

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR MEETING  
WEDNESDAY, APRIL 28, 2010  
(RECONVENED FROM APRIL 22, 2010)

Held at the Department of Liquor Control  
Conference Room, David Trask Building, Room 105,  
Wailuku, Maui, Hawaii, commencing at 09:00 a.m.

Transcribed from the audio recording by Gaye  
Hayashida, Commission Support Clerk, Department  
of Water Supply, County of Maui.

A P P E A R A N C E S

1

2

3 BOARD MEMBERS:

4

5 Michael Howden, Chair

6 Phyllis Robinson, Vice Chair

7 Kevin Boteilho

8 Patricia Eason

9 John Hoxie, Jr.

10 Kelli Myers

11 Ted Yamamura

12

13

14 STAFF PRESENT:

15

16 Jeffrey K. Eng, Director of Water Supply

17 Edward Kushi, Jr., Deputy Corporation

18 Counsel

19 Ellen Kraftsow, Water Resources &

20 Planning Program Manager

21 Gaye Hayashida, Commission Support Clerk

22

23

24

1 CHAIR HOWDEN: So, I'd like to call our  
2 recessed meeting of April 22<sup>nd</sup> back into  
3 order. Ed, should I recognize everyone?

4 MR. KUSHI: Yeah.

5 CHAIR HOWDEN: Ok. Start with our new  
6 member, Kevin Boteilho; Ted Yamamura; Vice  
7 Chair Phyllis Robinson; Patricia Eason from  
8 Hana; John Hoxie; and myself Michael Howden;  
9 our director, Jeffrey Eng; and our Deputy  
10 Corporation Counsel Ed Kushi; and Gaye  
11 Hayashida. So, has everyone had a chance to  
12 review these documents?

13 (silence)

14 MEMBER HOXIE: Yes.

15 VICE CHAIR ROBINSON: Yes.

16 MEMBER EASON: Yes, yes.

17 (laughter)

18 CHAIR HOWDEN: Ohhh, ok. That sounds like  
19 a real yes. Ok. Where shall we begin?

20 John, do you wanna start?

21 MEMBER HOXIE: Oh, sure. I, you know, I,  
22 I, first of all, I think that we should  
23 thank Phyllis and Michael for putting  
24 together this, this document and after 2

1 plus months of all the stuff that's been  
2 going on to have it boiled down is really  
3 good. I think that, also that if we can we  
4 should try and use this as a framework for  
5 all the other plans 'cause we're gonna have  
6 to go through this 5 more times. So  
7 hopefully it'll be kind of a boilerplate.  
8 In general, I think it's good. I have, I  
9 have a few comments and I don't know how we  
10 wanna do this. I could just go down the  
11 marks that I've put on mine and you can look  
12 at on yours or write it or cross it off or  
13 whatever but I think that the, the first  
14 paragraph after the March two, two-ten date  
15 talks about the, honor the public process,  
16 take into consideration the comments, so on.  
17 I think those are very good and I think  
18 those will apply to all the other plans  
19 also. Going on to page 2. I think that  
20 the, my concern about the public testimony,  
21 I think is we really only heard from one  
22 particular area. We had no, really very  
23 little input from, from other people other  
24 than the, those concerned about customary

1 and traditional uses. And so there's a  
2 whole other group of people out there that,  
3 I think they're comments might also be very  
4 important. And I, and I, the comment about  
5 acknowledging thousands of years of  
6 knowledge by the kanaka maoli, I have no  
7 problem with that but in, in, in today's,  
8 today's environment you know, we need facts  
9 and figures and you know, we need to know  
10 what, what those things are. And, but I  
11 think that, I think overall this is, this is  
12 good but I do think we need to acknowledge  
13 the fact there are other people that, that  
14 would comment and haven't commented yet.  
15 Number 4, I've been wrestling with this  
16 about whether we need, need to even have it  
17 in there but I think this is good. I mean,  
18 it acknowledges the fact that you know this  
19 is state law and so I think that's fine.  
20 Number 5, I have real problems with. I  
21 don't think this is, I think we're going too  
22 far afield here. You talk about eminent  
23 domain. The, the statement "private  
24 entities to control distribution of water

1 against Hawaii State law or Hawaii State  
2 Supreme court rulings", I don't know if  
3 that's true or not. So I would like that  
4 whole thing to be cleaned up or deleted.  
5 Talk about HC&S developing fuel for military  
6 use, I don't know anything about that. So,  
7 maybe I missed the boat here but if that's a  
8 fact; I know that they have some project  
9 that they're working on but I have no idea.  
10 It gives it a real bad connotation; they're  
11 going to be doing something for military  
12 aviation fuel. And then the last sentence  
13 about how the water allocation for growing  
14 something other than sugar cane. You know  
15 to me that's HC&S's business. It's not us,  
16 for us to tell them what to grow. Anyway,  
17 this whole Number 5 I think needs a lot of  
18 work. I think the rest of it looks, looks  
19 pretty good. The energy production power  
20 management section, you know I know that if  
21 they put windmills at Kamole, I'm gonna be  
22 looking at 'em from my house so, but I, I'm,  
23 I'm all for alternate energy of sources.  
24 And on North Basal Groundwater, the comment

1 about extraordinary expensive proposition as  
2 Ellen pointed out that was one of the more  
3 cost, cost effective ways so I don't think  
4 we should be making judgments. We should,  
5 we should be pointing these things out as  
6 potential sources and like I said before  
7 this is a planning document, where the water  
8 is and I think a lot of the details is gonna  
9 come out later as we get going. East Water  
10 Basal Groundwater, I think that the, we, we  
11 heard from, from the people about the  
12 consent decree but I, I still think this is  
13 an option that needs to be looked at. It  
14 may never fly. But I think it's, it's, it's  
15 an option. Na Wai Eha Surface Treatment  
16 Water, I, I, I really don't know much about  
17 the, the Waihe'e or the Waiale details. We  
18 had one person testify about the fact that  
19 Waiale is not good, about burials and, and  
20 which I'm very sensitive to also. But I  
21 think we shouldn't be recommending another  
22 site just because one person talked about  
23 it. We, we haven't heard the whole picture.  
24 Extensive Conservation Wastewater Recycling,

1 and I think that the, is very good. I think  
2 that the comment about reviewing the  
3 Memorandum of Understanding of HC&S; I  
4 wonder if that should be better placed as a  
5 strategy for the Upcountry, one of the, one  
6 of the focus points for the Upcountry plan  
7 rather than in here. I know that bringing  
8 water into the Central Valley from, from  
9 Upcountry can happen through HC&S's system.  
10 And maybe that, that should be noted as an  
11 option. That's it.

12 CHAIR HOWDEN: Well done, well done.

13 VICE CHAIR ROBINSON: Thank you so much,  
14 John.

15 CHAIR HOWDEN: So I, at this point I'd  
16 like, Ed, would you be comfortable  
17 commenting on public trust doctrine and the  
18 potential use of eminent domain and what  
19 are, you know?

20 MR. KUSHI: The state constitution as well  
21 as the case law in that Waiale series of  
22 cases, did, did restate the general doctrine  
23 that all, all waters are held in public  
24 trust for the people. The question is who

1 are, who are the trustees? Again, the case  
2 law basically states that anyone who has  
3 possession or control or places the burden  
4 on some aspects on government. Again, not  
5 all water systems are publicly owned. In,  
6 on Honolulu most of 'em are, neighbor  
7 islands most of 'em aren't; lot of private  
8 water systems. Again, this is where I  
9 believe the State Water Commission in those  
10 instances would be the main so-called  
11 trustee to protect that, that resource. And  
12 they protect it in many ways; one of course  
13 by designation if they need to. On Maui we  
14 have this area, groundwater designation as  
15 well as the surface water designation. And  
16 the State Commission then has oversight and  
17 jurisdiction as to who uses how much through  
18 permits. The other areas of the island as  
19 well as the county is really a wild, wild  
20 west until, until they apply for a permit.  
21 To, to drill a well they need to go to the  
22 State Water Commission. And the State Water  
23 Commission, again, looks at the county  
24 documents as far as where should the water

1 be directed, etcetera. This is what you  
2 have here. But again, the general doctrine  
3 is that all waters, unlike the history of  
4 the western of U.S., if you own the land you  
5 own the water. That's not the case here in  
6 Hawaii. You own the land but the water is,  
7 the water or minerals under that land is a  
8 public trust. Once you bring that water up  
9 you can't hog it all. This, this is the, or  
10 you'd be subject to oversight. Again, my,  
11 my concern was always who is the trustee, is  
12 it the county, is it the state, is it the, a  
13 private company on behalf of shareholders  
14 versus the public? Again, I can't really  
15 answer that. But I do know that if it comes  
16 in the county's hands then of course we hold  
17 it for the general public.

18 MEMBER HOXIE: So, could we say then today  
19 that the trustee right now is the water  
20 commission?

21 MR. KUSHI: Overall.

22 MEMBER HOXIE: Yeah.

23 MR. KUSHI: Again, once commission grants  
24 the, a permit to the county..

- 1 MEMBER HOXIE: Right.
- 2 MR. KUSHI: Then again we, the county  
3 becomes the trustee.
- 4 MEMBER HOXIE: So then the, the, the Water  
5 Commission as a trustee approves or  
6 disapproves how it's used, today?
- 7 MR. KUSHI: Right. If, if its, if an area  
8 is designated specifically yes, they control  
9 the permits, the water use permits..
- 10 MEMBER HOXIE: Right.
- 11 MR. KUSHI: And who can use it. If an area  
12 is not designated, they have oversight in  
13 terms of groundwater well permits.
- 14 MEMBER HOXIE: Right.
- 15 MR. KUSHI: I'm not too sure about if an  
16 area is not designated like, like say  
17 Upcountry...
- 18 MEMBER HOXIE: Right.
- 19 MR. KUSHI: There are no, there are no  
20 stream permits as of yet. But that, that's  
21 in flux right now through the establishment  
22 of interim instream flow standards.
- 23 MEMBER HOXIE: Right.
- 24 MR. KUSHI: Then I, I think that the Water

1 Commission, they're holding hearings right  
2 now. That, that issue all came about  
3 through the State Board of Land and Natural,  
4 State Department of Board of Land and  
5 Natural Resources issuing long-term permits  
6 to draw from that Kahana area.

7 MEMBER HOXIE: Right, East Maui Watershed,  
8 yeah.

9 MR. KUSHI: They eventually, everybody else  
10 jumped in.

11 MEMBER HOXIE: Right.

12 MR. KUSHI: Including the taro farmers.  
13 That's how it all began.

14 MEMBER HOXIE: So right now the Water  
15 Commission is, is the trustee?

16 MR. KUSHI: In my mind, yes.

17 MEMBER HOXIE: Yeah.

18 MR. KUSHI: But again, you know the case  
19 law seems to say any government entity is a  
20 trustee also.

21 MEMBER HOXIE: Yeah.

22 MS. KRAFTSOW: Doesn't the state  
23 constitution...

24 CHAIR HOWDEN: Ellen, why don't you come

1 forward and then the mike can pick you up  
2 better 'cause you tend to speak a little  
3 softly and the chairs up here are more  
4 comfortable than back there anyway. And  
5 you're an essential part of our meeting.

6 MS. KRAFTSOW: The state constitution,  
7 article 11 also says that the state and its  
8 political subdivisions have this  
9 responsibility now so, I always thought the,  
10 the political subdivisions of the state,  
11 that's the counties or is that every, you  
12 know.

13 MR. KUSHI: We're a political subdivision.

14 MEMBER HOXIE: Yeah.

15 CHAIR HOWDEN: Permitted?

16 MR. KUSHI: Huh?

17 CHAIR HOWDEN: Permitted?

18 MR. KUSHI: Political subdivision.

19 CHAIR HOWDEN: Naw, I'm just kidding. Ok.

20 MR. KUSHI: We have a charter.

21 CHAIR HOWDEN: So Kelli, to bring you up to  
22 date, John, we began with John Hoxie and I  
23 think John's biggest concern was on the use  
24 of eminent domain, our comments on that.

1 MR. KUSHI: Yeah, my, my response to that  
2 is eminent domain is a process, it's a tool  
3 to get to where you want. I don't think  
4 it's a plan in itself. So let's say if  
5 based on your strategies, if you wanna go  
6 take this strategy, let's say Na Wai Eha  
7 surface water treatment, let's say the  
8 council says, gonna fund this, this, this,  
9 this plan but we need this area, we need  
10 this land, we need the ditches, we need the  
11 easements and the private owner is not  
12 willing to sell or negotiate, then you use  
13 eminent domain. Public purpose. It's a  
14 process. I don't think it's a plan per se.  
15 So in that, that sense you're right that  
16 shouldn't be listed as a strategy. It  
17 should be listed as a tool.

18 CHAIR HOWDEN: Yeah, 'cause then, because  
19 in the beginning of this Central Maui plan,  
20 which of course is our first plan, Carl  
21 states you know access to all waters. How  
22 do you, how do you access water resources  
23 which would be inclusive of what are largely  
24 considered public trust waters. I think we

1 walk a fine line here that you wanna be  
2 equitable to everyone involved and this is a  
3 very complex issue, involving any number of  
4 parties. So but, I just felt that was  
5 something that we should at least put on the  
6 table if we separate it out as from plans,  
7 as vehicles of accessing water you know,  
8 that might be more appropriate.

