHAIR HOLMBERG: Oh, thanks.

26 DEPUTY DIRECTOR YAMASHIGE: Ok.

27 CHAIR ALDRIDGE: Any other questions?

1 MEMBER HOWDEN: Yeah, I just had one, I'd don't  
2 know how we're gonna supply water to the Mākena  
3 Resort? I mean do we have that kind of water in  
4 the Central Maui systems? Or is this not a  
5 question that I should ask?

6 DEPUTY DIRECTOR YAMASHIGE: Well, as far as I know  
7 the Mākena Resort is not asking us for any water.  
8 They're developing their own water source.

9 VICE CHAIR HOLMBERG: So far.

10 DEPUTY DIRECTOR YAMASHIGE: So far.

11 MEMBER HALLER: Same thing again.

12 DEPUTY DIRECTOR YAMASHIGE: They're doing a  
13 desalination system.

14 MEMBER HALLER: Yeah.

15 MEMBER HOWDEN: Great.

16 MEMBER HALLER: Well, it's not, because it's not  
17 like they're taking ocean water. They're taking  
18 brackish water...

19 CHAIR ALDRIDGE: Groundwater.

20 MEMBER HALLER: So, it, it has a total affect but  
21 it's back to you know it's like what we heard at  
22 the conference again. In every state in this  
23 country you, whoever sticks their straw in first  
24 can have it and it's a state issue. I can't  
25 believe we don't lobby our state guys like crazy to  
26 change our water rules. Right? You can dig a  
27 well, if you can dig it, you can have it.

1 CHAIR ALDRIDGE: You have to realize those rules  
2 were set up in a time when you could dig a well  
3 anywhere and nobody'd ever know it and would be  
4 affected by it.

5 MEMBER HALLER: I understand, I understand...

6 CHAIR ALDRIDGE: It hasn't kept up with the times.

7 VICE CHAIR HOLMBERG: And they're gonna dump,  
8 they're gonna dump the effluent where?

9 MEMBER HALLER: That's right, thank you very much.

10 CHAIR ALDRIDGE: Right where you wanna drill your  
11 well.

12 (laughter)

13 CHAIR ALDRIDGE: That's where. But won't that,  
14 that will still have to go through that Show Me the  
15 Water bill, will it not? And will not the  
16 Department be able to review their location for the  
17 groundwater, brackish water well and also review  
18 whether or not it has a detrimental impact on your  
19 own wells or other sources and supply?

20 DEPUTY DIRECTOR YAMASHIGE: Yeah, as we were  
21 discussing earlier the well drilling permit is  
22 required from the Commission on Water Resource  
23 Management and all permits are submitted to us just  
24 for notification. And we do have a chance to  
25 review it and offer our comments. Normally it  
26 doesn't make a whole lot of difference. Then the  
27 second part of it is the pump permit which we also  
28 get to comment on. But what's happening in the

1 'Iao Aquifer and our petition to the commission and  
2 that, that's where these competing uses come in.  
3 We'll see where that goes. The commission is  
4 currently looking at something.

5 MEMBER HALLER: So what are you appealing to the  
6 commission?

7 DEPUTY DIRECTOR YAMASHIGE: We're not appealing.  
8 We're, we're applying for the remaining allocation  
9 in the 'Iao Aquifer. It's set at 20 million..

10 MEMBER HALLER: Right.

11 DEPUTY DIRECTOR YAMASHIGE: The current allocation  
12 is maybe 17 something. I always thought it was  
13 about 18.

14 MEMBER HALLER: Yeah, 17.8 I think, yeah.

15 DEPUTY DIRECTOR YAMASHIGE: Say it's about 18. So  
16 we're, we're applying for the remainder, all of the  
17 remainder. There are 2, 2 other people, private  
18 entities that are applying for..

