

1 BOARD OF WATER SUPPLY

2 COUNTY OF MAUI

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10 REGULAR MEETING

11 THURSDAY, JANUARY 22, 2009

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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 9:10 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                                   A P P E A R A N C E S

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3   BOARD MEMBERS:

4       Lee Aldridge, Chair

5       Carl Holmberg, Vice Chair

6       Marion Haller

7       Michael Howden

8       Kui Lester

9       Scott Luck

10      Kelli Myers

11      Phyllis Robinson

12      Ted Yamamura

13

14   STAFF PRESENT:

15      Jeffrey K. Eng, Director of Water Supply

16      Eric Yamashige, Deputy Director of Water Supply

17      Edward Kushi, Jr., Deputy Corporation Counsel

18      Gaye Hayashida, Commission Support Clerk

19

20   OTHERS:

21      John Blumer-Buell

22      Michael Victorino, Councilmember, Maui County

23                   Council

24      Kim Willenbrink, Committee Analyst, Water

25                   Resources Committee

26      Kelly McGinnis, Executive Assistant to

27                   Councilmember Joseph Pontanilla

28

1 CHAIR ALDRIDGE: This is a regular meeting of the  
2 Board of Water Supply. It is Thursday, January  
3 22<sup>nd</sup>, 2009. Happy New Year, everyone. Board  
4 members in attendance include Ted Yamamura, Michael  
5 Howden, myself, Vice Chair Carl Holmberg, Kui  
6 Lester, Scott Luck. We are still expecting Kelli  
7 Myers and Marion Haller and I believe that Phyllis  
8 Robinson will be arriving about an hour late. Is  
9 that correct, Gaye?

10 MS. HAYASHIDA: Twelve noon.

11 CHAIR ALDRIDGE: Oh, 12 noon, alright, thank you.  
12 Approval of the minutes; do we have any comments or  
13 corrections to the minutes? Any board member?  
14 Gaye, I have a few corrections marked on the pages  
15 and so may I just give 'em to you? They're just  
16 editorials.

17 MS. HAYASHIDA: Ok.

18 CHAIR ALDRIDGE: Oh, Announcements; I forgot to  
19 mention. Our commission clerk asked me to remind  
20 board members that they've got financial statements  
21 that are due. And so any of you who haven't filled  
22 those out yet, please do so and give 'em to Gaye a-  
23 s-a-p. Thank you. Let's see we need to approve  
24 the minutes, don't we, Gaye? So if the rest of you  
25 board members trust that I've provided Gaye with  
26 appropriate corrections and modifications, then I  
27 need a motion to approve the minutes.

1 VICE CHAIR HOLMBERG: I move to approve the minutes  
2 as presented.

3 MEMBER LUCK: Second.

4 CHAIR ALDRIDGE: Second, alright, thank you. Those  
5 in favor? Yes. Aye.

6 (a chorus of ayes)

7 CHAIR ALDRIDGE: Thank you very much. Testimony  
8 from the public. We have two members of the  
9 public. Actually one member of the public and a  
10 councilmember here to give public testimony; we  
11 have John Blumer-Buell and we also have our  
12 distinguished Councilmember Michael Victorino.  
13 Thank you. John, you wish to proceed with your  
14 public testimony?

15 MR. BLUMER-BUELL: Aloha, Chair Aldridge and  
16 members of the Board of Water Supply. My name is  
17 John Blumer-Buell and I came over today to testify  
18 specifically regarding Hana District water issues  
19 and I, in making a request for some timely action  
20 or advisement to the Department of Water Supply,  
21 I've listed 6 things that I think you know, that I  
22 would ask you to consider for recommendations to  
23 the Department of Water Supply or to adapt, adopt  
24 as policies. And the reason that I'm here today is  
25 I got a copy of, it's on page 7, and this is a list  
26 of the Mayor's ready-to-go projects for economic  
27 recovery. This is on a, this on a federal website  
28 and I've marked on the first page, it says under

1 Water if there's a Hamoa to Koali waterline at \$8  
2 million. This is one of about 30 water issues  
3 that's on this list. Now, the reason that really  
4 concerns me is because the Hana Community  
5 Association 2005 wrote 2 letters to the Department  
6 of Water Supply, both of which are part of this  
7 hand-out, requesting that the Department of Water  
8 Supply do an environmental assessment as required  
9 by law before pursuing the Hamoa to Koali  
10 waterline. There's many important issues that have  
11 been raised in the community, particularly  
12 archeological, cultural and development issues.  
13 And this is a, a, this request is something that  
14 the community does support. The, so the, my  
15 concern is that it's on this ready to go list when  
16 there's never been an environmental assessment or  
17 EIS done for this so if you could just assure the  
18 community that this will be done before moving  
19 forward, we'd be on the same page with that first  
20 issue. Secondly, in my process of researching the  
21 list and talking to the office of Environmental  
22 Quality Control, I found that the Hamoa Well final  
23 environmental assessment and the finding of no  
24 significant impact has just been approved as of  
25 November. The community knew absolutely nothing  
26 about this, about this EA process now, you can say  
27 it's our fault for not knowing but there's  
28 absolutely no comments from the community in that

1 and so I'm asking you to just recommend to the  
2 Planning, to the Department that they do a  
3 supplemental environmental impact or environmental  
4 statement because...

5 (3-minute timer beeping)

6 MR. BLUMER-BUELL: If you recall there's a very  
7 controversial project a few years ago; a 12-inch  
8 pipeline from Hamoa to Hana town which the, which  
9 the community opposed and the mayor's advisory  
10 committee recommended not putting it in, so a lot  
11 of these issues with the Hamoa Well Number 2 have  
12 never been explored and they should be. The 3<sup>rd</sup>...

13 CHAIR ALDRIDGE: John...

14 MR. BLUMER-BUELL: Yes.

15 CHAIR ALDRIDGE: That was 3 minutes but go ahead.

16 MR. BLUMER-BUELL: I will wrap it up. The 3<sup>rd</sup>, the  
17 3<sup>rd</sup> issue that I would like you to consider for  
18 immediate action has to do with the letter from the  
19 Hana Soil and Water Conservation District; it's the  
20 last page of our packet. And in 19, in 2004 I was  
21 on the board and we asked that the, that the county  
22 council pass a, prepare a domestic water system  
23 master plan and wastewater system master plan for  
24 the Hana region as called for in the Hana Community  
25 Plan. And the people of upper Nahiku wanted a  
26 water, water service from the upper Nahiku Road  
27 towards Ka'elekū. I have over a hundred  
28 questionnaires signed regarding this, that we put

1 out in cooperation with the Tri-Isle HC&D, so  
2 there's community support for this and the big  
3 problem is that the, the water systems in Hana are  
4 not being looked at comprehensively with what the  
5 community wants and what the community needs. Just  
6 as one point on information and then I'll be  
7 finished, is that when that pipeline went in years  
8 ago, the County of Maui had the option to buy a  
9 state of the art system from the Hana Ranch. I  
10 have the offering and the County could've bought a  
11 2 very good wells and a half million gallon state  
12 of the art ceramic lined water storage tank and so  
13 forth; and that would've been probably appropriate;  
14 they never did that and the system's running from,  
15 particularly from Koali all the way to Nahiku need  
16 to be considered as one comprehensive system.  
17 That's never been done. So I hope you'll have time  
18 to read this and I know this wasn't on your agenda  
19 so I appreciate your, your time but the matter of  
20 the environmental assessment for the Hamoa to Koali  
21 waterline could be cleared up if they decide not to  
22 do a supplemental EA for the Hamoa Well No. 2;  
23 those issue will have to be looked at in the, in  
24 the Hamoa to Koali waterline but I'm concerned that  
25 they're getting ready to spend \$800,000 on a second  
26 well that would probably be much better spent in  
27 Nahiku to get those people basic water. There's a  
28 report that I have about various bacterial

1 poisoning that people have gotten in Nahiku that I  
2 could supply you as well. So, anyway mahalo and  
3 any questions?

4 CHAIR ALDRIDGE: Thank you, John. In as much as we  
5 just received this today, rest assured that the  
6 board members will read this and we will take this  
7 under advisement and discussion at a future  
8 meeting. We'll certainly let you know if we have  
9 this on the agenda for future discussion.

10 MR. BLUMER-BUELL: I appreciate that and I  
11 understand that I came over and not being on the  
12 agenda; just so happen that I had to come over  
13 then.