9 MEMBER HOXIE: But you know like Ed said,  
10 it's a tool. You know one of the options is  
11 to put it, the Department of Water Supply  
12 put in a system. I mean you have the option  
13 of doing that, you know so.

14 DIRECTOR ENG: And in reality, if I may  
15 speak.

16 CHAIR HOWDEN: Please.

17 DIRECTOR ENG: We don't go out and think of  
18 eminent domain up front when we initiate a  
19 project, any kind of project. Like even now  
20 if we're seeking a new groundwater source,  
21 we will hire a hydro-geologist consultant;  
22 look at a variety of areas. And land is,  
23 acquisition is one of the issues but  
24 basically you'd, the best water quality and,

1 and a, and a site located so like cost  
2 production is favorable so therefore,  
3 elevation or depth of well and, but we would  
4 first always try to negotiate with the owner  
5 of the land to acquire it and purchase. So  
6 even eminent domain isn't even on our radar.  
7 That would be really an extreme case when we  
8 weren't able to acquire the land. So, it's  
9 nothing that we, in reality, currently, deal  
10 with. We haven't taken any eminent domain  
11 proceedings to date.

12 MR. KUSHI: Not yet.

13 DIRECTOR ENG: Not yet. My staff is  
14 always, "oh, it's so easy." Well, I don't  
15 think it's that easy too. So...

16 MR. KUSHI: Yeah, Mr. Chair, just kinda say  
17 this, I think this it's been said in public  
18 before so I don't think I'm doing anything  
19 unusual. Just to, I think for the board's  
20 information, you recall previous  
21 administration went to the council,  
22 Arakawa's administration...

23 CHAIR HOWDEN: Yes.

24 MR. KUSHI: And, and got from the council

1 an appropriation to issue a bond, I believe  
2 7, 8 million dollars?  
3 DIRECTOR ENG: I think 7 mil.  
4 MR. KUSHI: To issue a bond to, to fund a  
5 condemnation of the Wailuku Water Company's  
6 assets up here. Again, the council  
7 processes that, they get the ok to, to, in  
8 the budget. When you wanna really issue the  
9 bond then you gotta go back and get another  
10 ordinance. We haven't done that yet. Then,  
11 I think we, we, fund this, the department  
12 some monies to get an appraisal, couple  
13 hundred thousand. Then things changed. The  
14 State Water Commission designated the  
15 surface waters up here so, and going  
16 backwards, the previous administration,  
17 Apana's administration, held negotiations  
18 with the, Wailuku Water Company, and their  
19 first offer was in the middle \$20 million,  
20 27, \$28 million, for the whole shebang. Why  
21 should we pay that much? In essence they  
22 were selling not only the land and  
23 facilities, they were selling us water. So  
24 again, we, we wouldn't even consider that.

1 Then, Arakawa went to the council, got an  
2 appropriation for a bond to fund a  
3 condemnation. Then the State Water  
4 Commission designated these areas. Now, the  
5 strategy is for this administration, as far  
6 as I know, is that to hold up any  
7 condemnation proceedings until the State  
8 Water Commission gets through with this  
9 stream designation issues. Because once  
10 they do that then the value of that system  
11 is very diminished. I mean, you know, you  
12 need a permit and Wailuku Water Company is  
13 not going to get all. In fact, they're  
14 still applying for their own PUC license.  
15 That's been held up.

16 MEMBER HOXIE: Yeah.

17 MR. KUSHI: And once they file for PUC  
18 license, they would have, somebody would  
19 have to value the whole system. Then maybe  
20 we come in, ok. But anyway, that's the  
21 strategy or the history of possible  
22 condemnation of this stream areas. That  
23 doesn't touch on groundwater sources.  
24 That's, that's different.

1 CHAIR HOWDEN: Yeah. Jeff, you had  
2 expressed before concern that, that, I don't  
3 know if it was before designation or after  
4 but I think it was after, that, that private  
5 owners were drilling right next to the  
6 designated area and that would have some  
7 affect. That was just a conversation we  
8 had..

9 DIRECTOR ENG: I don't recall.

10 CHAIR HOWDEN: And I don't know if I  
11 remembered..

12 DIRECTOR ENG: But that would be related to  
13 the groundwater designation back in 2003.

14 CHAIR HOWDEN: Yeah.

15 DIRECTOR ENG: I think that pretty much  
16 curtails most of those drilling activities.  
17 We, we're not aware of anything happening at  
18 'Iao Aquifer nor the Waihe'e Aquifer. There  
19 were some wells I think that were developed  
20 a little earlier on that were never  
21 completed, I think the Waihe'e Aquifer, the  
22 question wells, I'm trying to get more  
23 information on. But that's about all there  
24 is. Again, currently, we, we are working

1 with the developer exploring the Waikapu  
2 Aquifer; that's ongoing.

3 MS. KRAFTSOW: There's also a rumor going  
4 around about Waihee Aquifer, somebody  
5 looking for a well there but I haven't  
6 gotten confirmation.

7 DIRECTOR ENG: Is that just in recent  
8 couple of days, possibly?

9 MS. KRAFTSOW: Mmm, I just learned about it  
10 within the last few days.

11 DIRECTOR ENG: I heard something too, I  
12 forget who told me now.

13 CHAIR HOWDEN: Well, rumors are always more  
14 exciting than facts.

15 DIRECTOR ENG: Those come, come and talk to  
16 us.

17 CHAIR HOWDEN: Ok.

18 DIRECTOR ENG: If they wanna hook up to the  
19 public system they will have to talk to us.

20 CHAIR HOWDEN: Ah, Patricia.

21 MEMBER EASON: Well, first of all, I wanna  
22 say how appreciative I am that what you and  
23 Phyllis have done. It was so clear and  
24 succinct to me. But it also made me realize

1 how much I don't know. So when you put  
2 level of knowledge, I think I'm in the  
3 elementary area. So, I didn't know many of,  
4 when they talked about things, especially  
5 like Mr. Hoxie mentioned Number 5, I had no  
6 knowledge of many of the things mentioned  
7 there. So, need to read up on it. And I  
8 wasn't more knowledgeable about a lot of the  
9 things so I was depending on those of you  
10 who are more knowledgeable and know what's  
11 going on. But I was very happy that they  
12 mentioned East Maui because that's my big  
13 concern, that whatever happens in the East  
14 Maui watershed and water system would impact  
15 many of the plans for Maui. And so that was  
16 mentioned in the matrix as well as mentioned  
17 in our summary. So having said that, I  
18 would have to say that many, all of the  
19 things that were mentioned I would agree  
20 with because of my lack of knowledge too.  
21 So thank you.

22 CHAIR HOWDEN: You're so very modest.

23 VICE CHAIR ROBINSON: Thank you, Patricia.

24 CHAIR HOWDEN: So, Kelli?

1 MEMBER MYERS: I just have one comment that  
2 wasn't addressed. Item Number 4, General  
3 Recommendations. I don't know, maybe this  
4 is the correct way. I just was thinking  
5 that this plan is gonna probably be in place  
6 for many years and it's possible that the  
7 water code that lays out the rights of the  
8 kuleana users could at any point during the  
9 life of this plan be changed. So maybe we  
10 shouldn't specifically you know, say this  
11 code, you know, just in case you know, what  
12 if their rights are changed at any point to  
13 further strengthen or not, I mean. I don't  
14 know if we should reference it exactly.

15 MEMBER HOXIE: You mean refer to it in  
16 general or...?

17 MEMBER MYERS: Yeah, you know, just say  
18 something like before any strategies are  
19 selected that their, that their rights you  
20 know, as, you know, by state law will be  
21 assessed and incorporated into the  
22 implementation of the, you know whatever,  
23 if, if that strategy, you know, whatever  
24 strategy, it will be incorporated into it,

1 whatever their rights are at that point but  
2 if this plan is, you know, the life of this  
3 plan is longer than the life of this  
4 particular part of the water code it may  
5 conflict at some point in the future. So I  
6 didn't want, I thought it might not be good  
7 to specifically reference it.

8 CHAIR HOWDEN: Yeah, I think what Phyllis  
9 was trying to do was give us the parameters  
10 under prevailing state law.

11 MEMBER MYERS: Uh huh, I mean if it  
12 changes...

13 CHAIR HOWDEN: And, and you know, I think  
14 and also what you do see globally is an  
15 embrace of public trust doctrine in terms of  
16 water as a, almost like a human right.

17 MEMBER MYERS: Uh huh.

18 CHAIR HOWDEN: So I think Hawaii actually  
19 has been really at the forefront in terms  
20 of...

21 MEMBER MYERS: I mean, what if their rights  
22 are increased at some future time and it's  
23 under you know, it'd be under a different  
24 part of the water code then this would be,

1 you know what I mean? It wouldn't be after  
2 it necessarily. I mean it might be small  
3 but I just...

4 CHAIR HOWDEN: Yeah.

5 VICE CHAIR ROBINSON: Can I respond to  
6 that? I, I'm, thank you, Michael for, for  
7 explaining part of the reason why I thought  
8 it was important to put the actually code in  
9 there and I'm also appreciating Kelli, what  
10 you're saying is that that code may change.  
11 I mean that's possible that that might  
12 happen. I think that part of my quote,  
13 strategy in putting this, these, this level  
14 of specific in here was that we're gonna be  
15 hearing lots and lots and lots more public  
16 testimony over the course of this Water Use  
17 and Development Plan, and the more specific  
18 that we get and, and the more we state that  
19 chances are we might not have that level of  
20 repetition that we have to listen to over  
21 and over and over again. We've been very  
22 specific that we will abide by this code and  
23 these are the part, sections of the code  
24 that we will abide by. Now, they might look

1 into those codes and decide to question that  
2 there are other parts to the code they wanna  
3 add to that and so there's some danger there  
4 so. So I can see both, both sides of  
5 whether or not it's good to be specific.

6 Ellen?

7 MS. KRAFTSOW: These rights are also  
8 constitutionally protected. It'll be a  
9 little bit more difficult to..

10 MS. HAYASHIDA: Could you talk louder?

11 MS. KRAFTSOW: Sorry.

12 CHAIR HOWDEN: Don't be shy, Ellen.

13 MS. KRAFTSOW: They're also  
14 constitutionally protected which I suppose  
15 could also change but it will be a little  
16 more difficult to change, right? So we  
17 could, we could cite constitution and code  
18 and then say, "or as maybe updated" or  
19 something like that and then you know.

20 MEMBER MYERS: That would be good, just so  
21 that we're not tied to anything.

22 MS. KRAFTSOW: But I'm clear if your  
23 concern is to, I mean do we, do we have a  
24 policy that we wanna respect these rights

1 regardless of what the law says? Or do we  
2 have a policy that we want to respect these  
3 rights in accordance with the law, and  
4 should the law change so that we didn't have  
5 to we wouldn't have to? I mean we obviously  
6 want to respect them in either case, right?  
7 So.

8 MEMBER MYERS: But we should maybe be a  
9 little more, this is what it is, but if...

10 MS. KRAFTSOW: Yeah.

11 MEMBER MYERS: Like you said if, if they,  
12 their rights increase say, I mean, then you  
13 don't wanna tie yourself to this...

14 MS. KRAFTSOW: Right.

15 MEMBER MYERS: Necessarily. But like you  
16 said, I mean we do wanna honor their rights  
17 that are justified which is a matter...

18 MS. KRAFTSOW: And also, I think that it's,  
19 it's required in the code but it's really  
20 poorly spelled out as to how we do it.  
21 There's really no guidance as to how we do  
22 it. It just sorta says this has to happen  
23 by law. And nobody really knows exactly  
24 what they have to do. Or how much money

1 that'll take or what they need to set aside  
2 to do that and so I think there's a good  
3 point that it might be clarified in the  
4 future.

5 MEMBER MYERS: Just put some verbage to  
6 clarify that it could change.

7 MS. KRAFTSOW: Small adjustment. That  
8 probably could..

9 MEMBER MYERS: Small.

10 CHAIR HOWDEN: More? Kelli, yeah.

11 MEMBER MYERS: That's all.

12 CHAIR HOWDEN: That's it?

13 MEMBER MYERS: Right.

14 CHAIR HOWDEN: Kevin, is it ok to call on  
15 you?

16 MEMBER BOTEILHO: Sure.

17 CHAIR HOWDEN: Ok.

18 MEMBER BOTEILHO: Well, as the new person  
19 here, I'm not fully aware of what was going  
20 on with the entire Central Maui plan. I  
21 mean I read through it but I do like the  
22 comments that Ted had put out. On not  
23 being, as far as naming specific entities,  
24 'cause I mean it is a plan and we never

1 know, it may change in the future. So if  
2 it's more of a general overlook of the plan  
3 I think that will be best. I agree with  
4 Kelli on her, on section Number 4 because  
5 state constitution may change in the future  
6 where rights may increase. It all depends  
7 on the political process. So I think again  
8 if something that's more general that does  
9 mention the water code, the state water  
10 code, and how it pertains to the county,  
11 that'll be best. And as far as eminent  
12 domain, I do agree with what John's  
13 statement is, that we need to, I think it is  
14 a tool, possibly it maybe should be  
15 mentioned in this Water Use and Development  
16 Plan because it may be used in the future.  
17 I think it's beneficial to the public trust  
18 doctrine in cases here and on the neighbor  
19 islands. And again even with what John said  
20 as far as what the future plans of HC&S, I  
21 not sure if it should be put into this  
22 document because its' just an assumption at  
23 this point because we're really not sure  
24 what will happen. So if you're looking at a

1 long term general plan for the Water Use  
2 Development Plan, I think it should be more  
3 generalized instead of more specific  
4 especially in that section where it mentions  
5 fuels and bio-fuels and any crops or  
6 anything because it may not be the case in  
7 the future.