19 MEMBER HALLER: Applying for that. Ok.

20 DEPUTY DIRECTOR YAMASHIGE: Some allocation also.  
21 Yes, it's no appeal.

22 MEMBER HALLER: I, you meant apply. I didn't  
23 (inaudible) misspoke.

24 DEPUTY DIRECTOR YAMASHIGE: Yeah.

25 MR. KUSHI: Might be one.

26 (laughter)

27 CHAIR ALDRIDGE: Might be a premonition. Any other  
28 questions?

1 MEMBER HALLER: Yes, Mr. Chair. Before you go item  
2 C, if that's where you were going.

3 CHAIR ALDRIDGE: I hadn't yet but I will now.

4 MEMBER HALLER: Ok, but, but, well, before you do  
5 that I did wanna take, see if we could just spend a  
6 moment on talking about this appeals committee. I  
7 know that Scott's not here but if we're going to  
8 implement that I would hate to see us go another  
9 month of not doing it because we haven't discussed  
10 something so. I wonder if it's ok for us since  
11 it's an internal matter to just talk about how  
12 we're gonna proceed and if we're going to get  
13 assigned an appeal for next month to that  
14 committee? Or how, how do we proceed with this?

15 MS. HAYASHIDA: It's not on the agenda. So I don't  
16 know if you can discuss that.

17 MR. KUSHI: Go ahead.

18 MEMBER HALLER: Even if it's an internal matter?

19 MR. KUSHI: Go ahead.

20 CHAIR ALDRIDGE: Yeah, we can discuss it. I mean,  
21 I don't know if we'll be, we'll probably not make a  
22 decision here, we can't..

23 MEMBER HALLER: Right.

24 CHAIR ALDRIDGE: But we can discuss it certainly.  
25 And we can discuss it right now right before the  
26 Receipt of the you know, before item C. We'll call  
27 it item B1.

28 MEMBER HALLER: Thanks.

1 CHAIR ALDRIDGE: But, did you have a comment on  
2 that? I wish Scott were here...

3 MEMBER HALLER: Well, I'm just, I, I,

4 CHAIR ALDRIDGE: We could get a comment, but he  
5 isn't.

6 MEMBER HALLER: I'm not clear. So here we are as  
7 the whole board in the middle of an appeal. And we  
8 probably face, next month we're gonna get our  
9 Findings of Fact and be able to deliberate. And  
10 then we, it takes another 30 days for the  
11 conclusions to be drawn up and for us to approve  
12 those...

13 CHAIR ALDRIDGE: Right.

14 MEMBER HALLER: So we're looking at 2 more months  
15 on the current appeal. Can we have the committee  
16 start another appeal at the same time? And is that  
17 our intention to do that?

18 CHAIR ALDRIDGE: The answer to the first question  
19 is yes, we could have the committee, we can have  
20 committee start hearing another appeal at the same  
21 time or concurrently within the month, not  
22 necessarily the same day, same week, whatever, yes.

23 MEMBER HALLER: Ok.

24 CHAIR ALDRIDGE: The answer to that is yes. And I  
25 would like to know from the sub-committee or the  
26 committee, are they prepared or have they decided  
27 which case they wish to take up.

1 MEMBER HALLER: I didn't know we had to make that  
2 decision, so.

3 (silence)

4 MEMBER HALLER: Geesh.

5 CHAIR ALDRIDGE: Maybe, maybe you and Michael can  
6 discuss this with Scott and, and determine which  
7 case you feel most appropriate for the 3 of you to  
8 take on. And just let us know on the January  
9 meeting or before that by email. We can discuss it  
10 if we need to, if you want a discussion and  
11 decision on it but I didn't think that it actually  
12 required a decision of the Board for you to proceed  
13 with the next appeal. Just an, just an information  
14 item that this is the case we're gonna begin to  
15 hear.

16 MEMBER HALLER: Ok. Now, what's our procedure  
17 here, so this committee hears this appeal, does the  
18 committee decide, the committee determines it, the  
19 committee..

20 CHAIR ALDRIDGE: Well, the committee would work  
21 with Ed to prepare a, another one of those Findings  
22 of Fact and Conclusions and whatever. I can't  
23 remember the phrase but, and that would come to the  
24 full board then for decision. But the fact that  
25 you would be able, as a committee, the 3 of you  
26 would be able to hear all of the evidence, ask the  
27 questions, hear the testimony and review the, the  
28 case information and in conjunction with

1 Corporation Counsel prepare that document, the  
2 Findings of Fact, Conclusions of Law. And then  
3 that, then the 3 of you would bring that document  
4 through the Corporation Counsel back to the Board  
5 then. And all that can happen at the same time the  
6 full board is hearing another case. That's how we  
7 said we would try to expedite the process and I  
8 think that the only condition and it wasn't even a  
9 matter of whether or not it could or can not be  
10 done, but just a practicality was that we would not  
11 have the committee try to take on a, an appeal that  
12 had representation by an attorney.