14 CHAIR ALDRIDGE: Well...

15 MR. BLUMER-BUELL: I just got this Mayor's master  
16 list of improvements...

17 CHAIR ALDRIDGE: No problems. Thank you very much.

18 MR. BLUMER-BUELL: Mahalo.

19 CHAIR ALDRIDGE: Mahalo. Alright, our next  
20 speaker, Councilmember Michael Victorino. Welcome,  
21 Mike, welcome home.

22 (laughter)

23 COUNCILMEMBER VICTORINO: Yes, thank you very much  
24 and first of all, let, let me say thank you for all  
25 the hard work you put in it; and I see my  
26 replacement and she is better looking than me. I  
27 was told that a number times so, now I see the  
28 actual fact. So thank you very much Kelli for



1 taking my place. I mean you know, they were tired  
2 of me and they wanted me to move on. Kui, don't  
3 say anything. Anyhow, I've got a couple of items I  
4 wanna make sure I address to you folks. First of  
5 all, as the new incoming Water Resource Committee  
6 chair, let me say that I will want to work very  
7 closely with you folks on many water issues.  
8 Carl's come to my office about rates and others of  
9 you have called and Mr. Howden with the HC&S and  
10 East Maui Water issues, any of you and all of you,  
11 let me say first of all my door is always open to  
12 discuss water issues, ok? Or any issue for that  
13 matter, it's just not limited to water. Secondly,  
14 you see in front of you and I've given you all a  
15 list of all the referred items sent forth from the  
16 prior council to this new council. And as you can  
17 see there's a long list of water issues that are  
18 still not been completed. Aka number 1, WR-1,  
19 Water Supply Rules. Now when I was here with you  
20 folks some 7 years ago we were supposed have gotten  
21 this done and 7 years later it is not completed.  
22 Now, I don't blame the Department, I don't blame  
23 Corp Counsel, I don't blame anybody. But I will  
24 believe, Mr. Eng, we're gonna get it done and I  
25 will do it. And that's one of my promises where  
26 our committee has made that will get that  
27 completed, 'cause without rules it's difficult to  
28 run an operation and have what I call subjective

1 rules or ambiguous rules at times, and that makes  
2 it very difficult. So, that's one of our real  
3 first commitments to work on that and try to get  
4 done. We're gonna try and see if we can get it  
5 done by the presentation of the budget in March.  
6 That's a real lofty goal but if we don't we can  
7 come back in June and finish it up. So, that's the  
8 first phase. Secondly, the water, water  
9 development of the new water sources and the water,  
10 Water Use and Development Plan, WR-4 and WR-16 are  
11 2 other issues that we're gonna be focusing in once  
12 we come back from budget. And that's all gonna be  
13 real pivotal when we do our budget. Water rates  
14 are gonna be very important. I think you folks  
15 have sent something forward to us and we're gonna  
16 be taking a real hard look at it. Next week I get  
17 an opportunity to meet with the man himself and  
18 his, and Mr. Kushi. Gotta remember, gotta use the  
19 proper name, Mr. Eng, sorry, yeah. But no, more  
20 importantly I want you guys to know that we in the  
21 Water Resource Committee are gonna take what I call  
22 the baby steps to make the big picture come to  
23 fruition. Because every journey starts with the  
24 first step; and I think that's what we wanna do.  
25 Get back, get the steps done..

26 (3-minute timer beeping)

27 COUNCILMEMBER VICTORINO: To make the water rules  
28 and all the other issues complete so that you folks

1 and us and the people of Maui County know that the  
2 water is a public trust and that we are gonna take  
3 care the water the best we can. Whether it's Na  
4 Wai Eha, whether it's the East Maui water issues,  
5 whether it's 'Iao; I don't care what it is. If  
6 it's water, it belongs to the people of Maui County  
7 and we should be involved in getting it resolved.  
8 And with your help and all of us, and hopefully  
9 like what Mr. John said about the Obama  
10 Administration and the monies that hopefully will  
11 be forthcoming with CIP, source development and all  
12 that, we better be ready to move. The departments  
13 are working real hard to get there so that we'll be  
14 ready to move on these projects because like you  
15 saw, they'd better be shovel ready to move because  
16 then if they're not the money goes somewhere else  
17 and these are golden opportunities right now. So,  
18 I hope and I ask for your help. Please call upon  
19 me. I'll do my best to help you. Kim, our  
20 administrative liaison for, for our committee, our  
21 legislative liaison, will be here at times and if  
22 you have any questions, you can call Kim  
23 Willenbrink directly. She will be able help you or  
24 get questions to me or call my office direct.  
25 Which ever. Or you can ask Mr. Eng and Mr. Eng  
26 will get it to me somehow it will get to me. Gaye,  
27 you're always welcome to call me too. In fact, my

1 phone's open, anybody can call me. I'm a nice guy.

2 Thank you very much. Any questions?

3 MEMBER HALLER: Mr. Chair?

4 CHAIR ALDRIDGE: Marion.

5 MEMBER HALLER: Hi, whoop. Nice to have you here.

6 COUNCILMEMBER VICTORINO: Thank you. Good morning.

7 MEMBER HALLER: Good morning. I made a, I made  
8 this point to the Board, I think it was last month  
9 and I'd like to make it to you since you've decided  
10 to come join us today; which is this issue about  
11 making sure we're ready to receive funds from the  
12 federal government and the...

13 COUNCILMEMBER VICTORINO: Yes.

14 MEMBER HALLER: State as they go about their  
15 business, is gonna take writing grants and it's  
16 gonna take manpower that we may not have, so I  
17 really encourage you to put in the budget the  
18 manpower to make sure you can find the things, the  
19 opportunities and write the grants and follow it  
20 up; 'cause who's got the time to take on extra  
21 grant writing, so that's my call.

22 COUNCILMEMBER VICTORINO: Yep, and that's a valid  
23 point but again grant writing is just one segment  
24 of all of this. You have to have these projects  
25 shovel ready. Am I correct in saying that, Mr.  
26 Eng?

27 DIRECTOR ENG: That's what we were informed..

1 COUNCILMEMBER VICTORINO: And so that's a little  
2 bit beyond, I mean you can write all the grants you  
3 want but if they're not ready to move, they're  
4 gonna go somewhere else. And let me tell you the  
5 line is long. The line of people and counties and,  
6 and municipalities that are lined up; ask our  
7 mayor, she was just up there, is incredible.  
8 Everybody wants money. I mean, you know, do you  
9 blame anybody? So I think we all wanna take  
10 advantage. So we better make sure we're ready.  
11 Grant writing is for part of it but we better make  
12 sure that the departments, whether it's water,  
13 public infrastructure, I don't care what, ready to  
14 go projects gotta be right there so when the  
15 money's available we get 'em in there and we get  
16 our fair share; so in Maui County, get the  
17 improvements that we so desperately need. One is  
18 water or anything else by the way. Michael, you  
19 don't have anything to ask me today?

20 MEMBER HOWDEN: No, I'm, I'm, I'm speechless.

21 COUNCILMEMBER VICTORINO: Oh no.

22 (laughter)

23 COUNCIL MEMBER VICTORINO: Lee, I don't believe  
24 that one but I'd better leave while I'm still  
25 ahead, right?

26 CHAIR ALDRIDGE: You're well ahead. Your RBI is  
27 very high.

28 (laughter)

1 COUNCILMEMBER VICTORINO: Oh, thank you. Including  
2 I'm doing well, yeah.

3 (laughter)

4 CHAIR ALDRIDGE: Thank you, Michael.

5 COUNCILMEMBER VICTORINO: Thank you very much and  
6 again thank you for all your work and efforts and  
7 like I say together, like Mr. Obama said, We Can,  
8 and I really believe that.

9 CHAIR ALDRIDGE: Thank you.

10 COUNCILMEMBER VICTORINO: Thank you, Lee.

11 CHAIR ALDRIDGE: Thank you for bringing these items  
12 to us because if these are all items that we have  
13 expressed concerns over the last 3 years. It's my  
14 regret that my term expires this March.

15 COUNCILMEMBER VICTORINO: Well, let me say, Lee,  
16 you have been more than a great chair and, and I'm  
17 humbled that I never had a chance to work with you  
18 as chair because I was the chair and you wasn't but  
19 I've heard many good things, Lee, and I thank you  
20 very much for your service and to all of those who  
21 are leaving. I don't know the 3 that are leaving,  
22 thank you. I think you're leaving, Marion; and who  
23 else?

