WATER RESOURCES COMMITTEE
Council of the County of Maui

MINUTES

September 7, 2010

Council Chamber

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Michael P. Victorino, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Sol P. Kaho‘ohanala
Councilmember Danny A. Mateo
Councilmember Michael J. Molina

NON-VOTING MEMBERS:
Councilmember Wayne K. Nishiki

EXCUSED: Councilmember Bill Kauakea Medeiros

STAFF: Kirstin Hamman, Legislative Attorney
Tammy M. Frias, Committee Secretary
Jock Yamaguchi, Executive Assistant to Councilmember Wayne K. Nishiki

ADMIN.: Jeffrey Eng, Director, Department of Water Supply
Edward S. Kushi Jr., Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:
Herb Chang, Engineering Program Manager, Engineering Division, Department of Water Supply

OTHERS: Zachary Franks, Managing Member, Piiholo South, LLC
Cynthia Warner, Managing Member, Piiholo South, LLC
Sarah Schuck, Piiholo South, LLC
Sherman Dudley DePonte
Gina Flammer
Richard H. Pohle, Founder, Upcountry Meter List Association (UMLA)
William Blizetz
Jim Bushlow
William O. Abreu
Chuck Freitas
Vicki Schulte
E.G. Davis, Project Manager (representing Neil Struminger)
CHAIR VICTORINO: ... (gavel) ... Good morning. The Water, Water Resources Committee meeting of September 7, 2010 will come to order. We have quorum present at this time. Let me start by saying that I will ask the audience...I know there’s a lot of conversations going on right now, and I’m going to ask that if you have to have a conversation, please go outside of the Chamber so that decorum can be followed. Also many of you have cell phones, and I’ve already heard a couple of them, so if you could put cell phones on vibrate or turn it off or on silent mode or whatever, I would really appreciate it, ‘cause we’d like to keep the meeting in order. Decorum will be followed. I started out with that because I know there’s a lot of people, and many want to give testimony, so I want to make sure everybody has a chance to be heard. Good morning, and I’m sorry I had to start with that first. Now I’ll introduce the Committee, if I may. First of all, I’d like to start with our Vice-Chair, Mr. Joseph Pontanilla.

VICE-CHAIR PONTANILLA: Good morning.

CHAIR VICTORINO: Good morning. Our Vice-Chair of the Council, Mr. Michael Molina.

COUNCILMEMBER MOLINA: Good morning, Chairman.

CHAIR VICTORINO: Good morning. The beautiful lady from Upcountry, Ms. Gladys Coelho Baisa.

COUNCILMEMBER BAISA: Well good morning, Chair.
CHAIR VICTORINO: Good morning. Our representative from the island of Lanai, Mr. Sol P. Kaho‘ohalahala.

COUNCILMEMBER KAHO‘OHALAHALA: Good morning, Chair.

CHAIR VICTORINO: Good morning. And our representative from the wonderful island of Molokai --

COUNCILMEMBER MATEO: Hey.

CHAIR VICTORINO: --Mr...and our Council Chair, Mr. Danny A. Mateo.

COUNCILMEMBER MATEO: Good morning, Chairman.

CHAIR VICTORINO: Good morning. These are what I call our Voting Members. One of our Voting Members that is not going to be present today and is excused is Mr. Bill Medeiros. Everyone is a Member of this Committee, but two of them do not have the opportunity to vote on items; however, I still recognize them, and their participation is welcomed. Our South Maui representative that’s here this morning, Mr. Wayne Nishiki.

COUNCILMEMBER NISHIKI: Morning.

CHAIR VICTORINO: Good morning. Okay. From the Administration, we have Mr. Jeffrey K. Eng --

MR. ENG: Good morning.

CHAIR VICTORINO: --the Director of the Water Supply, and also Corporation Counsel, Deputy Corporation Counsel, Mr. Edward Kushi.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. We have presenters here in the audience today, Mr. Zack Franks and Cindy Warner from Piiholo South, LLC. They will be doing their presentation a little bit later. And I cannot forget our wonderful Staff that really without them much of the, much of the items don’t work, and I’d like to start out with our Legislative Analyst Kirstin Hamman, and also our Committee Secretary Tammy Frias.

MS. FRIAS: Good morning.

CHAIR VICTORINO: Good morning, ladies. This morning we have just one item and that’s W-- excuse me, got my notes over here--WR-18, Piiholo South Well (State Well No. 5118-04). And today’s item will be...that we’ll be limiting testimony on today. So I’ll try to keep it in that area. If we start seeing testimony going off to a different direction, I will ask you to stop and stay within that realm of the Piiholo South Well. Okay? You’ll be limited to three minutes, two and a
half minutes and half a minute to conclude. I would ask you to please state your name and who you’re representing if you’re representing anybody. Okay. So at this time, I would like to start public testimony, with no objections from the Committee.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you. I know there’s more. Right now I have six. I think there’s more to come, but let us start with this six. If you do want to testify, there’s a table set up in the back, please go and sign up because we do need this for public record. Okay. First testifier and someone we all know and love, he comes here all time, and he’ll be talking about WR-18, Mr. Sherman Dudley DuPonte [sic]. Sherman? See when you get some of these guys come so often, you get on a first-name basis. . . .(laughter). . . Good morning, Mr. DuPonte [sic].