13 MEMBER HALLER: Right.

14 CHAIR ALDRIDGE: But it doesn't say you can't.

15 MEMBER HALLER: Ok.

16 CHAIR ALDRIDGE: There's no reason, there's no  
17 real...

18 MEMBER HALLER: Part of my constraint is as you  
19 know, March is my last month so for me to take on  
20 an appeal, be of any value to this committee, we'd  
21 have to start one in January.

22 CHAIR ALDRIDGE: Right, precisely.

23 MEMBER HALLER: So, can we still do that? How much  
24 time do we need, notice do we need to give someone?  
25 I mean if we decide next week, "ok, we'll hear this  
26 one," is that enough time to get it on an agenda  
27 for...

- 1 MS. HAYASHIDA: It depends on which case you want  
2 hear.
- 3 CHAIR ALDRIDGE: Yeah...
- 4 MS. HAYASHIDA: 'Cause I do have one, Mr. James,  
5 James Davis. He lives in Sacramento. He still has  
6 not decided whether he's going to hire an attorney  
7 or not. I have had no contact with him and he has  
8 already stated in his letter, in the appeal that  
9 one month is not enough time for him to prepare.  
10 So, if you wanna hear his case, we need to give him  
11 more than a month's time.
- 12 MEMBER MYERS: The next one is...
- 13 MEMBER HALLER: Ok, that's a shame 'cause...
- 14 MS. HAYASHIDA: No.
- 15 MEMBER HALLER: That's the one that's the easiest.
- 16 MS. HAYASHIDA: No, no, no, no. The, the next  
17 without an attorney is Mr. James Davis.
- 18 MEMBER MYERS: Oh, oh.
- 19 MEMBER HOWDEN: Do you wanna pick one of those 3  
20 that has an attorney?
- 21 MEMBER HALLER: Well then we might as well go for  
22 the first one, 08-01.
- 23 VICE CHAIR HOLMBERG: Looks like all of the ones  
24 that we have here...
- 25 MS. HAYASHIDA: No, that one has been withdrawn.
- 26 MEMBER HALLER: Which one?
- 27 MS. HAYASHIDA: Aloha Mansions.
- 28 CHAIR ALDRIDGE: They just withdrew that.

1 MS. HAYASHIDA: They just withdrew that.

2 MEMBER HOWDEN: Oh, they did? Wonderful.

3 MEMBER MYERS: So, 08-02 then?

4 CHAIR ALDRIDGE: Did you not receive the email from  
5 Gaye? I thought you had. They had, they requested  
6 a withdrawal.

7 MS. HAYASHIDA: And the next one, Kalama Hills, the  
8 Department is requesting Corporation Counsel so I  
9 believe the Department is gonna handle Kalama  
10 Hills.

11 CHAIR ALDRIDGE: What does that mean exactly?

12 MEMBER HALLER: Well, that would put David Goode  
13 next on the agenda.

14 MS. HAYASHIDA: No, Mr. Davis.

15 MEMBER HALLER: Well, Mr. Davis, you just said  
16 takes 2 months so we can't start him in January,  
17 so.

18 MS. HAYASHIDA: Yeah, but so you gonna take the  
19 cases out of...

20 (other members speaking in the background)

21 MEMBER HALLER: Yeah, he's not ready, we're gonna  
22 take the next one ready.

23 MS. HAYASHIDA: Ok, Mr., Pulehu Farms does have  
24 attorney so you gonna hear it?

25 MEMBER HALLER: Yeah.

26 MEMBER HOWDEN: Sure.

27 MS. HAYASHIDA: I thought Scott said, Scott told me  
28 that you're gonna hear cases not...

1 MEMBER HALLER: Well, it's not an option, so.

2 MEMBER HOWDEN: Yeah, we gotta get some work out of  
3 Marion before she hits the road.

4 CHAIR ALDRIDGE: You know, that, that was not a  
5 mandate, that was just...

6 MEMBER HALLER: Yeah, let's take advantage of me  
7 being here for, do one for 3 months.

8 (several members speaking in the background)

9 CHAIR ALDRIDGE: As long as, as long as the 3 of  
10 'em decide they can do that, it's fine.

11 MS. HAYASHIDA: Ok, yeah. Ok, so...we're gonna have  
12 to hire a court reporter for that. I already have  
13 one for the January 22 meeting for the closing  
14 arguments for Susan Burns. So now, if they're  
15 gonna have separate hearing I need to hire another  
16 court reporter for the testimony portion the Pulehu  
17 Farms.