24 CHAIR ALDRIDGE: Carl.

25 COUNCILMEMBER VICTORINO: And Carl. Boy, Lee, all  
26 your leadership one crack, yeah? Wow.

27 CHAIR ALDRIDGE: Start all over.

1 COUNCILMEMBER VICTORINO: Start all over. Well,  
2 just put Michael in charge 'cause he needs  
3 something to do. Anyhow, to all 3 of you, thank  
4 you very much for working with me, working for the  
5 people of Maui County. Mahalo.

6 CHAIR ALDRIDGE: Thank you. Alright next on the  
7 agenda is Appeals. Item A, Appeal 07-03, an appeal  
8 by Thomas L. Behnke on behalf of John C. Behnke,  
9 Jr., of the Director's decision/order dated  
10 September 7, 2007 to deny their proposal to connect  
11 to a new waterline to the Department's water system  
12 to provide fire protection to their subdivision  
13 located at 150-170 Haiku Road.

14 DIRECTOR ENG: Mr. Chair, Deputy Director Yamashige  
15 will update you on that particular appeal.

16 CHAIR ALDRIDGE: Eric.

17 DEPUTY DIRECTOR YAMASHIGE: Thank you very much. I  
18 wish I could come and tell you it's all done, it's  
19 over with, but it's not. The Behnke's attorney did  
20 have a question on the agreement which we looked  
21 and we said we feel that that the agreement  
22 addresses their concern. I did speak to the  
23 Behnke's yesterday afternoon and they were a little  
24 surprised that they hadn't pushed it through. So,  
25 they're anxious, they're just working on it, okay?  
26 Thank you.

27 CHAIR ALDRIDGE: Right. Thank you, Eric. Let's  
28 hope it gets finalized. Item B, Appeal 07-05, an

1 appeal by Susan Burns of the Director of Water  
2 Supply's written decision or order dated November  
3 14<sup>th</sup>, 2007, which decision or order the Department  
4 denied her proposal of the water system improvement  
5 plan as prepared by Silversword Engineering.  
6 Closing arguments and Proposed Findings of Facts,  
7 Conclusions of Law, and Decision and Order. For  
8 this matter the Board may deliberate after the  
9 closing arguments have been presented. For this  
10 matter the Board may convene in executive session  
11 pursuant to HRS 92-5 in order to consult with the  
12 Board's attorney on questions and issues pertaining  
13 to the Board's powers, duties, privileges,  
14 immunities and liabilities.

15 (At this time the Board heard closing arguments on  
16 Appeal No. 07-05, an appeal by Susan Burns and then  
17 went into deliberations. The meeting reconvened at  
18 12:38 p.m.)

19 CHAIR ALDRIDGE: Alright, we back on the agenda.  
20 Item 8, Other Business. We're gonna move to 8C,  
21 Discussion/possible action regarding Amending the  
22 Drought Guidelines to give the Director of Water  
23 Supply discretion to allow hook-ups in times of  
24 drought. I'm doing this specifically because 2 of  
25 our board members will need to leave the meeting  
26 early and so would like get to this item first  
27 before the discussion on drought watch/supply  
28 situation. So, let's begin discussion on item C.



1 I forget who had requested that this is on the  
2 agenda. Kelli, you did. What was your proposal  
3 here?

4 MEMBER MYERS: It was just, it was just that I  
5 guess in the earlier appeal back in September or  
6 August, the decision made by the Department was  
7 based on our rules to the letter, which is fine  
8 but, you know, based on the drought warning/watch  
9 and, and I guess if that discretion is in the hands  
10 of the Director at this point it might be something  
11 that we should allow in the future so that you  
12 know, if it's a system that has to be replaced, an  
13 existing system that has to be replaced then it's a  
14 critical thing even though there's a drought  
15 warning it could save water in the whole, big  
16 picture.

17 MEMBER HALLER: Can I help?

18 MEMBER MYERS: Yes, please.

19 MEMBER HALLER: This was an appeal where the hook-  
20 up to the lateral, to the new stuff that the  
21 private system had put in, was scheduled and then  
22 we had a drought and so like a week later they  
23 couldn't do what they were scheduled to do and all  
24 that bill came up and the whole thing. Well, if  
25 the Director had the discretion to say it's been  
26 scheduled, this is at this point in Haiku or  
27 whatever his consideration might be that he have,  
28 have the ability to say let that hook-up continue.

1 MEMBER MYERS: Because he'd have more knowledge of  
2 this...

3 MEMBER HALLER: That's right.

4 MEMBER MYERS: The condition of the system and you  
5 know that critical major or not. Just the ability  
6 to say well, you know this is a...

7 MEMBER LUCK: That was the case so this, this  
8 system was faulty and ended up in a loss of water  
9 because it wasn't upgraded and it was held to the  
10 rule that it was scheduled on the 12<sup>th</sup> but the 10<sup>th</sup>  
11 the drought was declared therefore it was called  
12 off. So maybe by some sort of grandfather clause  
13 given that it was a good, for the greater good of  
14 the water system that you proceed with that over 10  
15 days or whatever it would have to be or whatever.

16 MEMBER HALLER: Well, it turns out that those pipes  
17 leaked so horribly...

18 MEMBER LUCK: Right.

19 MEMBER HALLER: That there was this vast loss of  
20 water...

21 MEMBER LUCK: Right.

22 MEMBER HALLER: So in retrospect it's like oh my  
23 god, you're damned if you do and you're damned if  
24 you don't. So it just seems to us that the  
25 Director should have some discretion to allow some  
26 things to go forward that are so far along and make  
27 so much sense that he doesn't have to live with  
28 just the letter of the law but there's a little

1 room for him to make some reasonable you know,  
2 judgements.

3 MEMBER LUCK: Yeah.

4 DIRECTOR ENG: That was a, if I may speak...

5 CHAIR ALDRIDGE: Comments, Jeff?

6 DIRECTOR ENG: Yeah, thank you Mr. Chair. That was  
7 a unique situation. I think Eric had a little bit  
8 better knowledge of it but it wasn't just a switch  
9 over to this new private lateral. But also I think  
10 when we became aware of the leak and water loss  
11 then we did proceed to...

12 MEMBER HALLER: Oh yeah.

13 DIRECTOR ENG: To do the hook-up...

14 MEMBER MYERS: Right away, yeah.

15 MEMBER HALLER: You did, you did.

16 DIRECTOR ENG: So you know, that was kinda unique  
17 but yeah I would like to have discretion...

18 MEMBER MYERS: More.

19 DIRECTOR ENG: You know where we can on a case by  
20 case basis. There may be some like large  
21 subdivisions we may not tie-in because the amount  
22 of water required for flushing purposes,  
23 particularly after you chlorinate it, requires  
24 volumes of water. So in a severe drought situation  
25 we may, again on a case by case basis limit  
26 something like that but no, whatever discretion we  
27 can have and not, again on a case by case basis,  
28 that we're not held to whatever practice or

1 decision we made, that is certainly beneficial and  
2 we would appreciate having that.

3 CHAIR ALDRIDGE: So, if we were to refer to  
4 Resolution Number 98-18 which is attached to the  
5 end of our agenda package. Under drought watch,  
6 action item 6 it says, "postpone all mainline tie-  
7 ins using Upcountry water for disinfection and  
8 flushing," is this too specific action item that  
9 would benefit from some modification or relaxation  
10 in the language?

11 (silence)

12 CHAIR ALDRIDGE: I guess I'm directing my question  
13 to you, Jeff or Eric.

14 DIRECTOR ENG: Yeah...

15 DEPUTY DIRECTOR YAMASHIGE: If I can...

16 DIRECTOR ENG: Wanna respond?

17 DEPUTY DIRECTOR YAMASHIGE: Yeah. Lee, if it's  
18 appropriate instead of trying to go point by point  
19 and allow some flexibility on each point, if it's  
20 more beneficial to just give the Director a little  
21 bit more flexibility instead of trying to stick to  
22 the letter of this resolution. I, I'm looking at  
23 Ed 'cause I don't know what legally this means but  
24 I think what you're asking for is just more  
25 flexibility so if special circumstances arise, Jeff  
26 is not held to, to follow this strictly, yeah. So,  
27 more a blanket allowance than a point by point one...