8 CHAIR HOWDEN: Yeah, who knows...

9 MEMBER BOTEILHO: Yeah.

10 CHAIR HOWDEN: What, what direction HC&S  
11 will take.

12 MEMBER BOTEILHO: Exactly. And if you look  
13 historically with agriculture things are not  
14 what it used to be 10 years ago, 2 years  
15 ago.

16 CHAIR HOWDEN: Yeah.

17 VICE CHAIR ROBINSON: I, I will say that  
18 the, the front page article in the Maui News  
19 about the 5 year plan was very specific.  
20 And it did mention that they were working  
21 with the Department of Defense and the  
22 possibility of growing bio-fuels as aviation  
23 fuel, it was all named. There's money  
24 behind it to do it, the study, the research.

1 There's gonna be I believe 3 years of  
2 research and 2 years of implementation.  
3 There's still a question about what crop and  
4 I think that's the point where we as a Board  
5 of Water Supply are making the statement  
6 that the choice of crop and the use of water  
7 to irrigate that crop is certainly something  
8 that, that our agreement with HC&S in terms  
9 of water usage, we would have some kind of  
10 say even though they are a private company.  
11 Certainly, if they choose a crop that is  
12 going to require more water and it's to  
13 satisfy the use of aviation fuel for the  
14 military then I mean I would say that  
15 wouldn't we as a, as an entity that has to  
16 negotiate the use of water would have some  
17 kind question or say about that.

18 MEMBER MYERS: I'd like to comment. I  
19 think that's a good point and maybe  
20 something that we should bring up but I  
21 don't think that relates to our Water Use  
22 and Development plans necessarily because  
23 this is like the general plan and that's  
24 more of a current issue that could be

1 resolved say in 5 years. This plan will  
2 exist well beyond that point, period of time  
3 and that may or may not be an issue going  
4 forward. So, if...

5 DIRECTOR ENG: May I make a comment?

6 CHAIR HOWDEN: Oh, please, please.

7 DIRECTOR ENG: I read that same article.

8 VICE CHAIR ROBINSON: Uh huh.

9 DIRECTOR ENG: And I didn't, I didn't let  
10 the hook sink into my jawbone that deep.  
11 Because it seems to, you know our federal  
12 legislators were able to identify some, some  
13 funding for the state. And as long as  
14 Inouye is there, he's quite creative. And I  
15 felt that this was something that probably,  
16 again I'm just making some assumptions based  
17 on what little experience I have here but,  
18 you know he might've found some funding  
19 available through the Department of Defense.  
20 So to bring in that funding he had to tie it  
21 to something that would benefit the  
22 Department of Defense. Not necessarily  
23 that, that that's where it's going to end up  
24 benefiting. I mean I can see like some of

1 our potential, let's say grants that we can  
2 get. It coming out of the blue like the one  
3 we're working on currently with the EPA is,  
4 that definitely came out of the blue  
5 recently that we've been scrambling on  
6 getting an application to the EPA to qualify  
7 for this funding. It came from what, the  
8 State Tribal Assistant Grant and it is going  
9 to help us fund our high lift pumps at  
10 Kamole and it might be up to \$970,000. But  
11 how it came about we didn't know. I'm happy  
12 to get it and whatever I need to do to state  
13 that it's, it's, if they wanna say that  
14 benefited the Department of Defense I'll say  
15 sure, it is. But, so I, I didn't take it at  
16 all that seriously, the aviation fuel. I  
17 thought that was just some means to identify  
18 source of funding and get it into the state.  
19 I'd be surprise if they produce aviation  
20 fuel here and then even further have to ship  
21 it somewhere and add to that expense. So I  
22 didn't really take it..

23 VICE CHAIR ROBINSON: You didn't take it  
24 seriously?

1 DIRECTOR ENG: No. It's just a source of  
2 funding. Probably was from the Department  
3 of Defense. That's how I felt when I read  
4 it.

5 VICE CHAIR ROBINSON: Do you give any  
6 credence to the rumors floating around that  
7 part of HC&S land may be actually sold to  
8 Monsanto.

9 DIRECTOR ENG: I haven't heard that.

10 VICE CHAIR ROBINSON: Ok, 'cause that's  
11 also..

12 DIRECTOR ENG: It wouldn't surprise me.

13 MEMBER HOXIE: That's their business.

14 DIRECTOR ENG: Yeah.

15 MEMBER HOXIE: That's their business, not  
16 our business.

17 VICE CHAIR ROBINSON: Yeah, but it's our  
18 business if GMO's are, are become part of  
19 our..

20 MEMBER HOXIE: That's a whole other  
21 discussion.

22 VICE CHAIR ROBINSON: No.

23 MEMBER MYERS: That would be something..

24 MEMBER BOTEILHO: Yeah.

- 1 MEMBER MYERS: To put on the agenda at a  
2 future meeting.
- 3 CHAIR HOWDEN: Yeah, we'd be, if we, if we  
4 get into the GMO thing we'd be calling Dr.  
5 Pang and all kinds of...
- 6 VICE CHAIR ROBINSON: Sure, sure, sure.
- 7 CHAIR HOWDEN: That's...
- 8 VICE CHAIR ROBINSON: That's a whole other  
9 discussion.
- 10 CHAIR HOWDEN: Yeah.
- 11 VICE CHAIR ROBINSON: Yeah, yeah.
- 12 CHAIR HOWDEN: And, and who's to say...
- 13 VICE CHAIR ROBINSON: Yeah.
- 14 MEMBER HOXIE: That's, that's not part of  
15 Board of Water Supply business.
- 16 MEMBER BOTEILHO: Yeah, that's not an  
17 issue.
- 18 CHAIR HOWDEN: Ok, Kevin, more?
- 19 MEMBER BOTEILHO: No, I think that's all.
- 20 CHAIR HOWDEN: Ok, well-spoken. Ted?
- 21 MEMBER YAMAMURA: Well, like I was telling  
22 Phyllis, that's why the county pays you,  
23 Mike and Phyllis, the big bucks because  
24 you're codified all this material into a

1 very nice working document and thank you for  
2 that. I did submit my comments. First of  
3 all I think on the sheet that Gaye gave you,  
4 my last comment was actually intended..

5 MS. HAYASHIDA: I know.

6 MEMBER YAMAMURA: For...

7 MS. HAYASHIDA: I put it on the wrong item..

8 MEMBER YAMAMURA: Yeah. It should..

9 MS. HAYASHIDA: Sorry, it should be E.

10 MEMBER YAMAMURA: Right, should be for E.

11 But anyway, let me go back to um, well as  
12 far as Number 4, I can see where Phyllis is  
13 coming from and, and also Kelli's comments  
14 and perhaps we could do a generic reference  
15 to all applicable rules and laws of the  
16 state or something to that effect if you  
17 don't wanna get that specific. Anyway, I do  
18 have a problem with Number 5, similar to  
19 John. Ed did clarify eminent domain and its  
20 use and that it's a fundamental right of  
21 government entities so I don't know if we  
22 need to go any further on that. I, I, I do  
23 not, well, I dislike naming particular  
24 entities or organizations. And so, if 5

1 stays in this document, I would prefer to  
2 not agree or to see it deleted altogether.

3 CHAIR HOWDEN: Well Ted, how would we refer  
4 to, to things like the EMI Ditch? How would  
5 we, I mean assuming that we even address  
6 that? Or Wailuku Water Company's water  
7 delivery system?

8 MEMBER YAMAMURA: Yeah, if, if the, naming  
9 these people generically I don't have a  
10 problem with. But getting down to specifics  
11 in terms of crops and or what they can or  
12 cannot do, I would, I would, I would hate, I  
13 would hate to go that far because looking at  
14 even Carl's report I noticed that he was  
15 very careful not to identify individuals or  
16 entities as much as possible. And if he  
17 did, he did it very generically. So, this  
18 being a very general document I would hope  
19 that we would sort of maintain its same  
20 generality as well. My, my feelings, yeah,  
21 you know. But if, again as I say if we  
22 wanna keep, the board wants to keep 5 in  
23 there fine with me but I would like to be  
24 represented as not agreeing to 5.

1 CHAIR HOWDEN: Yeah, I, I would just wonder  
2 how we would identify the systems or if we  
3 choose just to deal with the Na Wai Eha  
4 systems, how we would identify that.

5 MEMBER HOXIE: You know, this is..

6 CHAIR HOWDEN: John.

7 MEMBER HOXIE: The Central Maui Plan..

8 CHAIR HOWDEN: Yeah.

9 MEMBER HOXIE: So if we're gonna look at  
10 ditch systems it should be the Na Wai Eha  
11 system. You know the EMI system is

12 Upcountry, you know it's a different area.

13 VICE CHAIR ROBINSON: But doesn't, doesn't  
14 one of the strategies talk about  
15 interconnection of Upcountry systems with  
16 Central users.

17 MEMBER HOXIE: Now, maybe that's, that's  
18 why I mentioned that if we're gonna talk  
19 about a strategy that interconnection would  
20 probably be something to, should be a  
21 strategy.

22 VICE CHAIR ROBINSON: That is actually part  
23 of the strategy.

24 MS. KRAFTSOW: Actually, interconnection

1 was one of the, before you get to strategies  
2 you have candidate resources and then  
3 candidate strategies. And if he looked at  
4 just interconnection of the systems  
5 individually as far as different  
6 permutations of what that could offer and it  
7 didn't rise to the level of a final  
8 candidate strategy, both for reasons of the  
9 expense, I mean East Maui itself would be  
10 expensive and the transmission would be  
11 expensive in any case and then what could  
12 you get on a ditch system that by current  
13 agreements and whatever when, when they're  
14 low on water they would need water. To, to  
15 recognize the economic savings then you'd  
16 also have to offset the transmissions  
17 improvements and so it just wasn't at this  
18 time one of his finalist, yeah. Make any  
19 sense?

20 MEMBER HOXIE: Yeah.

21 CHAIR HOWDEN: Ted, anymore?

22 MEMBER YAMAMURA: Yeah, I think my comments  
23 of C is self-explanatory as well as my  
24 comment on E. Again, I prefer to refrain

1 from naming any entity or organization and,  
2 and, and getting into what their business  
3 is. I think we should try and keep this as  
4 general as possible. Other than that I  
5 agree with the document.

6 CHAIR HOWDEN: Ok, Phyllis.

7 VICE CHAIR ROBINSON: Well, because what  
8 you have before you is kind of a combination  
9 of comments that all of you made and some of  
10 my own. It's not really clear in the  
11 document which are my comments and which are  
12 each of your comments. So, and, and some of  
13 the, the language on eminent domain and the  
14 like did not actually come from me. So,  
15 they came from another board member so, my  
16 feelings of the, the different questions  
17 that have been raised by these different  
18 sections, I'll start with the Number 4.  
19 That, the question of whether to use a more  
20 generic reference to the laws or to state  
21 the laws, I'm gonna just stick with my, my  
22 general sense that's better to be as  
23 specific as possible and, but I would go  
24 along with the idea that the, you know, to

1 say that there's a possibility that these  
2 laws might be updated or changed but that we  
3 would still abide by them because they are,  
4 would be part of our state constitution, so.

5 MEMBER HOXIE: I like Ted's comment. It  
6 said "and all applicable laws."

7 VICE CHAIR ROBINSON: And all applicable  
8 laws. Uh huh.

9 MEMBER MYERS: So, this isn't even the,  
10 everything that encompasses necessarily  
11 their rights.

12 VICE CHAIR ROBINSON: Uh huh.

13 CHAIR HOWDEN: Yeah, it, it would just be  
14 incredible to me if indeed the public's  
15 rights and interest in, in public trust  
16 waters were diminished. I, I, I can't see  
17 governmental authority, I mean you would,  
18 you would need a constitutional convention  
19 anyway to, to change it. But even as far  
20 back as the Hawaii State Constitution, the  
21 running waters, the rights to the running  
22 waters were vested in trust for everyone.  
23 So, to take, that would really be a major  
24 step backwards if these, if these rights

1 were diminished. If anything I think  
2 they'll be augmented, truthfully. But it,  
3 but I, you know I think generic reference  
4 you know, inclusive of what the existing law  
5 is right now, we, I mean anything can  
6 happen. But, but I think it would be  
7 doubtful that, that rights would be taken  
8 away, existing rights would be taken away or  
9 further diminished.