18 MEMBER HALLER: So, what we need to decide is when  
19 we wanna do this. So we just, it's the 3 of us...

20 CHAIR ALDRIDGE: You need to, yeah and you need to  
21 work with Gaye to make sure you contact...

22 MEMBER HALLER: Obviously, obviously.

23 MS. HAYASHIDA: Ok and you understand that staff  
24 report, if, if engineers can do that...

25 MEMBER HALLER: Right. Well, so right here we're  
26 gonna tell you we're gonna move, it appears that we  
27 gonna address the Pulehu Farms appeal so if you

1 could ask staff if that's possible to get that  
2 ready for the...

3 CHAIR ALDRIDGE: Sometime in January.

4 MEMBER HALLER: Sometime towards the end of  
5 January...

6 MS. HAYASHIDA: Ok, so now...

7 MR. KUSHI: What about Kalama Hills?

8 MS. HAYASHIDA: Kalama Hills, we're requesting,  
9 they're gonna be scheduled for Jan, February.

10 MR. KUSHI: February.

11 MS. HAYASHIDA: Yeah, ok. Here's another kicker.  
12 If they have an attorney, Pulehu Farms has an  
13 attorney, then the Department has to get an  
14 attorney. Corporation Counsel has told us, not  
15 him, the litigators have told us they need at least  
16 2 months notice. So, this is not enough time to do  
17 the appeal for Pulehu Farms because then we will  
18 have to give them 2 months notice. And we don't  
19 have 2 months.

20 MEMBER HALLER: What a mess.

21 VICE CHAIR ALDRIDGE: Am I to assume that all the  
22 ones that are marked as "care of attorney" are in  
23 fact being represented by attorneys?

24 MS. HAYASHIDA: By attorneys, yes.

25 VICE CHAIR HOLMBERG: So that doesn't leave you  
26 with many, many non-attorney cases to work with  
27 basically...

28 MS. HAYASHIDA: Yeah.

- 1 VICE CHAIR HOLMBERG: Just Davis and..
- 2 MEMBER MYERS: Blietz.
- 3 VICE CHAIR HOLMBERG: Mr. Blietz, yeah.
- 4 CHAIR ALDRIDGE: One of the, another option is that  
5 contact Mr. Davis, to have our Corporation, our  
6 secretary contact Mr. Davis and say, "listen, we  
7 can up your, we can expedite your case and we have  
8 a committee set up now to..
- 9 MS. HAYASHIDA: In January.
- 10 CHAIR ALDRIDGE: "And do it in January if you're  
11 available."
- 12 MEMBER HALLER: So let us..
- 13 MS. HAYASHIDA: Ok, now, now if he says, "I want an  
14 attorney," then the Department has to get an  
15 attorney and then we're back to the 2 months notice  
16 to Corp Counsel. So, I can try and see Mr. Davis,  
17 if he's available. So if he says he's hiring an  
18 attorney, the Department will have to get their own  
19 attorney and that means..
- 20 CHAIR ALDRIDGE: More time, more time.
- 21 MS. HAYASHIDA: Two months notice with, for Mr.  
22 Davis.
- 23 CHAIR ALDRIDGE: Then the only one that doesn't  
24 have an attorney is the very last one on the list.
- 25 MEMBER MYERS: Blietz.
- 26 MS. HAYASHIDA: Mr. Blietz.
- 27 CHAIR ALDRIDGE: Blietz.

1 MEMBER HOWDEN: Yeah, we can always try that one as  
2 our fall back in case.

3 MS. HAYASHIDA: Do you have a date?

4 MEMBER HOWDEN: Oh, Marion...

5 MEMBER HALLER: No, we need to, that's what I just  
6 said, we need to get in touch Scott and the 3 of us  
7 needs to decide on dates.

8 MS. HAYASHIDA: Scott's on the mainland.

9 MEMBER HALLER: It doesn't mean he's not  
10 contactable, so.

11 CHAIR ALDRIDGE: Yeah, you email him.

12 MEMBER HALLER: So, we have phone numbers, I'm sure  
13 he has his cell phone. Or email. Yeah, so the  
14 first thing, first move would be if you could call  
15 Mr. Davis and find out if he's interested in not  
16 having an attorney and can handle it in January and  
17 if not...