28 MEMBER YAMAMURA: Perhaps...

1 DEPUTY DIRECTOR YAMASHIGE: In my opinion.

2 MEMBER YAMAMURA: A change in the title, like  
3 perhaps "recommended action at the discretion of  
4 the Director" or something to that effect; rather  
5 than action, period?

6 DEPUTY DIRECTOR YAMASHIGE: Uh huh. Sounds...

7 CHAIR ALDRIDGE: Well, Eric, I'm, I'm looking at  
8 these various action items and, and bearing in mind  
9 what the Ted just recommended, and some of these  
10 have monitoring weather forecasts, monitoring  
11 source flows, those are things you do normally  
12 anyway. It appeared to me that the only thing that  
13 really affected the issue at hand was this  
14 postponement of all mainline tie-in...

15 MEMBER HALLER: Number 5 as well.

16 CHAIR ALDRIDGE: And number 5, no new temporary  
17 meters to be issued. I'm, personally I'm, I'm ok  
18 with making some kind of blanket statement, but I'm  
19 looking to Corporation Counsel to help us out here  
20 on how to just make that statement within the  
21 context of this resolution which apparently is  
22 really our only avenue that I understand that we're  
23 able to do.

24 MR. KUSHI: Yeah, Mr. Chair, what it is right now  
25 is this resolution was done back in 1998. At that  
26 time the Board really was the Board, THE Board,  
27 semi-autonomous and told, told the Department where  
28 to get off, how to get off.

1 (laughter)

2 MR. KUSHI: But now things have changed and now you  
3 have a rule in your Rules about the drought  
4 declaration and all that stuff. But then you have  
5 these guidelines which have been issued through a  
6 resolution of the then authority of the Board, and  
7 to my knowledge the Department sort of just follows  
8 what the action steps are. Again, they're  
9 incorporated into the rules via a resolution. The  
10 Board being advisory right now can, in my opinion,  
11 revise this resolution. I caution the suggestion  
12 that, I'm cautious about the suggestion that "just  
13 leave it up to the Director" because again, we  
14 don't want an appeal coming here saying that, oh  
15 you know, the Director abused his discretion by, by  
16 not allowing a service tie-in, or, or using the  
17 H'poko Well or whatever at his discretion so, I  
18 think this, this idea about bringing this thing up  
19 was because of that one appeal. And the facts of  
20 that appeal was that this lady had scheduled a  
21 service tie-in before the Board declared the  
22 drought. So, it's a special instance. Had they,  
23 had she scheduled a service tie-in when the drought  
24 was in effect, the declaration was in effect, I  
25 would hope that the Department would not schedule  
26 that. But this thing came, she scheduled it, the  
27 Board declared and the Department merely followed  
28 the guidelines. So, I'm looking at to avoid

1 further appeals of that nature, something to the  
2 effect that you know, allow service tie-ins where  
3 the scheduling occurred prior to the declaration of  
4 drought, or something to that effect. Now, now  
5 what I passed out to you was, I found this in my  
6 files; Jeff, sorry about this but it's letter dated  
7 August 1<sup>st</sup>, 2007, from Mr. Eng to the Mayor as well  
8 as Michelle Anderson and attached to that letter  
9 has some sort of revised drought guidelines which  
10 you look at the bottom of the page of these  
11 guidelines is dated July 29<sup>th</sup>, 2007. So, you know,  
12 the Department has kinda reviewed it's guidelines  
13 itself; of course without the consultation. But  
14 again, you know, I was just concerned about these  
15 service tie-ins. Now for clarification, one of you  
16 please, Eric or Jeff, distinguish what you mean by  
17 mainline tie-ins and service tie-ins, 'cause it's  
18 used differently. Under the Drought Watch, action  
19 step number 6, "postpone all mainline tie-ins using  
20 Upcountry water for disinfection and flushing."  
21 Under Drought Warning, action number 7, "postpone  
22 service tie-ins." So, what's the difference?

23 DIRECTOR ENG: Yeah, they are different. In the  
24 Drought Watch, item number 6A, mainland, mainline  
25 tie-in is, is somewhat like the example I, I  
26 illustrated was, there's a brand new subdivision  
27 ready to tie-in its water system to our water main,  
28 our existing main. And that's what this is

1 reference to, a legitimate mainline, mainline tie-  
2 in. Whereas, in this Warning, service tie-ins are  
3 basically service laterals. These are smaller  
4 waterlines, again they are also from a water main  
5 but serving, using just an individual water meter,  
6 rather than an entire subdivision. So...

7 MR. KUSHI: Ok so, so, under mainline tie-in, tie-  
8 ins would affect an entire subdivision?

9 DIRECTOR ENG: Entire subdivision, maybe a large  
10 development project. Could be a shopping center,  
11 something like that.

12 MEMBER HALLER: So is that kind of a hole in this?  
13 Does that mean under Drought Watch you would allow  
14 service tie-ins?

15 MR. KUSHI: My understanding is that, the more  
16 severe you get, from a watch to a warning, under  
17 the action steps, under let's say a warning, you  
18 would include the previous action steps under a  
19 Watch.

20 DIRECTOR ENG: So, Watch is...

21 MR. KUSHI: That's my understanding.

22 DIRECTOR ENG: The first step...

23 MEMBER HALLER: Right.

24 DIRECTOR ENG: So, the, the, the projects of  
25 highest demand would first be cut off so that would  
26 be the mainline tie-ins.

27 MEMBER HALLER: Right.



1 DIRECTOR ENG: And then the Warning is the next  
2 step, so we have to take the next...

3 MEMBER HALLER: Go smaller, right, right.

4 DIRECTOR ENG: Step further, yeah, yeah, so. So,  
5 the sequence of this is, is correct.

6 MR. KUSHI: So, an individual meter or the appeal  
7 situation that, I forget what her name was,  
8 Collins, would be Drought Warning, number 7,  
9 postpone service tie-ins.

10 DEPUTY DIRECTOR YAMASHIGE: No, that was a  
11 mainline, yeah.

12 CHAIR ALDRIDGE: Do we, we actually have to, it  
13 seems to me that when we look at these actions you  
14 can already interpret that you would, these  
15 postponement to take place only if the request was  
16 made after the...

17 DIRECTOR ENG: The declaration.

18 CHAIR ALDRIDGE: The declaration...

19 DIRECTOR ENG: Yeah, yeah.

20 CHAIR ALDRIDGE: Meaning that you could already  
21 interpret that had the request for scheduled tie-in  
22 been made prior to the declaration of either  
23 Drought Warning or Watch that you had the ability  
24 to go ahead and proceed with it.

25 DIRECTOR ENG: And you know that would clarify it,  
26 'cause I believe when I first came on board we had  
27 another incident and it could have been a mainline  
28 tie-in and we did not do it because the perception

1 is going to be done in a very visible area and here  
2 we've declared some kind of cut-back and to allow  
3 this thing to proceed. You know, we were just  
4 going to open ourselves up. So it would be good to  
5 have the cut-off whether it's scheduled or not  
6 scheduled. I think that's a good guideline for us  
7 to follow. If it's already been scheduled then  
8 what we can proceed.

9 MR. KUSHI: If it's been scheduled before the  
10 declaration?

11 DIRECTOR ENG: Before the declaration, yes.

12 CHAIR ALDRIDGE: So, it would go ahead and actually  
13 put that into the resolution, amend the resolution  
14 to include that statement?

15 DIRECTOR ENG: Yeah.

16 CHAIR ALDRIDGE: Would that be...I'm sorry, I'm  
17 sorry. I'm so concentrating ahead of me, I didn't  
18 see you trying to motion for a question.

19 MEMBER MYERS: I, you know if there's a large tie-  
20 in, mainline tie-in scheduled though, that might  
21 you know, it's gonna cause, it might have some  
22 large effect on the system; what about, this was  
23 just a replacement of an existing system where,  
24 where the water was already being used out of this  
25 system rather than...

26 DIRECTOR ENG: Yeah, I mean...

27 MEMBER MYERS: And so that's a little more  
28 specific. It's, it's actually, it's already, the

1 water was already going out. It wasn't, and, and,  
2 and the flushing you know, it, it takes the extra  
3 water in this case or in any future cases...