10 MEMBER MYERS: But like you said it doesn't  
11 hurt to just put in the verbage..

12 CHAIR HOWDEN: Sure.

13 MEMBER MYERS: To say we want it as  
14 existing or...

15 CHAIR HOWDEN: But we, we like this  
16 document to reflect a level of consensus  
17 from the board. And at the same time we,  
18 you know like we can move the eminent domain  
19 to the toolkit section. This is meant as an  
20 attack on HC&S or even Wailuku Water Company  
21 but just a statement of there are strategies  
22 available and I agree with Ed that it's not  
23 a plan but, but, but I think if you totally  
24 leave it out, if you don't reference it then

1 somehow you're diminishing the plan itself  
2 because you want it to look at all, the  
3 mandate was to look at all available  
4 options. So, I, I'm happy, you know, I  
5 don't think we wanna put in something that's  
6 contentious or where we have severe  
7 disagreement within the board itself. As I  
8 said last meeting, one of the things I  
9 really enjoyed about this board is that  
10 we've had open discussion where different  
11 people's points of view are embraced, that  
12 we're not beating each other up after the  
13 meeting or during the meeting for that  
14 matter. So, and I like that, I like that we  
15 have a, a gracious dialogue among ourselves.  
16 And the same time I think all the points of  
17 view, somehow we can cohere those. And,  
18 have a, have a statement that's not  
19 excessively watered down and that does look  
20 at all the options. I mean one of the  
21 things Carl said at, at the last Central  
22 Maui Water Advisory Committee meeting. He  
23 said, "Well, how, how can you think about  
24 taking water from the EMI ditch system, how

1 would you deliver that to Central Maui?"  
2 And I going, "The delivery system's already  
3 there in many ways." And within weeks Alan  
4 Arakawa and I were on panel together for  
5 South Maui Sustainability and Alan showed up  
6 with these maps showing the, the Central  
7 Maui ditch system which went to North Kihei  
8 and to here. And, but at that point he was  
9 unfamiliar with that because he had so much  
10 else on his plate to address. So, there  
11 are, there are potentials and I think that  
12 we don't wanna deny what our potentials are.  
13 Phyllis, you had..  
14 VICE CHAIR ROBINSON: So you..  
15 CHAIR HOWDEN: Oh, you still..  
16 VICE CHAIR ROBINSON: Are, are you  
17 commenting on my comments or you just  
18 starting your comments?  
19 CHAIR HOWDEN: Oh no.  
20 VICE CHAIR ROBINSON: Ok, just checking.  
21 (laughter)  
22 CHAIR HOWDEN: I'm just, I just talking as  
23 usual, yeah. Ok. Please keep going.  
24 VICE CHAIR ROBINSON: Ok. So, I also am

1 very interested in having a, a consensus  
2 about this Number 5. I'm not interested in,  
3 in grandstanding about any of this. I do  
4 agree however that it, it should, it should  
5 be named. The idea of not naming an  
6 elephant in the room is, I mean, I guess we  
7 can all say that, that we know the ditch and  
8 delivery system of EMI/HC&S and of the  
9 Wailuku Water Company, I, I'm, I'm wondering  
10 whether that needs to be struck. I don't  
11 think so. I, I, after hearing Jeff's  
12 characterization of kinda the politics of,  
13 of the, of that paragraph that talks about  
14 aviation fuel, I'm willing to let that go,  
15 I'm not wedded to that. I used it somewhat  
16 to, to support the role that we may have in  
17 making recommendations that would keep, keep  
18 this in our, in the forefront of our minds  
19 of how, what are our relationship is with,  
20 with protecting the public trust and who has  
21 control over waters and, and so, and our  
22 relationship obviously with EMI/HC&S and  
23 Wailuku as Ed pointed what we've gone and  
24 done with the Wailuku Water and some of our

1 strategies to kinda pull back. So, so I'm  
2 willing to let go of that 2<sup>nd</sup> paragraph. I  
3 would like to have something stated though  
4 that points up and maybe using the word  
5 process or tool rather than a strategy. But  
6 I wouldn't like it to be struck entirely.  
7 And, I think that I did wanna just point out  
8 that Ellen and John both highlighted this  
9 sentence in the recommendations under  
10 Current Strategies, A, that "extraordinarily  
11 expensive proposition", that Ellen actually  
12 pointed out that it was actually one of the  
13 more cost effective strategies and so we  
14 might want to strike that, that out. And  
15 we'll have to maybe talk as a group about  
16 how we wanna structure our board  
17 recommendation around that strategy because  
18 if that's taken out then except for the fact  
19 that the residents haven't been consulted  
20 which is already written in the plan, how  
21 much more do we wanna say about that  
22 particular strategy I think is still up for  
23 grabs. So, so I'm not sure whether we have  
24 an actual statement or recommendation from

1 the board on A and so that may be further  
2 discussion..

3 MEMBER YAMAMURA: Excuse me, Phyllis.

4 VICE CHAIR ROBINSON: Yes.

5 MEMBER YAMAMURA: If you, if you don't mind  
6 me jump in here so I don't forget, but  
7 Ellen, is there a factual statement that  
8 could fit here?

9 MS. KRAFTSOW: Yeah, on page, does anybody  
10 have their copy where there might be, I  
11 think it's page 41 or something. There's  
12 actually a table that notes the overall cost  
13 of these strategies and..

14 MR. KUSHI: Page what?

15 VICE CHAIR ROBINSON: Forty-one.

16 MS. KRAFTSOW: I was looking in my  
17 spreadsheet so I just, I get lost.

18 MEMBER HOXIE: I get lost just looking at  
19 that.

20 MEMBER EASON: Yeah, that makes..

21 MS. KRAFTSOW: But there's a table in here.

22 MS. HAYASHIDA: What page?

23 MS. KRAFTSOW: I'm looking. But there's a  
24 table where he, he lays out the costs of the

1 strategies and the Waiale Treatment Plant is  
2 less expensive as long as there's no  
3 reservoir and it's at 30 cents a gallon.  
4 But if it goes to 90 cents a gallon or  
5 there's a reservoir it becomes one of the  
6 more expensive options, at which point  
7 conservation and basal are the 2 most cost  
8 effective and I think basal's actually, if  
9 it proves out, which is a big if, and if we  
10 can work with the community which is another  
11 big if, ends up being one of the most cost  
12 effective, maybe the most cost effective  
13 option. And there is actually a total net  
14 present value expense over the 50 years for  
15 the strategy in a table and it's not page 41  
16 where I thought it was so. Jeff, can you  
17 help me...

18 DIRECTOR ENG: You have it handy, huh? Can  
19 you help her out, with the same version?

20 CHAIR HOWDEN: It looks like page 41...

21 MS. KRAFTSOW: It is page 41?

22 CHAIR HOWDEN: Over here. On, on our  
23 draft, Ed's draft.

24 DIRECTOR ENG: I think that, that looks

1 like it.

2 MS. KRAFTSOW: Ok, 'cause this draft has  
3 something completely else on page 41.

4 VICE CHAIR ROBINSON: Yeah, I have  
5 something completely...

6 CHAIR HOWDEN: This is June 17<sup>th</sup>.

7 VICE CHAIR ROBINSON: Yeah, my, my version  
8 is March 2<sup>nd</sup>.

9 CHAIR HOWDEN: Yeah, the June 17<sup>th</sup> I think...

10 DIRECTOR ENG: That, that, that is it.

11 MS. KRAFTSOW: This is June 17<sup>th</sup>. It's not...

12 DIRECTOR ENG: Oh-oh.

13 MEMBER HOXIE: Page 41.

14 CHAIR HOWDEN: Maybe you have an edited  
15 version.

16 MS. KRAFTSOW: Well, you have it on page  
17 41?

18 CHAIR HOWDEN: Yes.

19 MS. KRAFTSOW: Oh no, you don't. That's  
20 not it.

21 MS. HAYASHIDA: No, this is Eastward Basal.

22 CHAIR HOWDEN: Total 50 Year Study Period.

23 MS. KRAFTSOW: No, there's a comparison  
24 table besides the matrices, here it is!

1 Thank you.

2 MS. HAYASHIDA: What page?

3 MS. KRAFTSOW: It's on page 72. No, that's  
4 just looking at DSM. But it looks like the  
5 one on page 72, but that's not it.

6 DIRECTOR ENG: Can you help her?

7 CHAIR HOWDEN: Of course, of course.

8 DIRECTOR ENG: I don't know why I wanna...

9 MS. KRAFTSOW: Maybe it's on page 84.

10 (silence)

11 MS. KRAFTSOW: Yeah, it's at 84. And if  
12 you look at the 50 Year Total System Net  
13 Present Value Cost...

14 DIRECTOR ENG: Eighty-four or eighty-five?  
15 'Cause you're comparing it to the reference  
16 strategy which is zero'd out.

17 MS. KRAFTSOW: Yeah, I...

18 DIRECTOR ENG: So, therefore...

19 MS. KRAFTSOW: I was, yeah.

20 DIRECTOR ENG: We'd be looking at page 85.

21 MS. KRAFTSOW: Eighty-five is the bar  
22 graph...

23 DIRECTOR ENG: Right.

24 MS. KRAFTSOW: And 84 has the actual

1 numbers. I always look at the actual  
2 numbers but either one will make..  
3 DIRECTOR ENG: But the graph is easy for  
4 everyone to kinda see..  
5 MS. KRAFTSOW: Ok.  
6 DIRECTOR ENG: Right off hand where the  
7 Northward..  
8 MS. KRAFTSOW: Yeah.  
9 DIRECTOR ENG: Strategy kinda falls, so  
10 it's actually up there.  
11 MS. KRAFTSOW: It's the cheapest one except  
12 for Waiale at 30 cents.  
13 MEMBER HOXIE: Right.  
14 MS. KRAFTSOW: I mean Waihe'e would, would  
15 have been also equally cheaper but..  
16 DIRECTOR ENG: So it's something that  
17 definitely..  
18 MS. KRAFTSOW: So the surface water is  
19 cheapest if it's reasonable and after that  
20 it's Northward Basal, that's the next  
21 cheapest.  
22 DIRECTOR ENG: You know what there, we know  
23 has some unknowns, we don't know about the  
24 potential yields and some of the

1 construction difficulties but it is  
2 something really we gotta keep as an option.  
3 VICE CHAIR ROBINSON: Well, what, what...  
4 MS. KRAFTSOW: And even with the cost  
5 savings it's more, both of those are more  
6 cost, cost, just cost now, more cost  
7 effective than conservation which we  
8 obviously support. So the top three are all  
9 strong runners, right? But since so, but we  
10 can't say it's extraordinarily expensive  
11 'cause that's not...  
12 VICE CHAIR ROBINSON: That's just not true.  
13 MS. KRAFTSOW: I mean it actually is,  
14 think, into the extent that they all are. I  
15 mean, how we're gonna find the money to do  
16 all of the things that need to be done in  
17 every system is gonna be a huge part of  
18 trying to integrate this plan.  
19 CHAIR HOWDEN: What if we simply said very  
20 expensive?  
21 MS. KRAFTSOW: Well, it, it just...  
22 DIRECTOR ENG: Well, everything is very  
23 expensive right now.  
24 MS. KRAFTSOW: Relative to the other

1 options it's just not.

2 MEMBER EASON: Yes, there's no money.

3 MS. KRAFTSOW: It just, it just, it may in  
4 fact be our most cost effective option if  
5 things don't work perfectly for the instream  
6 flow standards and the cost of water.

7 MEMBER HOXIE: They're all expensive.

8 MS. KRAFTSOW: Yeah.

9 VICE CHAIR ROBINSON: So, so I'm just  
10 saying that I, that I'm willing to, to have  
11 that "extraordinarily expensive" part  
12 struck. However, I'm still not clear about  
13 what it is that we would recommend as a  
14 board about that. So, I'm gonna, I'm gonna  
15 leave that as an open question to throw out  
16 to the rest of you about what you would like  
17 to say about our recommendation regarding  
18 this particular strategy. And, and I know  
19 Mike, you still have a chance to speak so we  
20 may have ideas about that.

21 MEMBER HOXIE: I have a word for you,  
22 Phyllis.

23 VICE CHAIR ROBINSON: Yes.

24 MEMBER HOXIE: Take out "extraordinarily

1 expensive" and put "difficult".

2 VICE CHAIR ROBINSON: Ok.

3 MEMBER HOXIE: Because I think your focus  
4 is on...

5 VICE CHAIR ROBINSON: On going across the  
6 gulch.

7 MEMBER HOXIE: Gulch and the people and all  
8 that stuff.

9 VICE CHAIR ROBINSON: Yeah, yeah. And then  
10 also the fact that the residents have not  
11 been...

12 MEMBER HOXIE: Right.

13 VICE CHAIR ROBINSON: Consulted. Ok.  
14 Alright...

15 (cell phone ringing)

16 VICE CHAIR ROBINSON: Oops.

17 CHAIR HOWDEN: Band club, yeah.

18 MEMBER HOXIE: There should be a fine for  
19 cell phones.  
20 (laughter)

21 VICE CHAIR ROBINSON: But I wanted you to  
22 hear my very beautiful music.

23 MS. KRAFTSOW: I can say that I think that  
24 what, one of the things we're seeing with

1 this Central plan is that all of the options  
2 are expensive and all of them have major  
3 drawbacks and no matter which course we take  
4 it's clear that we're gonna face opposition.  
5 And I think that we need to acknowledge all  
6 of that upfront because really Carl did his  
7 absolute best as did staff to identify all  
8 the potential ways that we could reasonably  
9 get water to meet the forecasted demand and  
10 there isn't one option that's easy or  
11 wonderful necessarily, or without difficulty  
12 or without controversy. And even if we go,  
13 even if we were to take purely and only the  
14 maximized recycle water use and  
15 conservation, you will find that that  
16 strategy still includes elements of the  
17 other strategies. The strategies are  
18 differentiated by what's the major course  
19 but there're many of the elements that are  
20 in one are in others as well. So, maybe we  
21 just need to acknowledge that up front  
22 somewhere that...