18 MS. HAYASHIDA: I kinda doubt it 'cause he's in  
19 Sacramento and...

20 (several members speaking at the same time)

21 CHAIR ALDRIDGE: Well, you can check, no, no, let's  
22 check that way...

23 MEMBER HALLER: Shouldn't we, if he's given the  
24 option, ok. So you'll let, let us know what he  
25 votes. And if he says no, then we'll do William,  
26 Mr. Blietz and then in the meantime the 3 us can  
27 decide a date. Although I believe Scott said he  
28 needs to have it all (inaudible).

1 MS. HAYASHIDA: Ok.

2 CHAIR ALDRIDGE: Ok?

3 MEMBER HALLER: Ok. Thank you.

4 CHAIR ALDRIDGE: Thank you.

5 MEMBER HALLER: I have a question for Ed? If I  
6 were to be on a, on an appeal that goes, let's say  
7 it doesn't for some reason you know, these things  
8 get held up and whatnot and it moves into April, is  
9 there a way that I can stay on the board for  
10 another month just to be part of finishing an  
11 appeal? Or do I drop out in the middle?

12 MR. KUSHI: Unfortunately, you can't do anything  
13 after your term expires.

14 MEMBER HOWDEN: She couldn't be a participant in  
15 the sub-committee?

16 MR. KUSHI: No. Not after March 31<sup>st</sup>.

17 MEMBER HOWDEN: Members of the public can't do  
18 that? I mean, the way that we would have a  
19 hearings officer who's a member of the public,  
20 could she be a participant?

21 MR. KUSHI: No, I would advise against it.

22 MEMBER HOWDEN: What?

23 MR. KUSHI: I would advise against it. Now, if  
24 you, before March 31<sup>st</sup>, if you sign off on the sub,  
25 sub appeals committee, then you know...

26 MEMBER HOWDEN: Uh huh.

- 1 CHAIR ALDRIDGE: As long as the, you're saying as  
2 long as she gets the chance to review a, a document  
3 prepared by you such as the Conclusions of Law...
- 4 MR. KUSHI: Right, right, right.
- 5 CHAIR ALDRIDGE: You can sign off on it.
- 6 MR. KUSHI: Right, right.
- 7 CHAIR ALDRIDGE: Yeah, by...
- 8 MR. KUSHI: And then you know if, if, let's say,  
9 April, April, April meeting you're not on the board  
10 but if they have questions about what did you mean  
11 by, by this statement...
- 12 MEMBER HALLER: Ok, so I could come before the  
13 Board and answer questions. Ok.
- 14 MR. KUSHI: But you cannot vote as, as a member of  
15 the entire board.
- 16 MEMBER HALLER: Right, but you'll have my  
17 recommendations so.
- 18 CHAIR ALDRIDGE: I won't be here in April either.
- 19 MEMBER HALLER: You won't be here in April either.
- 20 CHAIR ALDRIDGE: My term expires in March.
- 21 MEMBER HOWDEN: So whom else are we losing for...?
- 22 MS. HAYASHIDA: Three, Marion, Lee and Carl.
- 23 MEMBER HOWDEN: Carl, too?
- 24 VICE CHAIR HOLMBERG: Yeah, I was gonna say I was  
25 joined before you, I should be leaving too if  
26 you're leaving.
- 27 MEMBER HALLER: I know so how come...
- 28 MEMBER HOWDEN: Three of 'em?

1 MEMBER HALLER: Could you...

2 MS. HAYASHIDA: Yes, 3 are leaving.

3 MEMBER HALLER: And we're all leaving in March?

4 MS. HAYASHIDA: Uh huh.

5 MEMBER HALLER: Wow.

6 MS. HAYASHIDA: I don't know how that worked.

7 MEMBER HALLER: We didn't all join in March.

8 MS. HAYASHIDA: No, but I think there was one year...

9 CHAIR ALDRIDGE: We'll have an election in  
10 February.

11 VICE CHAIR HOLMBERG: Are you filling somebody's  
12 vacancy or...?

13 MEMBER HALLER: Yeah.

14 CHAIR ALDRIDGE: Yeah, same here.

15 VICE CHAIR HOLMBERG: Oh.

16 CHAIR ALDRIDGE: Same here.

17 MS. HAYASHIDA: All, all 3 of you are. I think  
18 there was one year where they did not appoint any  
19 board members to fill any vacancies.