4 DIRECTOR ENG: Yeah.

5 MEMBER MYERS: It could...

6 DIRECTOR ENG: I know it's hard to really come up  
7 with the perfect rule. Like for your example,  
8 Kelli, let's say it is a mainline tie-in and let's  
9 say it's a commercial development, you know leases  
10 have been signed, rents are about to be paid and  
11 then we declare some kind of drought, we couldn't  
12 proceed with the tie-in. People would go nuts.  
13 So, even though we do realize there'd be more water  
14 for flushing purposes, I think we may have to bite  
15 the bullet and go by that, that guideline of when  
16 it's been scheduled or not. Either way we lose it  
17 seems sometimes you know but.

18 CHAIR ALDRIDGE: Well, from what you just said  
19 though, Jeff, you also have pointed out to the  
20 other scenario in which it was already scheduled  
21 but it was a highly visible, highly sensitive area  
22 and then you might choose not to make the  
23 connection only because it's such a, makes such a  
24 public statement.

25 DIRECTOR ENG: Uh huh.

26 CHAIR ALDRIDGE: So, in a way perhaps it serves you  
27 best if we don't say anything about this. Just  
28 leave it to your discretion; whether you're

1 interpreting it as before or after the declaration.

2 I mean, in other words, when it was scheduled.

3 Scott?

4 MEMBER LUCK: I hope that at least if we do have  
5 the, the time declaration that there's, as I call a  
6 grandfather clause but whatever you wanna call it,  
7 Jeff at least can say, "hey, this is already  
8 scheduled, we agree everybody needs to save water  
9 but this is already in the works and we can't  
10 permit some thing that was already, already  
11 scheduled to happen from happening. It's in the  
12 rules." That seems sufficient to me.

13 MEMBER HALLER: All the rule does is move it..

14 CHAIR ALDRIDGE: Yeah, I understand.

15 MEMBER HALLER: Right, you know. I mean how far in  
16 advance; let's ask this, how far in advance are  
17 these things scheduled? How much time are we  
18 talking about?

19 (at this time Member Robinson arrived)

20 DEPUTY DIRECTOR YAMASHIGE: Sometimes couple weeks,  
21 yeah.

22 MEMBER HALLER: Yeah, couple weeks? Two, three  
23 weeks at the most? So, at the most we're allowing  
24 something to happen 3 weeks, right? It was  
25 scheduled yesterday to happen in 3 weeks, drought  
26 gets declared today so now we're literally 3 weeks  
27 minus one day allowing something to happen into the

1 drought. That's the worst we're talking about,  
2 right. So...

3 DIRECTOR ENG: Yeah and that's probably true, yeah.

4 MEMBER HALLER: So, from that standpoint it seems  
5 to me a pretty reasonable modification.

6 CHAIR ALDRIDGE: Michael?

7 MEMBER HOWDEN: Yeah, Jeff, I had a question on,  
8 toward the bottom of the August 1<sup>st</sup> letter. It  
9 said, "therefore, the Department believes it is  
10 solely an operational decision and not a policy  
11 decision" for any kind of drought declaration.

12 DIRECTOR ENG: Yeah, I think at the time we  
13 responded to this, I think just because many times  
14 if we have to make a call like this, just going  
15 through council it required like their approval you  
16 know, through the committee first and then it may  
17 require full council's 2 readings, it could be  
18 several weeks down the road before really full  
19 action is being taken so, just for expediency, yeah  
20 and really it's operational decisions. I mean  
21 we're not going to just call it to call it. We're  
22 actually very conservative. I mean, we wanna make  
23 sure that we're correct, 'cause once you call it  
24 it's hard to retract. So, just allow us that  
25 authority, flexibility and you know, control,  
26 rather than just you know, delaying it.

27 MEMBER HOWDEN: Oh, because as I, as I read this  
28 just above there, the chapter specifically proposes

1 the Director of Water Supply may declare a drought  
2 after consultation with the Board of Water Supply  
3 and with council's approval by resolution.  
4 Somehow, the Board of Water Supply disappears from  
5 this. And, I mean it's generally been our practice  
6 that, that we do advise on drought declarations. I  
7 mean, I, I can see it with the council. The  
8 council can take forever to act on anything, but  
9 the, the sentence or 2 before this.

10 DIRECTOR ENG: Uh huh. I think you know and I  
11 forget when you know in the past..

12 MEMBER HOWDEN: I'm just wondering where we are  
13 with that, I mean.

14 DIRECTOR ENG: Well we would always try to, to  
15 consult with or at least inform you folks. You  
16 know, I don't know if you would desire to have a  
17 special meeting called just for us to, you know, if  
18 that's your desire, we can always do that, but you  
19 know, we, in practice you know, would really assess  
20 the situation and, and meet with the Mayor, make  
21 sure that she understands where we're going and  
22 why. And you know, we would like to keep you folks  
23 in the loop but then we would like to take action  
24 rather than go through the process of going through  
25 council and, and potentially up to a number of  
26 weeks delay so.

27 MEMBER HOWDEN: Well, conversely and it's something  
28 that we discussed over this last year, but you know

1 when Ellen would come in, Water Resource would come  
2 and would say that we're basically out of water in  
3 the public systems, and we would want to declare  
4 some you know, and, and we're in a real dry period  
5 and we're running out of water and we would wanna  
6 declare some kind of thing like the Central and  
7 South, how does that work? How does that work? Is  
8 that solely your decision? Or you know, does the  
9 Board have interface with beyond that? You know,  
10 because you know what I've been studying over the  
11 last year, year and half, especially since last  
12 April and May, when Ellen came in with you know,  
13 later in June put the figures in red, indicating  
14 that we were at deficit positions in the Central  
15 and South systems and also in West Maui, not to  
16 mention Upcountry. How do we begin to deal with  
17 that, I mean, I know it's a very sense, like  
18 findings of shortage should be a very sensitive  
19 declaration for the Department, for the  
20 administration to make, but, but are those things  
21 even on the table or are we just, we just keep  
22 going? 'Cause I mean, I see you as like a very  
23 responsible director, very concerned on, on, on how  
24 you run a public system. But it seems that we're,  
25 we're, we continue to be in a, a growing deficit  
26 situation with our public systems.

27 DIRECTOR ENG: If I can respond to that, Mr. Chair.  
28 We look at a number of things. One is, is Ellen's

1 spreadsheets and all those numbers are basically  
2 based on the water system standards. The infamous  
3 you know, if we're running wells you know, as far  
4 as redundancy. But operating the various systems  
5 we have I personally really look at, at 12-month  
6 moving averages. That's really the key to where  
7 you are as far as your demands. So hers is more  
8 system standards which are based on how much  
9 redundancy you have in your system in terms of  
10 sources and also there is(sic) standards in terms  
11 of your storage. We're always more focused on, on  
12 source. I, I think particularly for Central Maui  
13 and the tool that I've been using since, over the  
14 past year and half is really looking at where we  
15 are in our 12-month moving average. Knowing that  
16 we have permit limits based on 'Iao Aquifer,  
17 production limits at the 'Iao Water Treatment  
18 Facility and certain recommended limits at the  
19 Waihe'e Aquifer. We also have permits for the 'Iao  
20 Tunnel, a high level source in Kepaniwai Well. So,  
21 knowing that we got about 25 million gallons per  
22 day as a Central Maui limit. If you look at  
23 Ellen's system standards we would need about 55, 60  
24 million gallons per day of source to meet proper  
25 back-up based on standards. Very conservative, I  
26 believe in trying to use those as guidelines in  
27 trying to achieve, the Department never has, may  
28 never ever get close but certainly we don't have



1 their proper redundancy we need so, I, I don't ever  
2 discount any of that data. It does show you how  
3 bad that deficit is if you were operating up to  
4 standards. But I look at 12-month moving average  
5 and I just pulled this like for Central Maui; we  
6 had great response to conservation. I started  
7 really tracking this maybe about May or June 2007,  
8 when I fully realized you know, there's something  
9 going on here that's not right you know and in July  
10 '07 our Central Maui 12-month moving average was  
11 25.65 million gallons per day. So, in theory we  
12 were really exceeding really our limits; I'm, I'm  
13 thinking around 25 million gallons per day is where  
14 we should kinda max out. But thanks to the  
15 response of our customers we're down as of end of  
16 December, we down to 23.93 million gallons per day.  
17 Tremendous savings that I never thought we would  
18 ever achieve. So, that's, based on those numbers  
19 we're ok. I still wish we had more redundancy.  
20 We're fighting for them, pushing for that. That's  
21 our main focus.