23 VICE CHAIR ROBINSON: I just wrote that in.

24 MS. KRAFTSOW: Sorry.

- 1 VICE CHAIR ROBINSON: Thank you, Ellen.
- 2 MEMBER HOXIE: That's a good point.
- 3 VICE CHAIR ROBINSON: Very good point. So,  
4 let's see. Na Eva, I, I, John's, you said  
5 we shouldn't be making statement without  
6 proof. Now, I, I took the public testimony  
7 regarding the Waihe'e and the Waiale areas  
8 and, and I incorporated some of Michael's  
9 statements in there. So John, you were  
10 saying we shouldn't be making these  
11 statements without proof.
- 12 CHAIR HOWDEN: Ah, that was Ted.
- 13 VICE CHAIR ROBINSON: No, Ted..
- 14 MEMBER HOXIE: Yeah, I, I, I said that too.
- 15 VICE CHAIR ROBINSON: Ted said that same.  
16 He backed him up saying he'd like to make  
17 that as general so both John and Ted have,  
18 have mentioned that we don't really know  
19 what the, the 2 differences would be. So I  
20 would like to just put that out right now  
21 and ask whether positioning these 2 in one  
22 or the other of these, is there any factual  
23 information that we have about..
- 24 MS. KRAFTSOW: You're talking about Waihe'e

1 and Waiale?

2 VICE CHAIR ROBINSON: Yeah. This is under  
3 C and it, it, we state "as a board we  
4 support the positioning of a treatment plant  
5 as necessary in the Waihe'e area rather than  
6 at Waiale. Repeated public testimony  
7 pointed out that Waiale is a sensitive  
8 wildlife area with endangered species and is  
9 also an major burial site with iwi due to a  
10 battle staged near the pond and Sand Hill  
11 which the Waihe'e as making greater sense  
12 relative to cost delivery and the county  
13 keeping full control rather than  
14 relinquishing a substantial amount of these  
15 waters to HC&S."

16 MS. KRAFTSOW: Carl's analysis show that  
17 even if the capital costs were 20% more  
18 expensive to build Waihe'e, that a plant at  
19 Waihe'e over operating time would be equally  
20 cost effective at \$75 a barrel but much more  
21 cost effective at \$125 a barrel. Or roughly  
22 equal, I think maybe slightly better as much  
23 as to make no never mind. The, the issue is  
24 though that the, the Department of Water

1 Supply has gone down the path, years since  
2 already, with A&B for this Waiale plan and I  
3 think that there's an issue of just honoring  
4 commitments and also there are the logistics  
5 that it's sited already and it's, he used  
6 what if it were 20% more expensive, but if  
7 it ended up being 30 or 40% more expensive?  
8 I mean, so I think that we need to remember  
9 we, we didn't take it out of the plan as a  
10 possible option because if negotiations were  
11 to fall apart at Waiale, there is another  
12 option that looks just as good or better.  
13 On the other hand, it looks just as good or  
14 better with this 20% more capital  
15 investment. So as far as me, I'm not  
16 speaking department policy that would be  
17 Jeff's input, but as far as me it's, that's  
18 a board call. There is evidence that it  
19 might more cost effective but it's not  
20 conclusive, absolute, in, irrefutable in all  
21 circumstances.

22 CHAIR HOWDEN: But in terms of energy costs  
23 of transporting water that's why Carl  
24 favored Waihe'e.

1 MS. KRAFTSOW: Operationally it, it would  
2 have been, you know all things being equal,  
3 which they're not...

4 CHAIR HOWDEN: Yes.

5 MS. KRAFTSOW: If both sides were equally  
6 available, which they're not, it would have  
7 been more cost effective to put it at  
8 Waihe'e even if it cost 20% more to build.  
9 But who's to say that it will only be 20%  
10 more considering all the stuff that would  
11 have to be thrown away and you know.

12 VICE CHAIR ROBINSON: So, can, I guess the  
13 question then would be, can we as board at  
14 least support the public testimony that we  
15 heard about the, it being a, an area where  
16 there are endangered species, there maybe a  
17 major burial site that, that, that at least  
18 as a board that we state that. So again,  
19 I'm putting that out there as a question for  
20 board members to decide whether or not we,  
21 we wanna keep that in there.

22 MEMBER YAMAMURA: Please correct me if I'm  
23 wrong but was it only Mrs. Apana that  
24 testified regarding that? No one else?

- 1 MEMBER HOXIE: Yes.
- 2 MEMBER YAMAMURA: And so it...
- 3 MEMBER HOXIE: That's my notes, was only  
4 her.
- 5 MEMBER YAMAMURA: So we're listening to one  
6 person's testimony?
- 7 VICE CHAIR ROBINSON: I know but she's come  
8 representing other members of her community.  
9 She's a spokesperson for other members.  
10 She's gone and interviewed and talked to  
11 others.
- 12 MEMBER HOXIE: You know before anything is  
13 built there's gonna have to be environmental  
14 assessments, all that kind of stuff is gonna  
15 have to be done so to me we're, we're  
16 showing this as an option and we're getting  
17 hung up on, on one specific thing that I  
18 don't think needs to be in here right now,  
19 my opinion.
- 20 MR. KUSHI: Mr. Chair, if I may?
- 21 CHAIR HOWDEN: Please.
- 22 MR. KUSHI: I recall that A&B through its  
23 consultants did do a draft EA or EIS.
- 24 DIRECTOR ENG: Final EIS has been published

1 just a few days ago. That's why I have to  
2 call Harry Eager when I get back to the  
3 office, so he's...

4 MR. KUSHI: Oh, ok.

5 VICE CHAIR ROBINSON: So they're already  
6 done?

7 DIRECTOR ENG: Well, it's just for the  
8 site. EIS is required for the site and some  
9 people might say it's premature 'cause the  
10 decision on the instream flow standards  
11 hasn't been established.

12 MS. KRAFTSOW: That was part of her  
13 testimony was that the EIS was flawed in its  
14 depiction of the battle, right?

15 DIRECTOR ENG: Yeah, maybe the  
16 archeological report section of the EIS and  
17 I'm not familiar with that. But yeah, was  
18 just recently I think like on the 23<sup>rd</sup> or 24<sup>th</sup>  
19 came out.

20 MR. KUSHI: So that, so if it's been  
21 published so now it's public comment time.

22 DIRECTOR ENG: Well, there have been  
23 comments on the draft, the draft final EIS.  
24 I think it's basically been distributed to

1 the required parties at this stage. But  
2 again, it's just to I think they keep their  
3 process going on this project. A&B  
4 certainly knows that everything hinges on  
5 the Water Commission's decision..

6 MEMBER HOXIE: Right.

7 DIRECTOR ENG: And if it changes, again, I  
8 think it's, the EIS just based on current  
9 conditions and I think it even states that  
10 there are these unresolved issues with the  
11 water availability. So that's where it  
12 kinda stands right now. I mean even if the  
13 evaluation site isn't all that bad, in that  
14 it had an existing distribution system to  
15 the site and can be utilized. It is located  
16 in central to our Central Maui water system.  
17 So it's not all a big negative at all. I  
18 can see the thought that went into that site  
19 selection. It seems satisfactory to me  
20 overall.

21 CHAIR HOWDEN: Is the department committed  
22 to..

23 DIRECTOR ENG: No, not really. We haven't  
24 made any, we had to, again, since probably

1 the previous administration, there have been  
2 discussions and I think at least, there's no  
3 formal agreement in place. That'll be  
4 coming about once we know what, what amount  
5 of water that will be available.

6 MS. KRAFTSOW: Maybe, I don't know, you  
7 could acknowledge those concerns and just  
8 note that, note that there's another option  
9 for siting it and then that kinda leaves it,  
10 it doesn't, it's not the firm recommendation  
11 that maybe you wanted but at least it leaves  
12 the question out there. I don't know if  
13 that's enough for you or not. But would be  
14 like a compromise maybe.

15 CHAIR HOWDEN: Yeah, personally I just  
16 wanted to acknowledge that, that it seemed  
17 to me in, in the numerous meetings I  
18 attended, is that, that, that Carl favored  
19 Waihe'e as making more sense in terms of, of  
20 rising costs of energy and there was another  
21 question raised, another issue raised. If  
22 you're gonna have a treatment plant do you  
23 wanna give away 50%, allocate 50% of this  
24 product, the treated water to another

1 entity? So, those were, those were 2  
2 questions and I think as long as we can look  
3 at the Waihe'e site and bring it forward as  
4 a possibility. I'm not saying, you know.  
5 These are complex issues and, and I just  
6 didn't want to push Waihe'e to the side  
7 because the emphasis by the department has  
8 generally been on Waiale.

9 DIRECTOR ENG: Again, any agreement with  
10 A&B for Waiale Plant requires the council to  
11 approve it. So I'm sure there'll be a lot  
12 of discussion at that point.

13 MEMBER HOXIE: Yeah, I think from the  
14 board's perspective we shouldn't care where  
15 it goes. Where, what's, what's best for the  
16 county...

17 DIRECTOR ENG: If, if you feel that the  
18 strategy priorities make sense in the  
19 analysis, I think that's basically what you  
20 want to, to either support or not support.

21 VICE CHAIR ROBINSON: I'm finished and open  
22 to continuing to find the right wording  
23 because we are gonna have to go back to each  
24 of these sections and try re-word them

1 before the final goes in and I know we have  
2 a limited amount of time to have that  
3 happen, so.

4 CHAIR HOWDEN: Three days? Two days?  
5 Yeah.

6 MR. KUSHI: Mr. Chair...

7 VICE CHAIR ROBINSON: And, and I got major  
8 work commitments coming up so.

9 CHAIR HOWDEN: Sure.

10 MR. KUSHI: I have a nerdy question for  
11 Phyllis. On Number 4?

12 VICE CHAIR ROBINSON: Yeah.

13 MR. KUSHI: You cite this water code. I  
14 have the water code here. Is it Part 1,  
15 174-474CZ?

16 VICE CHAIR ROBINSON: Is that, is that  
17 wrong?

18 MR. KUSHI: I don't know what it is. The  
19 part...

20 VICE CHAIR ROBINSON: I got it from, from..

21 MS. KRAFTSOW: My letter. I got it off the  
22 web. So...

23 DIRECTOR ENG: Z is that CZ.

24 MS. KRAFTSOW: Did I say Z?

- 1 DIRECTOR ENG: Well, it's, it's a, I know  
2 the C, I think I've seen this...
- 3 MS. KRAFTSOW: The Z is a typo, I'm sorry.
- 4 MR. KUSHI: The water code is what...
- 5 DIRECTOR ENG: The Z is a typo, ok.
- 6 VICE CHAIR ROBINSON: Ok, so it would be C...
- 7 MS. KRAFTSOW: Probably, there's probably  
8 a, I can look at it. I'll go look at that.
- 9 MR. KUSHI: Ok, ok.
- 10 VICE CHAIR ROBINSON: And I may have...
- 11 MS. KRAFTSOW: What page is that on?
- 12 VICE CHAIR ROBINSON: I may have transposed  
13 it wrong as well so it'd be under...
- 14 MR. KUSHI: Number 4.
- 15 MS. KRAFTSOW: Letter's on...
- 16 MR. KUSHI: General Recommendations. The  
17 Part 9C-101 is correct. It should be 174C-  
18 101, HRS. The first one Part 1, 174, I  
19 don't know what that is.
- 20 VICE CHAIR ROBINSON: So part, so this part  
21 add what?
- 22 MR. KUSHI: Yeah, that, that, that's ok.
- 23 VICE CHAIR ROBINSON: That's correct? And  
24 this one here, Part 1, 174-474CZ?

- 1 MS. KRAFTSOW: Part 1...
- 2 VICE CHAIR ROBINSON: Yeah, you said..
- 3 MS. KRAFTSOW: I have to go look at my  
4 matrix. I can find the reference.
- 5 VICE CHAIR ROBINSON: You said, state water  
6 code, Part 1, 174C-2, so that may have been...
- 7 MS. KRAFTSOW: Yeah, 174C-2 states, "and  
8 the provisions shall be made for the  
9 protection of traditional and customary..."
- 10 VICE CHAIR ROBINSON: Yeah.
- 11 MS. KRAFTSOW: "Hawaiian water rights.  
12 Protection and procreation of fish and  
13 wildlife and maintenance of property,  
14 ecological," that's...
- 15 VICE CHAIR ROBINSON: So that's, so get rid  
16 of the...
- 17 MS. KRAFTSOW: 174C-2. It didn't have a Z.
- 18 VICE CHAIR ROBINSON: Yeah, you're right.
- 19 MR. KUSHI: Ok.
- 20 VICE CHAIR ROBINSON: C.
- 21 MR. KUSHI: So it's 174C-2, paragraph C.
- 22 VICE CHAIR ROBINSON: So it's 174C-2 and  
23 paragraph C.
- 24 MS. KRAFTSOW: I didn't even say C. I just

1 said 174-2, 174C-2.