20 CHAIR ALDRIDGE: But there were some vacancies for  
21 a while, yeah.

22 MS. HAYASHIDA: Yeah. And then, so the next year  
23 they and so the next year they appointed 3,  
24 something and there's one year that there's  
25 nobody's going off. In 2010, nobody's going off  
26 the Board, March 2010 nobody's going off the Board.

27 CHAIR ALDRIDGE: Except by their own volition.

1 MS. HAYASHIDA: Yeah, yeah. So, yeah, for some  
2 reason that's how it worked out.  
3 CHAIR ALDRIDGE: Interesting.  
4 VICE CHAIR HOLMBERG: So in, so in March, oh I'm,  
5 my apologies, Chairman.  
6 CHAIR ALDRIDGE: I'm sorry. I apologize.  
7 VICE CHAIR HOLMBERG: I was just going to try and  
8 clarify. So 3 of us are turning into pumpkins of  
9 March of 09.  
10 MEMBER MYERS: March 31<sup>st</sup>.  
11 MS. HAYASHIDA: Thirty-first.  
12 VICE CHAIR HOLMBERG: Ok, very well.  
13 CHAIR ALDRIDGE: We'll be here at the March  
14 meeting.  
15 VICE CHAIR HOLMBERG: Ok.  
16 MEMBER HOWDEN: Not until April 1<sup>st</sup>, appropriately.  
17 CHAIR ALDRIDGE: (inaudible) we turn into pumpkins.  
18 MEMBER MYERS: Midnight.  
19 CHAIR ALDRIDGE: Is that pumpkins or bumpkins?  
20 VICE CHAIR ALDRIDGE: It's both.  
21 MEMBER HALLER: Gaye? So when do they replace us  
22 or how does that work?  
23 MS. HAYASHIDA: Before March 31<sup>st</sup>, hopefully, if  
24 they can find anybody.  
25 MEMBER HOWDEN: Thanks, ah.  
26 (laughter)  
27 MEMBER MYERS: When I started I didn't even come on  
28 for a few months.

- 1 MS. HAYASHIDA: Yeah, because you weren't  
2 confirmed. See, yours was really weird because you  
3 got appointed for one month...
- 4 MR. KUSHI: One month, yeah.
- 5 MS. HAYASHIDA: And then they had to, you got re-  
6 appointed but then they didn't confirm you until  
7 kinda late. And so you actually didn't start til  
8 after the regular...
- 9 MEMBER MYERS: Month later.
- 10 MS. HAYASHIDA: Or, or, I think...
- 11 MEMBER MYERS: June or something like that.
- 12 MS. HAYASHIDA: Yeah, because you weren't confirmed  
13 by the Council and so...
- 14 MR. KUSHI: She got confirmed twice.
- 15 MS. HAYASHIDA: Yeah, so for one month and then  
16 when, I know they were saying like, "why are we  
17 confirming you again? Didn't we just confirm you?"  
18 They had to explain that you only filled in a one  
19 month term and then need to be re-appointed or  
20 something.
- 21 MEMBER HALLER: So, have we...
- 22 MEMBER MYERS: So, that won't happen again.
- 23 MS. HAYASHIDA: Yeah, 'cause you're serving now a  
24 full 5 year term.
- 25 MEMBER MYERS: Right, ok.
- 26 MEMBER HALLER: So, is the Mayor's office now  
27 looking for people to appoint now so that they can

1 be confirmed by March or is this committee gonna be  
2 a dead duck for awhile?

3 MS. HAYASHIDA: Well, we can always hope that the  
4 Mayor's office is working.

5 MEMBER HALLER: Say again?

6 MS. HAYASHIDA: I said we can always hope that the  
7 Mayor's office is working to fill the board.

8 MEMBER HALLER: Could you, should we like call the  
9 Mayor's office and ask them if they're kinda, or  
10 remind them that 3 members are leaving in March and  
11 we're in an appeals board so it would be really...