22 MEMBER HOWDEN: But, but when I looked at Dr.  
23 Gingerich, the USGS' most recent report, salinity  
24 in the Waihe'e and, 'Iao and Waihe'e aquifers has  
25 gone up another 8 feet or so in the last several  
26 months or year. So, the amount of water that we  
27 are using is continue, continuing to at least

1 slightly impair probably the most crucial aquifers  
2 in Maui County. So, I mean...

3 DIRECTOR ENG: Right.

4 MEMBER HOWDEN: We need to address that, that our  
5 present needs, even though we, I mean questions of  
6 redundancy aside, our present needs are, are  
7 hurting our sources of water. And yet we continue  
8 to keep adding...

9 DIRECTOR ENG: Yeah, well I, I follow the USGS'  
10 monitoring wells like everyone and it has shown the  
11 rise in the transition zone and the decline in the  
12 water levels overall. But the fresh water lens is  
13 still significantly thick. We've done a lot in the  
14 past year and a half or so as far as even reducing  
15 the demand on the 'Iao Aquifer. We were, gee at  
16 one point we were over our permits; we were  
17 actually like 17.7 million gallons per day when we  
18 started really looking at what we're doing. Our  
19 12-month moving average for the 'Iao Aquifer again  
20 from 17.7 a year and a half ago, is 15.1, so we're  
21 trying to do all we can as a department to manage  
22 our demands and protect that aquifer. And that's  
23 why recently when we went before the Water  
24 Commission to defend our permits for the remaining  
25 sustainable yield of the aquifer, 2.29 million  
26 gallons per day; it's not so much that we're gonna  
27 pump all that remaining 2.29 but it will allow us  
28 to really manage that aquifer. Since we have

1 already wells in place, we are planning and are  
2 constructing some replacement wells for Shaft 33  
3 but with those wells in place then we can move our  
4 pumping around, based on various data that the USGS  
5 gathers; looking at responding to chlorides,  
6 responding to water levels. But even when I look  
7 at the, I've questioned the USGS about that Waiehu  
8 Exploratory Well B or whatever, Monitoring Well B,  
9 there is some questions about how they're measuring  
10 salinity. They have to admit there are some, you  
11 know it's based on instrumentation. But there are  
12 some things that they're not quite certain about.  
13 If what they're seeing is really true behavior of,  
14 of, of the aquifer. I, I believe what they're  
15 doing. Either you believe or you don't. It took  
16 me awhile to really believe that ok, this is a tool  
17 that they're providing and if it's the only tool  
18 that I have in my pocket I'd better kinda believe  
19 in it. But I'm a skeptic too when it comes to  
20 data. I mean, like soon they will be publishing  
21 the West Maui Groundwater Modeling, head and  
22 shoulders modeling and I reviewed the draft and it,  
23 there's a lot of questions, even though I believe  
24 it. Because the information is only good as the  
25 data they put into that thing. And there really  
26 aren't enough monitoring wells anywhere to get  
27 really true and to me, fully believable data. So,  
28 so yeah, there's a lot of unknowns. I think we're

1 doing the right thing as far as how we're doing our  
2 best to manage our pumping and our practices.  
3 We're cognizant of, of, of the conditions and I  
4 think we're doing the best we can. But yeah, what  
5 do we do? Do we stop everything now? Is, is it  
6 right what we're doing? I think it's correct how  
7 we're managing the aquifers.

8 CHAIR ALDRIDGE: Thank you, Director Eng. With all  
9 due respect to your questions Michael, let's,  
10 let's...

11 MEMBER HOWDEN: Oh sure.

12 CHAIR ALDRIDGE: Get back on...

13 MEMBER HOWDEN: Thank you.

14 CHAIR ALDRIDGE: To the specific agenda item, and  
15 what you're asking about is germane to the question  
16 of discussion points A and B. You're probably  
17 answering most of B before we even asked you the  
18 question, Mr. Eng. So, let's get back to this  
19 agenda on the Drought Guidelines. What I'm hearing  
20 is that it would be advisable to build in some  
21 flexibility here or actually to state specifically  
22 in these drought guidelines that the, these  
23 postponements, postponed, postponement of mainline  
24 tie-ins and postponement of service tie-ins should  
25 be tied specifically to their scheduled dates  
26 versus the declaration of drought watch or drought  
27 warning.

1 MR. KUSHI: Yeah. Mr. Chair, if I may. That being  
2 the case I would suggest perhaps maybe I can draft  
3 a letter for your review to be, be signed by you on  
4 behalf of the Board to the Director with the  
5 recommendation that the points that we discussed,  
6 service tie-ins, temporary meters, only 3 or 4, but  
7 tell him, advise him to put this language in front  
8 of these areas which we, we, unless scheduled prior  
9 to the declaration of the drought watch or warning  
10 whatever, and subject to the Director's discretion,  
11 no new temporary meters, no new service tie-ins.  
12 And..

13 CHAIR ALDRIDGE: That sounds good.

14 MR. KUSHI: Basic, one of the discussion we had  
15 today that gives him the discretion..

16 CHAIR ALDRIDGE: Right, right. That sounds  
17 absolutely acceptable.

18 MR. KUSHI: Oh, one more clarification. I'm sorry  
19 Michael left but that letter, cover letter from Mr.  
20 Eng to Mayor Tavares and Anderson, basically it was  
21 in reaction to, I believe Chair Hokama submitted  
22 his own version of the drought declaration rule  
23 that wanted, that any drought be approved by  
24 council resolution..

25 DIRECTOR ENG: Oh, yeah.

26 MR. KUSHI: I think that's why Jeff said you know,  
27 it takes too long.

1 MEMBER HALLER: That's your response letter to that  
2 draft.

3 MR. KUSHI: So, it didn't, didn't really concern  
4 the guidelines per se.

5 CHAIR ALDRIDGE: And I absolutely agree with your  
6 letter, Director Eng, that it should be an  
7 operational issues not a policy decision. Well,  
8 let's, with that let's move on to item..

9 MEMBER HALLER: Do we need to resolve or move to do  
10 that?

11 MR. KUSHI: I would just..

12 MEMBER HALLER: I'd like to make a motion that Mr.  
13 Kushi's words as read precede items number 5 and 6  
14 under Drought Watch and number..

15 MR. KUSHI: Seven.

16 MEMBER HALLER: Seven in Drought Warning of the  
17 Resolution 98-18 establishing Upcountry Maui  
18 Drought Guidelines.

19 VICE CHAIR HOLMBERG: Second it.

20 CHAIR ALDRIDGE: We have a motion and second. All  
21 those in favor?

22 (a chorus of ayes)

23 CHAIR ALDRIDGE: So moved. Thank you, Marion.  
24 Alright, let's, let's move on to the remainder of  
25 the other 2 business items. Item A, Discussion  
26 regarding the Drought Watch, or I mean, well, water  
27 supply situation, Upcountry water system. Jeff?  
28 Do you want to handle this?

1 DIRECTOR ENG: Certainly. Well overall, and not  
2 just in Upcountry but county-wide demand has been  
3 well in control. Real happy. Upcountry  
4 particularly, it's been very low; amazingly low in  
5 fact. Even the base demand is lower than we ever  
6 have expected. We're looking pretty good as far as  
7 our storage capacity Upcountry. Piiholo is almost  
8 full. Kahakapao for the Upper Kula system is  
9 essentially full. Wailoa Ditch is hanging in  
10 there; it's at 50 million per day, about one  
11 quarter of its capacity. You know, we've had a  
12 couple of recent short term storms that have helped  
13 but they happen episodic in that Wailoa Ditch  
14 hasn't really sustained any high, high volumes  
15 unfortunately. We would like to see that happen.  
16 As we all know it's really been such a mild winter  
17 so far, that..

18 MEMBER HALLER: Cold but mild.

19 DIRECTOR ENG: Yeah, actually chilly, pretty cold  
20 some mornings but yeah so we're, we always keep our  
21 eyes on, on Upcountry water systems quite a bit.  
22 We're fortunate to be able to cut back in  
23 operations at Kamole and save some money from  
24 pumping up. We're able to drop water down from  
25 Piiholo to serve the Makawao system for about, for  
26 about 3 weeks I think when we had Kamole down. So  
27 we've actually been able to save some money. I

1 think we've had to start up some of the phase 10  
2 pumping the other day though but...

3 DEPUTY DIRECTOR YAMASHIGE: Yep.

4 DIRECTOR ENG: But overall demand's been great  
5 county-wide so we're real happy.

6 CHAIR ALDRIDGE: I have one question on the most  
7 recent Upcountry water report, the one that ends on  
8 January 21<sup>st</sup>.