2 VICE CHAIR ROBINSON: Yeah, yeah.

3 MR. KUSHI: Ok.

4 VICE CHAIR ROBINSON: Yeah, ok. Thank you.  
5 Anything else, Ed?

6 MR. KUSHI: No.

7 VICE CHAIR ROBINSON: So before you speak,  
8 I have to go to the bathroom.

9 CHAIR HOWDEN: Please.

10 VICE CHAIR ROBINSON: Unless you wanna, I  
11 mean I kinda know you..

12 CHAIR HOWDEN: Shall we take a 5 minute  
13 break? Ten minute, 5 to 10 minute break?

14 MR. KUSHI: Thank you.

15 VICE CHAIR ROBINSON: Five.

16 (recess)

17 CHAIR HOWDEN: Ok, page 2, Number 4. I'm  
18 happy to couch it in terms of a generic  
19 reference. I think we also ought to cite  
20 what the present law is 'cause that grounds  
21 it and I really agree with Phyllis that you  
22 kinda preempt more endless testimony on this  
23 kinda thing by, by citing what the present  
24 law is.

- 1 MS. KRAFTSOW: What if...
- 2 CHAIR HOWDEN: Yes, Ellen. Don't be shy.
- 3 MS. KRAFTSOW: What if you just cited it  
4 and just added that you know, "and all other  
5 applicable laws..."
- 6 MEMBER EASON: Yeah, I like it, yeah.
- 7 MS. KRAFTSOW: "As maybe amended."
- 8 CHAIR HOWDEN: Yeah, I like that, yeah.
- 9 MS. KRAFTSOW: And then you...
- 10 (several people speaking at the same time)
- 11 MEMBER YAMAMURA: Then we've covered  
12 everything.
- 13 CHAIR HOWDEN: Yeah. Number 5, I'm, I'm  
14 totally happy to move the potential of the  
15 use of eminent domain to a toolkit section  
16 or an appendix for this. I think it, I  
17 think it needs to be mentioned. Obviously  
18 it's not a strategy in terms of plan. It is  
19 a strategy in terms of just putting people  
20 on notice that, that had historically been a  
21 consideration in terms of our water systems.
- 22 MEMBER HOXIE: And then you'll let, that  
23 can apply to all the plans.
- 24 CHAIR HOWDEN: Oh yeah.

- 1 MEMBER HOXIE: Lahaina.
- 2 CHAIR HOWDEN: Ok. Northward Basal, I  
3 think we pretty much agreed to cut out  
4 "extraordinarily expensive" which is just my  
5 rhetoric. I think I might say "complex and  
6 difficult proposition." That would be my  
7 recommendation there. I think there are any  
8 number of questions that we, it'd be  
9 pointless to try to deal with at this point.  
10 The Eastward Basal Groundwater, I think  
11 that's pretty clear that there are a number  
12 of concerns with that and primary among them  
13 the consent decree. Na Wai Eha, over the  
14 comment on that, I simply would like to see  
15 the potential for using the, having a  
16 treatment plant in the Waihe'e area be on  
17 somewhat equal footing with Waiale. D, I'm  
18 not sure. Ted, I see your comment is  
19 attached to D, on Desalinization.
- 20 MS. HAYASHIDA: No, that was a mistake.
- 21 VICE CHAIR ROBINSON: That was a mistake.
- 22 MS. HAYASHIDA: That was a mistake.
- 23 MEMBER YAMAMURA: Yeah, that shouldn't...
- 24 MS. HAYASHIDA: That comment should be

1 applied to, my fault.

2 CHAIR HOWDEN: Applied to which one?

3 MS. HAYASHIDA: E, the next one.

4 CHAIR HOWDEN: Next one. Ok. And I agree  
5 generally with Ted is that you wanna tone  
6 down the use of names. However, as I asked  
7 Ted earlier in the meeting, I, I think that  
8 you need to identify what we're speaking  
9 about. Owner X's water delivery system and,  
10 you know, that has been public knowledge  
11 that, that we have an interest in that  
12 system.

13 MEMBER HOXIE: Michael, a question.

14 CHAIR HOWDEN: Yeah.

15 MEMBER HOXIE: On the review of the  
16 Memorandum of Understanding with HC&S,  
17 allows us more water from Kamole, shouldn't  
18 that be part of the Upcountry Plan? And not  
19 part of the Central Maui Plan?

20 CHAIR HOWDEN: Um, yeah, I think that you  
21 know Carl kept saying that it should be part  
22 of the Upcountry Plan. It was just that as  
23 Phyllis has brought out, if the systems are  
24 ever interconnected which was a major

1 emphasis of the Arakawa administration then  
2 it becomes relevant. But I don't mind  
3 leaving that out here. It seems like a bit  
4 of a, a stretch and, and we will be  
5 addressing it with Upcountry.

6 MEMBER MYERS: We need to take that out.

7 DIRECTOR ENG: Yeah, again it's not a point  
8 of the strategy (inaudible)

9 MEMBER MYERS: Take it out is better due  
10 that it will be (inaudible).

11 DIRECTOR ENG: Uh huh, yes.

12 CHAIR HOWDEN: So, unbelievably I think  
13 that's all I have to say.

14 VICE CHAIR ROBINSON: So, you're, you're,  
15 you are saying that we need a, a section at  
16 the end called toolkit?

17 CHAIR HOWDEN: Yeah, something like that.  
18 I don't know how one would want to phrase  
19 it. But that, that there would be a  
20 consideration in terms of at least a, the  
21 waters of Na Wai Eha, the delivery system  
22 from the Na Wai Eha of the use of eminent  
23 domain. I mean that's even been discussed  
24 by Mayor Tavares. And what Ed said is

1 absolutely correct. I mean in my  
2 conversations with her, she said "look, if  
3 we wait, if we put off an appraisal and we  
4 wait and it becomes a designated area it's  
5 gonna be a lot cheaper to, to take ownership  
6 of the delivery system." At the same time  
7 there were internal documents from, to the  
8 shareholders of Wailuku Water Company  
9 indicating that the value of that system was  
10 I believe somewhere between 6 and 8 million.  
11 These are documents before Mr. Chumbly  
12 decided to raise the price but we needn't go  
13 there. If you know Avery you know his  
14 gamesmanship. So, shall we go through this  
15 as quickly as we can and in the interest of  
16 Phyllis needs to leave pretty soon.

17 MEMBER HOXIE: Page 1 looks good.

18 VICE CHAIR ROBINSON: Ok.

19 (silence)

20 VICE CHAIR ROBINSON: I just was gonna add  
21 the, that we realize that none of these are  
22 without controversy. So, I was gonna add  
23 that sentence in there. We realize that  
24 none of these strategies are without

1 controversy.

2 MEMBER HOXIE: Well, I think Ellen summed  
3 it up the best saying that all of these  
4 strategies have problems.

5 VICE CHAIR ROBINSON: Ok.

6 CHAIR HOWDEN: So, Number 4. How are we  
7 with Number 4 on page 2?

8 MEMBER HOXIE: I think we were gonna add  
9 after that reference to the, the part, the  
10 chapters and so on, that we would say "and  
11 all applicable laws."

12 VICE CHAIR ROBINSON: Yep, I got that.

13 MEMBER HOXIE: Something like that.

14 VICE CHAIR ROBINSON: Uh huh.

15 CHAIR HOWDEN: Ok, we're in agreement with  
16 that.

17 VICE CHAIR ROBINSON: Yep.

18 CHAIR HOWDEN: I don't see any, if you  
19 disagree, please just speak up. I don't see  
20 the point in going through votes on this.  
21 Number 5, eminent domain in the toolkit.

22 MEMBER HOXIE: Yeah, I would say we take it  
23 out and we make a comment in the toolkit  
24 about eminent domain and I don't know what

1 other tools there are. Negotiations,  
2 eminent domain..

3 CHAIR HOWDEN: Yeah, eminent domain is  
4 just, yeah, it's, it's, it's a, it kinda  
5 overlights negotiations.

6 MEMBER HOXIE: Yeah, shouldn't be afraid of  
7 it.

8 CHAIR HOWDEN: And I think most, and  
9 certainly on the outer, the neighbor  
10 islands, most county administrations were  
11 somewhat reluctant to use that. Although it  
12 is a negotiating tool.

13 MEMBER YAMAMURA: Or if you wanted to keep  
14 it generic, and keep Number 5 but keep it  
15 generic, you could perhaps look at something  
16 to the effect that in response to testimony  
17 from the public regarding ditch and delivery  
18 systems, both of EMI/HC&S and Wailuku Water  
19 Company, it's recognized by the Board of  
20 Water Supply that eminent domain is a tool  
21 that's available or something to that  
22 affect, period.

23 CHAIR HOWDEN: Yeah, no, that sounds good.

24 MEMBER HOXIE: Yeah. And we should

- 1 reference the Honolua system, I mean we  
2 shouldn't just focus on these. We should  
3 reference all of 'em.
- 4 CHAIR HOWDEN: Good. Good point, John.
- 5 MEMBER YAMAMURA: Then it'll be generic.  
6 That'll be applicable...
- 7 (several people speaking at the same time)
- 8 CHAIR HOWDEN: I mean 'cause that's another  
9 question, Honolua, west side.
- 10 MEMBER YAMAMURA: Would that be...
- 11 MS. KRAFTSOW: Yeah, regarding ditch and  
12 delivery systems for this and other  
13 districts.
- 14 CHAIR HOWDEN: Who, who's that owned by at  
15 present? Kaanapali Land Development Corp.?
- 16 MS. KRAFTSOW: What are we talking about?  
17 The, the ditch...
- 18 MEMBER HOXIE: Honolua.
- 19 CHAIR HOWDEN: The Honolua.
- 20 MEMBER BOTEILHO: Kapalua.
- 21 MS. KRAFTSOW: Well, that's a good  
22 question. Who is it? Now, I mean now, when  
23 they fell apart...
- 24 DIRECTOR ENG: I guess it's...

- 1 MS. KRAFTSOW: Do they still own it?
- 2 DIRECTOR ENG: Well, well, Maui Pine I  
3 guess manages and maintains a portion of it  
4 and then at a certain point I guess it's  
5 successors of Pioneer Mill, which is  
6 Kaanapali Development. Up to the point that  
7 we take water I guess it's still Maui Pine.
- 8 MEMBER HOXIE: Maybe we should say all...
- 9 DIRECTOR ENG: And then beyond..
- 10 MEMBER HOXIE: Ditch and delivery systems  
11 and that covers..
- 12 DIRECTOR ENG: Yeah.
- 13 VICE CHAIR ROBINSON: Ok, so we..
- 14 MEMBER HOXIE: The whole county.
- 15 VICE CHAIR ROBINSON: Recognize that all  
16 ditch and delivery systems for this district  
17 and all other districts, systems.
- 18 CHAIR HOWDEN: No.
- 19 (several people speaking at the same time)
- 20 CHAIR HOWDEN: Throughout Maui County.
- 21 MEMBER HOXIE: Throughout Maui County.
- 22 VICE CHAIR ROBINSON: Throughout Maui  
23 County? Ok.
- 24 MS. KRAFTSOW: It, it's Waihole waiting to

1 happen.

2 DIRECTOR ENG: It's coming up next. After  
3 Na Wai Eha, East Maui...

4 VICE CHAIR ROBINSON: So our, our, we  
5 agree, our, ok so. Give me a, give me a, an  
6 exact way to state this. So if we take what  
7 Ted has suggesting, we leave it in as Number  
8 5, "We agree with comments made by the  
9 public that certain other issues are either  
10 left out or entirely not covered with enough  
11 detail. At the heart of these omissions is  
12 the issue of the county government's  
13 potential use of the power of eminent domain  
14 to take ownership and steward, stewardship  
15 of all, any and all ditch and delivery  
16 system for this district and all of the  
17 other district systems."

18 MS. KRAFTSOW: Sorry, can I just ask you,  
19 do you actually agree with the commentary  
20 that public, that many items were left out  
21 or not covered in sufficient detail? Is  
22 that actually an accurate statement? If  
23 eminent domain is no longer a strategy or  
24 would it just be what Ted suggested in

1 response to testimony from the public  
2 regarding ditch and delivery systems, it's  
3 recognized for this and other ditches that  
4 eminent domain is what...

5 VICE CHAIR ROBINSON: And, this is, this is  
6 your language...

7 MEMBER YAMAMURA: A tool that's available  
8 to...

9 VICE CHAIR ROBINSON: What do you think?

10 CHAIR HOWDEN: Yeah, I'm happy to see this  
11 in a toolkit. I, I think it, it kinda mutes  
12 it, it, it, it's less confrontational.

13 VICE CHAIR ROBINSON: Ok, so, so get rid of  
14 "we agree with comments made to the public  
15 that certain other issues are either left  
16 out entirely or not covered."

17 CHAIR HOWDEN: Well, there, there are some  
18 things that are left out. I mean talk about  
19 desalinization and you don't talk about OTEC  
20 and you don't talk about other ways of  
21 building energy into the system. I mean one  
22 of the by-products of OTEC besides the  
23 energy is fresh water.

24 VICE CHAIR ROBINSON: Yes.

1 MEMBER YAMAMURA: Can we strike, we agree  
2 then and that to start with comments were  
3 made by the public if you wanna keep that  
4 sentence in.