12 MS. HAYASHIDA: Well, I'm sure the Director has  
13 been in contact with the Mayor's office..

14 MEMBER HALLER: Ok.

15 MS. HAYASHIDA: To get the board members but it  
16 doesn't hurt, you can always call 'em.

17 MEMBER HOWDEN: Yeah.

18 MEMBER HALLER: Alright.

19 CHAIR ALDRIDGE: Any other comments on that issue?  
20 Marion, is that it?

21 MEMBER HALLER: That's it, thank you.

22 MEMBER HOWDEN: A, a sad day.

23 CHAIR ALDRIDGE: Ok, Receipt of Board members'  
24 request for agenda items to be placed on future  
25 agendas. We do have that one item.

26 MS. HAYASHIDA: I got the, you wanna talk about  
27 the, amending the drought guidelines at the next  
28 one?

1 CHAIR ALDRIDGE: Right.

2 MS. HAYASHIDA: And then, what about the Memorandum  
3 of Understanding with EMI and HC&S?

4 CHAIR ALDRIDGE: Yeah, I would, I would like to  
5 hear about that. I'd like to know why there  
6 haven't been any move to...

7 MS. HAYASHIDA: Ok.

8 CHAIR ALDRIDGE: Confirm that MOU. Any other  
9 items?

10 MEMBER HOWDEN: Kelli and then I have something.

11 CHAIR ALDRIDGE: Oh.

12 MEMBER MYERS: That was the one I think. The,  
13 amending the drought...

14 MS. HAYASHIDA: Yeah.

15 CHAIR ALDRIDGE: Yeah, that's the first one.

16 MEMBER MYERS: Yeah, that's the one.

17 CHAIR ALDRIDGE: Michael?

18 MEMBER HOWDEN: Ok, 4 items. Sorry. Discussion of  
19 eminent domain for Na Wai Eha and East Maui. And  
20 secondly, I have, still have, I have continuing  
21 concerns about the Piiholo Well which has not been  
22 accepted by the Department or the administration  
23 yet, especially the allocation of several hundred  
24 thousand gallons a day from the Upper and Lower  
25 Kula systems where we don't have source adequacy.  
26 I think we need to get back into discussion about  
27 that. Look who should magically appear.

1 (Member Howden is referring to Director Jeff Eng  
2 who just walked in)

3 MEMBER HOWDEN: It would be nice if we could get a  
4 brief update on the Water Use and Development Plan  
5 from Carl Freedman...

6 CHAIR ALDRIDGE: Oh, ok.

7 MEMBER HOWDEN: Which he gave to the Council but  
8 perhaps not the power point that he gave them, the  
9 water, he gave to Water Resources. And then a more  
10 general discussion in terms of water allocation,  
11 you know, I mean GPAC's coming out with their plan  
12 in 6, 7 months, something like that, but to conform  
13 how we're sending water around the County, what  
14 priority uses of that water would be, especially in  
15 terms of, of you know, sustainability.

16 CHAIR ALDRIDGE: Ok. So those are...

17 MEMBER HOWDEN: Those are very general...

18 CHAIR ALDRIDGE: Alright.

19 MEMBER HOWDEN: Do you have those, Gaye? Did you  
20 write those down?

21 MS. HAYASHIDA: Yes.

22 CHAIR ALDRIDGE: Ok. We'll obviously not get to  
23 all 4 those in one meeting.

24 MEMBER HOWDEN: This is a new testifier here?

25 (laughter)

26 DIRECTOR ENG: I have an appeal.

27 (laughter)

28 MEMBER HOWDEN: Ask and it shall be given.

1 DIRECTOR ENG: You're a very giving bunch so I'm  
2 here...

3 (laughter)

4 MEMBER HALLER: Give that man a water meter.

5 (laughter)

6 CHAIR ALDRIDGE: He looks like he needs a water  
7 meter. Well, you showed up at a very timely point.  
8 Right at adjournment.

9 (laughter)

10 DIRECTOR ENG: Well, do you have any questions of  
11 me? I'm sorry we had a long Director's meeting.

12 CHAIR ALDRIDGE: Division Reports, we haven't gone  
13 through Division Reports...

14 DIRECTOR ENG: Ok.

15 CHAIR ALDRIDGE: That's the only thing left. How  
16 was your meeting?

17 DIRECTOR ENG: Well, we had a Director's meeting  
18 and then Mayor caught me. Scold, scolded me a  
19 little bit but I'm all right.