9 DIRECTOR ENG: Uh huh.

10 CHAIR ALDRIDGE: It shows January 15<sup>th</sup> with a demand  
11 of 9.3; just seems completely out of place. Do  
12 you, you have that in front of you?

13 DEPUTY DIRECTOR YAMASHIGE: No.

14 DIRECTOR ENG: On the 15<sup>th</sup>? Do you have the 15<sup>th</sup>?  
15 (several members speaking at the same time)

16 MEMBER LUCK: I think it's double counting..

17 MEMBER HALLER: It's the first line.

18 MEMBER LUCK: The 3.7.

19 MEMBER HALLER: The first day.

20 MEMBER LUCK: That's what it looks like.

21 DIRECTOR ENG: Yikes!

22 MEMBER LUCK: Kamole and Piiholo.

23 CHAIR ALDRIDGE: Doesn't look right.

24 DIRECTOR ENG: Yeah, something...Yeah, because even  
25 before that it was all down in the 4 to 5 range..

26 CHAIR ALDRIDGE: Yeah, and what Marion just  
27 mentioned was that it shows Kamole at 3.7 and  
28 Piiholo at 3.7.



1 DEPUTY DIRECTOR YAMASHIGE: Yeah.

2 MEMBER HALLER: They're typos.

3 CHAIR ALDRIDGE: Yeah.

4 MEMBER LUCK: Yeah, it's one of them.

5 DEPUTY DIRECTOR YAMASHIGE: I think Kamole was down  
6 at that time so, that's probably the error.

7 CHAIR ALDRIDGE: Yeah. Well, that being the case I  
8 looked at the average for the 2 weeks this, the  
9 ending January 21<sup>st</sup> this year and January 22 last  
10 year at this time and it looks like we're 6% lower  
11 than even last year.

12 DIRECTOR ENG: Wow.

13 MEMBER HALLER: It's amazing.

14 CHAIR ALDRIDGE: Yeah, it was last year for 2 weeks  
15 with 5.89 and 5.94 and this year it's 5.60 and 5.49  
16 including the 9.3.

17 DIRECTOR ENG: Wow.

18 CHAIR ALDRIDGE: Which means that it's really more  
19 like 5.3 this last week. That's, that's, it's  
20 amazing. And we have, we've really seen a lowering  
21 of the demand and the reservoir levels are, they're  
22 fairly close. They were a little bit higher last  
23 year. They were, varied from 148 to 160 and this  
24 year's it's like 144 to 158 during that 2 week  
25 period. Are we still in Drought Watch or Drought  
26 Warning? I'm completely lost, I don't know where  
27 we're at.

1 DIRECTOR ENG: Yeah, we're, we still have the 5%  
2 warning for Upcountry that we instituted back in  
3 May of 08, 07 and then even for Central Maui...it's a  
4 watch, I'm sorry. And Central we have a 10%  
5 voluntary since that was towards the end of summer  
6 of 07. And we just kept them in place and often,  
7 recently we have thought about what do we do with  
8 that. I kinda like to think, keep it in place.  
9 It's kinda like, I kinda compare it to like when  
10 you, when you dabble the stock market, you know you  
11 make one decision to purchase a stock but the  
12 hardest one is when to sell it. And that's kinda  
13 like where we're at with our, our, our watches, our  
14 warnings is what do we do.

15 CHAIR ALDRIDGE: That's an analogy that comes very  
16 close to heart.

17 (laughter)

18 DIRECTOR ENG: So, yeah...

19 CHAIR ALDRIDGE: Yeah, I, I wanted to ask you that  
20 question because about a week and half ago when it  
21 was pouring in Haiku I was thinking about the  
22 Drought Watch situation.

23 DIRECTOR ENG: I know, I'm always worried about the  
24 reaction if we pull them off; what the message is  
25 to the public? Go for broke?

26 CHAIR ALDRIDGE: Perhaps it'd be wise to wait  
27 through the January, February, to see how the rest  
28 of this winter goes.

1 DIRECTOR ENG: Yeah, yeah.

2 CHAIR ALDRIDGE: Marion, you have...

3 MEMBER HALLER: Well, yeah. I just think there's  
4 the public perception begins to be out of this.  
5 This is a long term problem. Whereas if you do the  
6 off, on, off, on thing it's just a momentary thing,  
7 right?

8 CHAIR ALDRIDGE: Right.

9 MEMBER HALLER: But they're kinda getting it. I  
10 mean, they're behavior indicates it. they're  
11 getting it. This has been for a year and half...

12 DIRECTOR ENG: They are getting it. I know.

13 MEMBER HALLER: They're down in use. They get it.  
14 But this is a long term problem even if it rains  
15 for awhile. So I think given the island's you  
16 know, situation I think it's wise to let that  
17 perception remain and not mess with it.

18 CHAIR ALDRIDGE: I'm inclined to agree.

19 DIRECTOR ENG: Yeah. I agree.

20 CHAIR ALDRIDGE: So, it looks like we're all in  
21 agreement.

22 DIRECTOR ENG: Great, great. Sounds good.

23 CHAIR ALDRIDGE: Ok. What about, you already  
24 started talking about the Central, West Maui; any  
25 other updates?

26 DIRECTOR ENG: No other comments, again overall,  
27 again demand's been excellent so I have nothing to  
28 complain about.

1 CHAIR ALDRIDGE: And you actually got some water  
2 over in West Maui from the last rains.

3 DIRECTOR ENG: Yeah.

4 CHAIR ALDRIDGE: Alright, let's move on to item D,  
5 Receipt of Board member request for agenda items to  
6 be placed on future agendas. I've got a request to  
7 put election of board officers on the February  
8 agenda given that we're gonna lose 3 board members  
9 in March. March is the last month that I and the  
10 vice chair and Marion will be here. Yes, Marion.

11 MEMBER HALLER: I just wondered if there's a, I  
12 liked to bring it up not as a fait accompli but  
13 just to discussion. Is there any point in having  
14 further conversations about the possibility to move  
15 along our appeals which starts me with the side  
16 question, Gaye, do we have any thing to add to this  
17 list or...So we have no new appeals.

18 MS. HAYASHIDA: No new appeals.

19 MEMBER HALLER: That's nice. That's nice.

20 CHAIR ALDRIDGE: Not only are there no new there's  
21 another withdrawal, you noticed.

22 MEMBER HALLER: The Aloha Mansions, I had that  
23 already. I think you gave that to us verbally the  
24 last time.

25 MS. HAYASHIDA: Just a note, Mr. Jim Davis who is  
26 after Kalama Hills which is scheduled; Kalama Hills  
27 we're tentatively gonna schedule for February, and  
28 this one we wanna place before the full board

1 because of their, their reasons for their appeal,  
2 ok.

3 MEMBER LUCK: So, that, that becomes problematic  
4 with 3 members exiting and we won't even have a  
5 quorum, yeah we would still.

6 CHAIR ALDRIDGE: Well, you have quorum only if you  
7 have 5 members present.

8 MEMBER LUCK: Right.

9 CHAIR ALDRIDGE: So if you have any one member not  
10 present...

11 MEMBER HALLER: As far as full attendance.

12 CHAIR ALDRIDGE: You won't have...

13 MEMBER ROBINSON: You're looking at me?

14 MEMBER HALLER: Yeah, for the next 3, like 2, 3  
15 months...

16 MEMBER ROBINSON: I'll be here.

17 MEMBER HALLER: Yeah, you need to commit.

18 CHAIR ALDRIDGE: Everybody, I mean, basically.

19 MEMBER HALLER: Well yeah but the 3 of us will be  
20 gone but...

21 CHAIR ALDRIDGE: That's right.

22 MEMBER HALLER: But the rest of you all need to  
23 commit to be present for 3 months in order to  
24 resolve it.

25 MS. HAYASHIDA: If the Board can hear their case in  
26 February and then deliberate in March...

27 MR. KUSHI: Before they get out.

1 MS. HAYASHIDA: Before you get out then you would  
2 have that...

3 MEMBER LUCK: That's true.

4 MS. HAYASHIDA: Sign out.

5 CHAIR ALDRIDGE: No pressure.

6 MEMBER LUCK: Yeah, right.

7 MS. HAYASHIDA: I mean, but that would be, depend  
8 upon the attorneys involved...

9 CHAIR ALDRIDGE: Right.

10 MS. HAYASHIDA: And...I don't know.

11 CHAIR ALDRIDGE: Yeah, and I would say that if, if  
12 they cannot be scheduled for February there's no  
13 point in scheduling March because, for that,  
14 because you know that, that'll be...