5 MS. KRAFTSOW: I guess my concern with  
6 that, Mike, is that I, this is just my  
7 opinion as staff, ok? I thought Carl did  
8 and extensive job and he did look at energy  
9 savings in each system, whether or not it  
10 rose to full final discussion and so how  
11 detailed was his analysis of OTEC? I'd  
12 almost rather have you note here are some  
13 things we would have liked to see included,  
14 specifically, rather than this over arcing  
15 statement about it's missing a lot of stuff.  
16 You know what I mean? Because I really  
17 thought it was probably, in terms of the  
18 Water Use and Development plans I've read or  
19 seen, I think Carl has done the most  
20 extensive and the best job of anyone ever  
21 anywhere in this state. That's just my  
22 personal opinion. Of course I'm bias, ok?

23 CHAIR HOWDEN: Good. It does sound a tad  
24 bias but I think it's realistic. Poor

1 thing.

2 MEMBER HOXIE: So how do we get this point  
3 in here somewhere?

4 CHAIR HOWDEN: Well, we, we, we, perhaps we  
5 strike the first sentence and call it  
6 something other than omissions.

7 MR. KUSHI: Well if you go with Ted's  
8 recommendations instead of "we agree with  
9 comments" just say "comments were made by  
10 the public that certain issues were either  
11 left out entirely or not covered with enough  
12 detail." We're not agreeing with it. Just  
13 they were made.

14 MEMBER HOXIE: Yeah.

15 MS. KRAFTSOW: But I'd like to say  
16 including...

17 MR. KUSHI: Well, Ellen, they, they, you  
18 can't control public testimony. That's what  
19 they said.

20 MS. KRAFTSOW: I'm not asking to control  
21 it. I'm trying to say what were the  
22 specific, be specific as to what was left  
23 out as opposed to, otherwise it's a, it  
24 sounds to me...

- 1 VICE CHAIR ROBINSON: Yeah, but that's  
2 gonna be hugely long document for us to go  
3 through bit by bit by bit by bit, everything  
4 that we feel was left out.
- 5 MEMBER HOXIE: Well eminent domain never  
6 came up in public testimony.
- 7 VICE CHAIR ROBINSON: It didn't. No.
- 8 CHAIR HOWDEN: It came up at the water  
9 advisory committee.
- 10 VICE CHAIR ROBINSON: Yeah.
- 11 MS. KRAFTSOW: The main thing is that the  
12 public commented on were kuleana which we've  
13 addressed.
- 14 CHAIR HOWDEN: Uh huh.
- 15 MS. KRAFTSOW: And...
- 16 VICE CHAIR ROBINSON: And the...
- 17 MS. KRAFTSOW: The siting of the reservoir...
- 18 VICE CHAIR ROBINSON: And the consent  
19 decrees...
- 20 MS. KRAFTSOW: Which we've addressed, and  
21 the consent decree which we've, I don't know  
22 if you've addressed them in your comments or  
23 not.
- 24 CHAIR HOWDEN: What, why don't we just move

1 it to the toolbox and begin with comments  
2 made by the public?

3 MEMBER YAMAMURA: When you say toolbox  
4 it'll be like a footnote?

5 CHAIR HOWDEN: Yeah, it'll be at the end of  
6 the document.

7 MEMBER HOXIE: Maybe it should be in here.

8 MEMBER MYERS: Just reference the matrix.

9 CHAIR HOWDEN: Well, whether they're gonna  
10 actually read that or not.

11 MEMBER MYERS: But we addressed the major  
12 ones.

13 CHAIR HOWDEN: Really have regrets, you  
14 know.

15 MEMBER MYERS: But we addressed the major  
16 ones, you know the overwhelming public  
17 testimony. It was addressed in our, any  
18 other things that the public knew that was  
19 left out would be inclusive in the matrix.

20 CHAIR HOWDEN: Yeah, but...

21 MEMBER MYERS: Why, why restate it if it's  
22 already in there.

23 CHAIR HOWDEN: But the, but the concerns  
24 expressed about eminent domain were in the

1 water advisory committee and were made  
2 directly to Carl.

3 MS. KRAFTSOW: Great, I don't have any  
4 problem with the eminent domain statement  
5 that was just said. My comment is just the  
6 sort of, it sounds kinda broadly, like the  
7 board is broadly discontent with the plan.  
8 If there are specific things that you feel  
9 were left out or should've been covered in  
10 more detail, I think it would be beneficial  
11 to the council and other reviewers to know  
12 what those are. But if you, if, to say that  
13 there are several makes it almost sound,  
14 this is just my opinion, makes it almost  
15 sound like, like there's some huge gap  
16 remaining and, and acknowledging that this  
17 is just an infrastructure evaluation for  
18 Central Maui and no more, that's the only  
19 section of the plan that it is. But it's  
20 one that they been waiting for in that  
21 context. Is there anything that's not  
22 addressed..

23 CHAIR HOWDEN: Yeah, we're, we're not  
24 saying several, Ellen.

- 1 MS. KRAFTSOW: Oh.
- 2 CHAIR HOWDEN: Missing several, it's just  
3 comments, certain other issues, certain,  
4 which you know, yeah, that's, you know.
- 5 MS. KRAFTSOW: Ok.
- 6 CHAIR HOWDEN: Yeah.
- 7 MEMBER YAMAMURA: In the interest of moving  
8 on, can we poll the members...
- 9 MEMBER HOXIE: Yeah.
- 10 MEMBER YAMAMURA: Which way we wanna go?
- 11 CHAIR HOWDEN: Ok.
- 12 MEMBER HOXIE: Out.
- 13 CHAIR HOWDEN: Out. Patty?
- 14 MEMBER EASON: We're talking about...
- 15 VICE CHAIR ROBINSON: The first sentence in  
16 Number 5.
- 17 MEMBER HOXIE: Oh, I'm...
- 18 MEMBER EASON: Oh.
- 19 MEMBER HOXIE: Just saying, I'm saying take  
20 the whole thing out. We're getting stuck on  
21 that one thing.
- 22 CHAIR HOWDEN: But not, not putting it in a  
23 toolkit?
- 24 MEMBER HOXIE: No, put it in the toolkit...

- 1 MEMBER EASON: Toolkit.
- 2 MEMBER HOXIE: But don't, don't put it in  
3 here, put it somewhere else.
- 4 CHAIR HOWDEN: Ok, ok.
- 5 MEMBER EASON: And I like the, instead of  
6 saying "we agree" just "comments were made"
- 7 CHAIR HOWDEN: Yeah, "comments", yeah. Ok.
- 8 MEMBER EASON: I think that's, yeah.
- 9 MEMBER MYERS: Or "in response to testimony  
10 from the public." Something, something  
11 along those lines. I agree with that.
- 12 CHAIR HOWDEN: Yeah, ok.
- 13 MEMBER BOTEILHO: I agree with what Ted had  
14 mentioned.
- 15 CHAIR HOWDEN: Ted, what did you say?  
16 (laughter)
- 17 MEMBER YAMAMURA: I said too much.  
18 (laughter)
- 19 MEMBER EASON: Comments were made.
- 20 CHAIR HOWDEN: No, no, no. No, no shame  
21 here.
- 22 MEMBER YAMAMURA: Well, I gave the short  
23 version of, of 5 and I also mentioned that  
24 we should strike "we agree"...

- 1 MEMBER EASON: Yeah.
- 2 MEMBER YAMAMURA: And just start with  
3 "comments received..."
- 4 CHAIR HOWDEN: Yeah, we're, we're all  
5 agreed on striking "we agree".
- 6 MEMBER YAMAMURA: But I, I, I would like to  
7 see this either amended or placed in a  
8 toolbox fashion and not part of the meat of  
9 the document.
- 10 CHAIR HOWDEN: So that's what you agree  
11 with?
- 12 MEMBER BOTEILHO: Yeah.
- 13 CHAIR HOWDEN: Ok. Phyllis?
- 14 VICE CHAIR ROBINSON: I, I think that it  
15 should stay in the meat of the document.  
16 And I agree that we strike the first 3 words  
17 "we agree with" and just put "comments were  
18 made".
- 19 MEMBER MYERS: Question. Are we striking  
20 the 2<sup>nd</sup> paragraph altogether?
- 21 VICE CHAIR ROBINSON: Yes.
- 22 MEMBER MYERS: Ok.
- 23 VICE CHAIR ROBINSON: Yes, I think we...
- 24 MEMBER MYERS: Just to clarify.

- 1 VICE CHAIR ROBINSON: I think we're all  
2 agree with that.
- 3 MEMBER YAMAMURA: Second paragraph?
- 4 VICE CHAIR ROBINSON: Yeah, yeah, entirely  
5 strike that.
- 6 CHAIR HOWDEN: Yeah, that's what Ed, or um,  
7 Ted meant by editorializing.
- 8 VICE CHAIR ROBINSON: Mmm huh.
- 9 CHAIR HOWDEN: Ok. So then the question  
10 focuses on toolkit or in the central part.  
11 Those in favor of, of the toolkit, would you  
12 please raise your hands?
- 13 MEMBER EASON: This would be like a...
- 14 CHAIR HOWDEN: What?
- 15 MEMBER EASON: Like a reference, right?
- 16 MEMBER MYERS: Just a statement not, not...
- 17 CHAIR HOWDEN: Ok, that's a majority, 5  
18 votes.
- 19 MEMBER HOXIE: So we need to craft a  
20 statement for that.
- 21 CHAIR HOWDEN: I thought we were just gonna  
22 use that...
- 23 MEMBER HOXIE: Oh, ok.
- 24 CHAIR HOWDEN: Yeah, that first paragraph.

- 1 VICE CHAIR ROBINSON: But we were, we were  
2 substituting the ditch and delivery of both  
3 EMI/HC&S and Wailuku and just saying we  
4 recognize that all ditch and delivery  
5 systems...  
6 (several people speaking at the same time)  
7 MEMBER EASON: All water...  
8 MEMBER HOXIE: All systems, all systems.  
9 VICE CHAIR ROBINSON: So we're getting rid  
10 of the specific reference to those and  
11 we're...  
12 CHAIR HOWDEN: Throughout Maui County.  
13 VICE CHAIR ROBINSON: Yeah, yeah.  
14 CHAIR HOWDEN: So...  
15 VICE CHAIR ROBINSON: That's satisfies your  
16 comment too.  
17 MEMBER YAMAMURA: Yeah.  
18 VICE CHAIR ROBINSON: Just not naming...  
19 CHAIR HOWDEN: Ok, and on Northward Basal,  
20 I was suggesting say "complex and  
21 difficult"...  
22 VICE CHAIR ROBINSON: Yep.  
23 CHAIR HOWDEN: "Proposition". You know, is  
24 that ok with you folks, or do you wanna, you

1 wanna change the language? How we gonna do  
2 this?

3 MEMBER HOXIE: You gonna add "complex and  
4 difficult"?

5 CHAIR HOWDEN: Well, you said "difficult",  
6 I said "complex".

7 MEMBER HOXIE: Yeah.

8 CHAIR HOWDEN: I put 'em together.

9 MEMBER HOXIE: Yeah, yeah, yeah.

10 VICE CHAIR ROBINSON: "Complex and  
11 difficult"? Ok. You got it.

12 MEMBER YAMAMURA: I feel it's great with  
13 your changes because it alerts the council  
14 that this is what it is and it's a matter of  
15 fact statement. That's fine, I think. I  
16 have no problems with that.

17 VICE CHAIR ROBINSON: Ok.

18 CHAIR HOWDEN: On Na Wai Eha...

19 MEMBER HOXIE: Should we, can I back up?  
20 Eastward...

21 CHAIR HOWDEN: Of course.

22 MEMBER HOXIE: Basal, it talks about  
23 reference to the Sierra Club.

24 CHAIR HOWDEN: Yep.

- 1 MEMBER HOXIE: I, I just don't remember  
2 that but.
- 3 CHAIR HOWDEN: Oh yeah. Lucienne I think  
4 was representing the Sierra Club and then  
5 there were others.
- 6 VICE CHAIR ROBINSON: She actually sent me  
7 the, the actual written testimony.
- 8 MEMBER HOXIE: Ok.
- 9 VICE CHAIR ROBINSON: So it's a direct  
10 lift.
- 11 CHAIR HOWDEN: They, they were a party to  
12 the consent decree.
- 13 MEMBER HOXIE: Ok.
- 14 CHAIR HOWDEN: Ok. Na Wai Eha?
- 15 VICE CHAIR ROBINSON: And I put in there  
16 that "as a board we support the  
17 positioning..."
- 18 MS. HAYASHIDA: Potential.
- 19 VICE CHAIR ROBINSON: "We support the  
20 positioning of a treatment plant as  
21 necessary in the Waihe'e rather than" and  
22 instead we say that "we support the  
23 positioning of a treatment plant of Waihe'e  
24 on equal footing to Waiale." So that was

1 what the language I picked up from all of  
2 you. But if that's not what we want let me  
3 know.

4 (silence)

5 VICE CHAIR ROBINSON: So what basically we  
6 wanna, we wanna say that there, there's 2  
7 possible sitings. We as a board want to  
8 just point up that we would like to have  
9 them be on equal footing rather than one  
10 over the other. Is that satisfactory to  
11 everybody?