20 CHAIR ALDRIDGE: You're all right.

21 DIRECTOR ENG: You might have read, we had a Water  
22 Commission meeting this week, couple days ago.  
23 That went well. We prepared for, to try to get the  
24 remaining of the sustainable yield. And I think we  
25 had a real good argument following the state water  
26 code. Obviously the newspaper only highlights one  
27 thing about my former life in private...

28 (laughter)

1 CHAIR ALDRIDGE: Yeah, they got that in there.

2 DIRECTOR ENG: But you know there are 7 conditions  
3 that we have to justify and I think we, we  
4 adequately addressed all 7 conditions and why you  
5 know our permits are you know, good. So, we'll see  
6 what happens yeah.

7 MEMBER HOWDEN: Well, I especially liked your  
8 representation of the County as the guardian of the  
9 public, of the public trust.

10 DIRECTOR ENG: Yeah, I think you know from, again  
11 I've worn both hats. I've been on the private side  
12 and I know and that's I think when I took this job  
13 was something that really hit me was this whole  
14 different ball game. Our responsibilities are  
15 totally different. It's not the bottom line of a  
16 corporation, it's, it is a public trust. It is  
17 protecting the, managing the resources so, it  
18 really was enlightening as I say to, to have this  
19 experience so.

20 CHAIR ALDRIDGE: I, when I read that newspaper  
21 article, Jeff, it said that the, that application  
22 for the 3.1 million mpg..

23 DIRECTOR ENG: Yeah, it, it came on to, of the  
24 basal aquifer's 2.291 is the remaining sustainable  
25 yield that's unallocated.

26 CHAIR ALDRIDGE: Oh, ok.

27 DIRECTOR ENG: And then the other one was from this  
28 high level source, 'Iao Tunnel. Currently we have

1 an interim permit for 1.359. We're requesting up  
2 2.2 and so that total is, the way Harry wrote it is  
3 3.1 in total.

4 CHAIR ALDRIDGE: Yeah, when I read the article it  
5 wasn't real clear to me...

6 DIRECTOR ENG: And they're 2 different sources.

7 CHAIR ALDRIDGE: Yeah.

8 DIRECTOR ENG: High level and basal.

9 CHAIR ALDRIDGE: Ok.

10 DIRECTOR ENG: And so...we'll see what happens. I  
11 guess the biggest surprise was the one applicant.  
12 In his permit he only indicated 43,000 gallons per  
13 day and then he came in to amend it. But we picked  
14 some thing a few days earlier, in a letter of  
15 objection to our applications, he indicated  
16 400,000. So, I brought it up in my testimony,  
17 objecting to his permits that there is this  
18 discrepancy that needs to be resolved. So, we'll  
19 see. It'd be an important source for us because  
20 basically for costs. Again, that was to spread out  
21 pumping further and you know, and change our  
22 pumping practices depending on any changes in  
23 chlorides or water levels throughout that aquifer.  
24 So, I'd rather see us managing it then just leaving  
25 it to a private guy. And, I think my, my personal  
26 concern is, it hit me the night after that meeting  
27 is, if he changes his application from 43,000 to  
28 400,000 and given the acreage he has, why couldn't

1 he sell that property, get it subdivided. He'll  
2 meet the Show Me the Water.

3 MEMBER HOWDEN: Uh huh.

4 DIRECTOR ENG: And that's another big 666 home  
5 development going up there so. I was going to talk  
6 to you, our Deputy Corporation Counsel about a  
7 potential contested case hearing because of that,  
8 because the ramifications if he does get his permit  
9 approved to 400,000. We can discuss that over a  
10 couple...

11 (laughter)

12 CHAIR ALDRIDGE: Any comments or questions of the  
13 Division Reports? So, I guess the, when's our next  
14 meeting, Gaye?

15 MS. HAYASHIDA: January 22<sup>nd</sup>. Next full board  
16 meeting, January 22<sup>nd</sup>.

17 VICE CHAIR ALDRIDGE: Twenty-seventh or twenty-  
18 second?

19 MS. HAYASHIDA: I'm sorry, 22<sup>nd</sup>.

20 CHAIR ALDRIDGE: Twenty-second, alright. Well,  
21 before I adjourn the meeting let me wish everybody  
22 a Merry Christmas and a Happy New Year. I'll see  
23 you next year. Meeting adjourned.

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25 (The meeting adjourned at 10:59 a.m.)

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Prepared and submitted by:

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Gaye Hayashida  
Commission Support Clerk

Approved on: \_\_\_\_\_