15 MS. HAYASHIDA: Or, or we can move on to Pulehu  
16 Farms.

17 MEMBER HALLER: I was gonna...Find somebody who can.  
18 Find somebody who's available in February.

19 MS. HAYASHIDA: Which would be Pulehu Farms. But  
20 you know, Mr. Davis is the next one after Kalama  
21 Hills as I was saying and he still has not  
22 committed whether he's gonna hire an attorney or  
23 not. And so it's kinda like up in the air. I  
24 can't schedule him because if he is gonna hire an  
25 attorney, then the Department has to get an  
26 attorney and they gotta get 2 months notice to Corp  
27 Counsel and so, I would say that if Kalama Hills

- 1 cannot come then if you wanna move on to Pulehu  
2 Farms in February. Oh no. Can't do that.
- 3 MEMBER HALLER: But that's the same thing.
- 4 MS. HAYASHIDA: You need an attorney.
- 5 MEMBER HALLER: It's 60 days.
- 6 DIRECTOR ENG: And we need a staff report too for  
7 Pulehu Farms.
- 8 MR. KUSHI: So, has my office been notified about  
9 Kalama Hills?
- 10 MS. HAYASHIDA: Yes.
- 11 MEMBER HALLER: So the, so your staff's already on  
12 to reviewing this?
- 13 MS. HAYASHIDA: The litigation staff, I believe  
14 Jane Lovell is gonna be..
- 15 DIRECTOR ENG: And our staff is preparing the staff  
16 report.
- 17 MEMBER HALLER: So, we don't need 60 days for that  
18 because that's already started?
- 19 MS. HAYASHIDA: That's already started, I started  
20 that in December.
- 21 CHAIR ALDRIDGE: Which one are we talking about  
22 now? Kalama Hills?
- 23 MEMBER HALLER: Kalama Hills.
- 24 MS. HAYASHIDA: Kalama Hills. So if for some  
25 reason they can't make it for February then I don't  
26 think..
- 27 MEMBER HALLER: Tell them then they're out.
- 28 CHAIR ALDRIDGE: Well, then they're up for April.

- 1 MS. HAYASHIDA: Yeah, we can't schedule anybody  
2 until April.
- 3 CHAIR ALDRIDGE: Make it clear to them so they  
4 understand.
- 5 MEMBER HALLER: Yeah, really they're holding  
6 everybody up, yeah.
- 7 MS. HAYASHIDA: Yeah, and I guess just, just need  
8 it from the Department as to whether it's a go with  
9 their side and if it is then I can contact the  
10 Kalama Hills attorney and let them know that we're  
11 scheduling for February.
- 12 DIRECTOR ENG: Yes, it's a go.
- 13 MS. HAYASHIDA: Oh, it's a go. Ok. So, Kalama  
14 Hills then.
- 15 CHAIR ALDRIDGE: Right. Ok.
- 16 MS. HAYASHIDA: And I'll, as soon as I get back I  
17 will contact their attorney by phone and let him  
18 know it's scheduled.
- 19 CHAIR ALDRIDGE: I'd like to bring this item that  
20 John Buell brought to you know, our attention for  
21 discussion. This is the Hana Water District  
22 issues. Nobody's had a chance to read it.
- 23 DIRECTOR ENG: I, I briefed myself on it and I  
24 spoke with John after, when you broke..
- 25 CHAIR ALDRIDGE: Perhaps we could just bring this  
26 up as a discussion item then and there's some..
- 27 DIRECTOR ENG: Sure.



1 CHAIR ALDRIDGE: Issues here that would be  
2 advisable for you to respond to us on what the  
3 Department's been doing.  
4 DIRECTOR ENG: Yeah, ok.  
5 CHAIR ALDRIDGE: I'm sure I completely accept all  
6 these assertions in here.  
7 DIRECTOR ENG: Yeah, yeah.  
8 CHAIR ALDRIDGE: So.  
9 DIRECTOR ENG: Yeah, I'll clarify that as best I  
10 can.  
11 CHAIR ALDRIDGE: Ok, yeah, we'll put that on, on  
12 the agenda.  
13 DIRECTOR ENG: Ok.  
14 CHAIR ALDRIDGE: And given that we have potentially  
15 Kalama Hills and the final deliberations and, and..  
16 MS. HAYASHIDA: I think yeah, what you're gonna  
17 have to do is accept the findings of fact, right?  
18 CHAIR ALDRIDGE: Right, right, on Burns. Probably  
19 won't want too many items on the agenda.  
20 MS. HAYASHIDA: And then again the Behnke appeal  
21 will be back on.  
22 CHAIR ALDRIDGE: Right, hopefully that'll be..  
23 VICE CHAIR HOLMBERG: Forever.  
24 MEMBER HALLER: Eric?  
25 DEPUTY DIRECTOR YAMASHIGE: It'll be done. It will  
26 be done.  
27 CHAIR ALDRIDGE: Don't show up, Eric.  
28 (laughter)

1 DEPUTY DIRECTOR YAMASHIGE: Ok.

2 CHAIR ALDRIDGE: Unless you have good news. Ok,  
3 any other items that we must have on the agenda. I  
4 know if Michael were here we'd have 4 more.  
5 Alright, any comments on the Director's Report?

6 DIRECTOR ENG: I have nothing, thank you.

7 CHAIR ALDRIDGE: None.

8 MS. HAYASHIDA: Mr. Chair? I guess nobody looked,  
9 really looked at the Division Reports. I'm sorry  
10 I'm jumping ahead.

11 CHAIR ALDRIDGE: I actually, I was, I meant the  
12 Division Report when I said Director's Report..

13 MS. HAYASHIDA: Oh, ok.

14 CHAIR ALDRIDGE: I apologize.

15 MS. HAYASHIDA: Ok, there is an error. And I  
16 didn't catch it until after I printed out all the  
17 copies. Page one, if you notice the date is  
18 September 8. No, no, no. If you look inside it'll  
19 say September 8. I don't know how that got in  
20 there.

21 DIRECTOR ENG: How about that date?

22 MS. HAYASHIDA: Oh.

23 MEMBER HALLER: We'll cross it out.

24 MS. HAYASHIDA: Oh! Yeah, yeah, yeah.

25 DIRECTOR ENG: Another one.

26 MS. HAYASHIDA: Another one, yeah ok. A lot of  
27 errors there.

28 DIRECTOR ENG: I'm confused there, Gaye.

1 MS. HAYASHIDA: But, I don't know how that report  
2 got in the Division Reports.  
3 DIRECTOR ENG: Oh maybe we replace this one.  
4 MS. HAYASHIDA: That's the current one, I'm sorry.  
5 DIRECTOR ENG: Oh, I see. Ok, ok, ok, ok. I  
6 thought she was pointing out this one, page one.  
7 MEMBER HALLER: Did we put this on the agenda? All  
8 of these priorities and what...  
9 CHAIR ALDRIDGE: If you want.  
10 MEMBER HALLER: It's a lot next time, but I mean  
11 interesting to see their priorities; it'll be  
12 interesting to talk about what we wanna do with any  
13 of those or give input or...  
14 CHAIR ALDRIDGE: Sure.  
15 MS. HAYASHIDA: Oh, and then going back to the  
16 Division Reports again, I just got Ellen's  
17 Groundwater Report a couple days ago so if in case  
18 you wanna look at it.  
19 CHAIR ALDRIDGE: Gaye, let's add to the next  
20 meeting agenda just a brief discussion on this,  
21 this that Mike Victorino brought us from Water  
22 Resources Committee. Jeff, did you have a report  
23 for us? You didn't have anything to report?  
24 DIRECTOR ENG: No, I don't.  
25 CHAIR ALDRIDGE: Ok.  
26 DIRECTOR ENG: Thank you.  
27 CHAIR ALDRIDGE: Alright, I think we've done  
28 everything for today.

1 MS. HAYASHIDA: Any questions on the  
2 Communications, the letter of withdrawal?

3 CHAIR ALDRIDGE: Any board member? Any comment?

4 Alright, thank you. Meeting is adjourned.

5

6 (The meeting adjourned at 1:30 p.m.)

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Prepared and submitted by:

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Gaye Hayashida  
Commission Support Clerk

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