12 (silence)

13 CHAIR HOWDEN: Yeah.

14 VICE CHAIR ROBINSON: And I struck the word  
15 "repeated"...

16 MEMBER HOXIE: I would think I would...

17 VICE CHAIR ROBINSON: From "public  
18 testimony" about the Waiale being a wildlife  
19 area with endangered species. I'm just, I'm  
20 just saying "public..."

21 MEMBER HOXIE: Yeah.

22 VICE CHAIR ROBINSON: "Testimony pointed  
23 out this" instead of "repeated" because you  
24 were...

- 1 MEMBER HOXIE: Yeah.
- 2 VICE CHAIR ROBINSON: Saying to me that it  
3 was one person.
- 4 MEMBER HOXIE: Only one person.
- 5 VICE CHAIR ROBINSON: Even though she came  
6 back 3 or 4 times.
- 7 MS. KRAFTSOW: I think it were actually in...
- 8 VICE CHAIR ROBINSON: What's that?
- 9 MS. KRAFTSOW: Kihei. I think at the Kihei  
10 meeting there were a couple people that said  
11 that.
- 12 VICE CHAIR ROBINSON: Ok.
- 13 MS. KRAFTSOW: I think only one that came  
14 back to the board.
- 15 VICE CHAIR ROBINSON: But I think that we  
16 can satisfy by just saying public testimony.
- 17 MEMBER EASON: Public.
- 18 VICE CHAIR ROBINSON: Ok.
- 19 MEMBER HOXIE: I think that last sentence  
20 we need to strike too.
- 21 VICE CHAIR ROBINSON: "We see Waihe'e as  
22 being a greater sense relative to the cost  
23 and the county keeping full control rather  
24 than relinquishing as a substantial amount

1 of these waters to HC&S."

2 MEMBER HOXIE: I, I have no idea what the  
3 Waihe'e treat, Wai, the Kealia, or Waiale  
4 Treatment Plant what the details are. First  
5 thing, I don't know. I mean, I don't know.  
6 Are we giving them water? Taking water?  
7 County owns the water?

8 CHAIR HOWDEN: Yeah, they, they, the  
9 initial...

10 VICE CHAIR ROBINSON: The agreement.

11 CHAIR HOWDEN: Jeff, can correct me but...

12 VICE CHAIR ROBINSON: It's with A&B.

13 CHAIR HOWDEN: They were talking about 9  
14 million a day and 4.5 would go to HC&S and  
15 the other half would go to the county.

16 DIRECTOR ENG: Yeah, since the previous  
17 administration, that was the general terms,  
18 would be 50% sharing of the water and costs.

19 VICE CHAIR ROBINSON: And Ellen, you were  
20 saying that even with that, you know giving  
21 up that water even with that that the,  
22 they're still kind of on the siting of one  
23 over the other.

24 DIRECTOR ENG: It's how much the water,

1 well water would cost...

2 MS. KRAFTSOW: Yeah.

3 DIRECTOR ENG: Is the key in her, in her  
4 analysis.

5 MS. KRAFTSOW: How the much the raw water  
6 would cost, how much oil will cost.

7 DIRECTOR ENG: I think again, so it'll be  
8 30 versus 90 cents per thousand gallons.

9 MS. KRAFTSOW: The cost of water and the  
10 cost of pumping.

11 DIRECTOR ENG: And we, that's not finalized  
12 at all. But we're, we're certainly trying  
13 to negotiate to that lower figure.

14 VICE CHAIR ROBINSON: Ok.

15 DIRECTOR ENG: Yeah, strongly.

16 VICE CHAIR ROBINSON: Well, do we need a,  
17 as Ed was suggesting, do we need to point  
18 out what the status of all of this is in  
19 any? Because obviously an environmental  
20 assessment is now public, in the public...

21 MS. KRAFTSOW: You could say that if, if  
22 favorable pricing or availability regimes  
23 are not available than the department should  
24 consider strongly looking at...

- 1 VICE CHAIR ROBINSON: Ok. So, how do  
2 people feel about that?
- 3 MEMBER HOXIE: You, I think you said  
4 earlier that we just wanna make sure that  
5 the Waiale and the Waihe'e treatment  
6 facilities are on equal footing, right? I  
7 mean they're both evaluated.
- 8 CHAIR HOWDEN: Yes.
- 9 MEMBER HOXIE: That's what we wanna do.
- 10 CHAIR HOWDEN: That, I think that's enough  
11 at this point. Yeah.
- 12 VICE CHAIR ROBINSON: Ok.
- 13 MR. KUSHI: So last sentence is struck?
- 14 CHAIR HOWDEN: Yeah.
- 15 VICE CHAIR ROBINSON: Ok.
- 16 CHAIR HOWDEN: And E?
- 17 VICE CHAIR ROBINSON: The last, I believe  
18 the last, "we also need to review" is out.
- 19 CHAIR HOWDEN: Uh huh.
- 20 VICE CHAIR ROBINSON: And the whole thing  
21 about monoculture and revitalization of  
22 soils, all of that is out. Is that correct?
- 23 MEMBER HOXIE: Yeah.
- 24 VICE CHAIR ROBINSON: How access to use of

1 our public trust needs to be carefully...  
2 throughout early and how do we meet the  
3 needs of our communities relative," all of  
4 that we want out too?

5 CHAIR HOWDEN: Oh, I don't want that out.  
6 But I feel it's the consensus of the board  
7 to leave that out, I mean. You guys want to  
8 that out? Access to and use of our...

9 VICE CHAIR ROBINSON: This is under  
10 Conservation.

11 CHAIR HOWDEN: Yeah. How, how are you guys  
12 with...

13 VICE CHAIR ROBINSON: How about if we  
14 struck "we also need to review the  
15 memorandum..with HC&S" and make a general  
16 statement...

17 CHAIR HOWDEN: Oh we, yeah we did...

18 MEMBER HOXIE: We did that.

19 CHAIR HOWDEN: I wanna cut out the MOU.

20 MEMBER HOXIE: Yeah. We'll focus on the  
21 Upcountry plan for that.

22 CHAIR HOWDEN: And how, how about the  
23 general statement of "access to and use of",  
24 on the very last page, "access to and use of

1 our public trust waters needs to be  
2 carefully monitored and thoroughly  
3 understood."

4 VICE CHAIR ROBINSON: I think so.

5 MEMBER YAMAMURA: How does that relate to  
6 conservation and wastewater recycling?

7 MEMBER HOXIE: Wastewater recycling, yeah.

8 CHAIR HOWDEN: It just deals with water  
9 allocation.

10 MEMBER HOXIE: That's like an apple pie and  
11 motherhood issue.

12 MR. KUSHI: Ok, that's alright.

13 VICE CHAIR ROBINSON: I'm relating to food  
14 security and sustainable use.

15 (several people speaking at the same time)

16 CHAIR HOWDEN: I like apple pie. Patriotic  
17 to like apple pie.

18 MR. KUSHI: Leave it in.

19 VICE CHAIR ROBINSON: Yeah. I agree.

20 MEMBER YAMAMURA: I don't know. I would  
21 prefer to see it struck myself.

22 CHAIR HOWDEN: So, let's have a vote then  
23 'cause this is the last, very last issue.

24 Ok. Do we keep apple pie in or not?

- 1 VICE CHAIR ROBINSON: I...
- 2 CHAIR HOWDEN: Those for apple pie, please  
3 raise hand. Two of us. And I, I assume  
4 everyone else is against apple pie.
- 5 MEMBER MYERS: Which with the...
- 6 MEMBER HOXIE: Talking about the last  
7 sentence.
- 8 (several people speaking at the same time)
- 9 CHAIR HOWDEN: Ok, those, those in.
- 10 VICE CHAIR ROBINSON: Yeah, access to and  
11 the use of our public trust...
- 12 MEMBER HOXIE: It doesn't relate to...
- 13 VICE CHAIR ROBINSON: Waters needs to be  
14 carefully monitored.
- 15 MEMBER EASON: Oh, I see.
- 16 MEMBER HOXIE: It doesn't relate to this I  
17 think but...
- 18 CHAIR HOWDEN: Ok, and those...
- 19 MEMBER HOXIE: It's a good statement. It's  
20 in the wrong place.
- 21 (several people speaking at the same time)
- 22 CHAIR HOWDEN: Those of...
- 23 VICE CHAIR ROBINSON: Do you want it  
24 somewhere else?

- 1 MEMBER EASON: Yeah, where can we put it?
- 2 MR. KUSHI: Put it under General  
3 Recommendations.
- 4 VICE CHAIR ROBINSON: You want me to put it  
5 under General Recommendations?
- 6 MEMBER YAMAMURA: As a concluding comment  
7 or something.
- 8 VICE CHAIR ROBINSON: As a concluding  
9 comment.
- 10 CHAIR HOWDEN: Well done.
- 11 VICE CHAIR ROBINSON: Everybody wanna have  
12 it a concluding comment.
- 13 CHAIR HOWDEN: Apple pie as our concluding  
14 comment.
- 15 MEMBER EASON: It is a good comment, yeah.
- 16 VICE CHAIR ROBINSON: Concluding comment,  
17 ok. Great. Ok. Not under the, not under  
18 the, the Final Strategy.
- 19 CHAIR HOWDEN: So we, we, we do need a  
20 formal vote to accept the document as we  
21 have amended it.
- 22 MEMBER HOXIE: I move.
- 23 MEMBER MYERS: Second.
- 24 CHAIR HOWDEN: Second. Those in favor

- 1 please raise your hand for aye.
- 2 MEMBER MYERS: Aye.
- 3 CHAIR HOWDEN: Ok. Unanimous.
- 4 MEMBER YAMAMURA: Thank you, Phyllis.
- 5 MEMBER MYERS: Good job.
- 6 MEMBER HOXIE: Phyllis and Michael...
- 7 MEMBER EASON: Thank you so much, yeah.
- 8 CHAIR HOWDEN: Ed, Ed, you have something  
9 to say?
- 10 MR. KUSHI: As part of the transmittal to  
11 the council, you would have this letter as  
12 revised? So, is Gaye gonna, you gonna do  
13 it?
- 14 MS. HAYASHIDA: Yep. I'll, I'll email  
15 Phyllis and Michael.
- 16 MR. KUSHI: And then part of...
- 17 VICE CHAIR ROBINSON: Oh, you're gonna make  
18 the...
- 19 MS. HAYASHIDA: Yeah.
- 20 VICE CHAIR ROBINSON: The changes?
- 21 MS. HAYASHIDA: Yeah. Or you wanna, you  
22 wanna make it?
- 23 VICE CHAIR ROBINSON: No.
- 24 (laughter)

- 1 MS. HAYASHIDA: I can make the changes.
- 2 VICE CHAIR ROBINSON: I just thought I had  
3 to and that's why I was taking such copious  
4 notes, ok.
- 5 MR. KUSHI: So as part of the transmittal  
6 we would say something to the affect  
7 "attached for your review are the minutes of  
8 the public hearing and the matrix..."
- 9 CHAIR HOWDEN: Yes.
- 10 MR. KUSHI: "And forthcoming would be  
11 minutes of board meetings..."
- 12 MS. HAYASHIDA: Today's one and...
- 13 MR. KUSHI: Where the plans were, 'cause  
14 you won't have that by, yeah.
- 15 MS. HAYASHIDA: I need at least 2 weeks.
- 16 MR. KUSHI: Yeah, yeah. But you, transmit  
17 what we have and then tell 'em that  
18 forthcoming will be the minutes of the board  
19 meetings that they deliberated on this plan.
- 20 MS. KRAFTSOW: Is there, are there any  
21 changes to the matrix?  
22 (several people speaking at the same time  
23 throughout the rest of the meeting)
- 24 DIRECTOR ENG: JR, this is being addressed,

- 1 transmitted to Danny Mateo probably maybe?
- 2 MR. KUSHI: Yeah.
- 3 CHAIR HOWDEN: Chair of Maui County  
4 Council.
- 5 VICE CHAIR ROBINSON: So Gaye you're gonna  
6 send it out to all of for final  
7 confirmation? Or are you sending it right  
8 on without that?
- 9 MS. HAYASHIDA: I can send it to you folks...
- 10 MR. KUSHI: Through, through the mayor,  
11 yeah.
- 12 MS. HAYASHIDA: You and Michael.
- 13 VICE CHAIR ROBINSON: Ok, yeah, just...
- 14 MS. HAYASHIDA: And then once you guys  
15 approve it I can draft, send the draft to  
16 everybody and if anybody has any questions...
- 17 VICE CHAIR ROBINSON: Right.
- 18 MS. HAYASHIDA: You gotta let me know  
19 before May 3<sup>rd</sup>.
- 20 VICE CHAIR ROBINSON: Do you want them to  
21 use track changes if there's a, a...
- 22 MS. HAYASHIDA: Yeah. I can do that.
- 23 VICE CHAIR ROBINSON: You can either accept  
24 or reject the...

1 MS. HAYASHIDA: I'm not sure how many...

2 VICE CHAIR ROBINSON: Know how? Ted does.

3 MEMBER YAMAMURA: Yes.

4 CHAIR HOWDEN: Ok, meeting's adjourned.

5 Good job, team.

6

7

8 (The meeting recessed at 10:43 a.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Prepared and submitted by:

---

Gaye Hayashida  
Commission Support Clerk

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