. . .BEGIN PUBLIC TESTIMONY. . .

MR. DePONTE: That is DePonte. My name is Sherman Dudley DePonte, and I’m a land surveyor for Akamai Land Surveying. I’m here to represent myself and also a lot of other people. I’ve had over about 8,000 clients so far, been in business for a long time, 35 years doing land surveying. I’ve watched a lot of people’s dreams get taken away, stolen by one department in this County, and a lot of, a lot of subdivisions go through and it gets stuck right there. We have an opportunity right before us right now to, to take in a resource that is very...is, is really good. It’s been proven. If it needs to go through some more tests to get better, you know, so that you feel more comfortable with it, I think let’s do it and let’s get going with it. So that would be my first on...my first thing, you know, just basically I’m agreeing, we need to move forward on this and get that, so that we can provide people with their dreams. Because some of us, what we see is we’re family subdivisions, a lot of ‘em, and we’re trying to get our water, and no more water, no more water meter. Well, we have a source now. The excuse...and the excuse is going to stop right here. So let’s work towards getting that. That’s the first thing. I always bring up the fact that, you know, the Upcountry people, we got left behind, especially the Kula people. We have a church up there over 100 years old, we’ve been praying for water a long time. Here’s a source. Let’s get it up there. The people of Kula had to take the initiative on them, on themselves to put in that Upcountry waterline, the first waterline that went in. It took a lot of hard work from the families and a lot of money from ‘em, one of which was my great-grandfather, and that’s how I know it personally. A lot of effort, and it was no can, and all of a sudden, can. That water system is holding up Kula right now, and still the Waikamoi system, I mean, look at how much people is in there and it’s still holding it up. Now we need help, and we’re asking because the system has been down, it’s not been taken care of. We need help and we need the Council to act now, and get in there and, you know, get...you know, I cannot talk about infrastructure, as Mr. Victorino told me. It’s more the resource, and we have found a resource. So it kind of threw me off on this, on this whole thing. Again, why, why I mentioned...why, why, why I’m taking it to the Council and why we have to bring it to the Council and have the Council look at this, and look at the department is I have evidence on top of evidence of the department that has failed us. And I...and, you know, changing a 6-inch waterline, 3,000 is the latest that I have here.
Infrastructure, our money is getting wasted, we need to find it, we need to target it to where we need it the most. Right now this resource is where we need it.

*Note: *(beeping sound from Limitimer).*

MR. DePONTE: I got a beep, so I guess that’s it for me.

CHAIR VICTORINO: Thank you, Mr. DePonte. Any questions for the testifier? Seeing none, thank you very, very much then, Mr. DePonte. Next testifier will be Gina Flammer, and Gina will be testifying on her...on behalf of herself, and followed by Mr. Richard Pohle.

MS. FLAMMER: Good morning. My name is Gina Flammer. I’d like to thank you for taking up this well agreement with the resolution and with this hearing today. I feel like you’re really doing this on behalf of the people. Maui has a history of making water agreements behind closed doors, with those on the water meter list getting, getting very little of the water. I’m concerned that this process may still be happening and that a deal has already been struck. A few weeks ago, a developer told the Kula Community Association that he’s part of this well agreement and that the well will provide more than enough water for two very large subdivisions in Kula, the Kula Ridge and the Kula Ridge Mauka projects. Well, I’m not sure what’s been happening in the last few weeks since you passed your resolution, but on Friday it was announced that this project can now move forward. So I’m asking, where’s the water coming from? Why all of a sudden can this project come forward? The developer is stating that he has all the water he needs from this Piiholo Well. I do not think that it is right or fair for the people on the water meter list. I think that today would be great if you could clarify where this water is coming from so that the public can understand exactly what kind of deal is being negotiated and who is negotiating this deal. I’d also like to express my appreciation to Richard Pohle and the members of the Upcountry Meter List Association who are asking for the outright purchase of the well. From what I read in yesterday’s paper, the well owner seemed to be agreeable to this, also be the best deal for everybody in here. For a fair agreement to be reached, there’ll be a hefty price tag, both in the cost of acquisition and in the ongoing pumping costs. I’m here to tell you today that these people on the Upcountry Meter List are worth it. These are local families, many of them who want to give their children the land so that they can stay here. I recognize that this kind of deal to happen, the public and those on the list need to come out and support your efforts. So I’m asking that those people be very loud and clear in their message and that they support you, and that they deserve the water and that cutting in front of them is just simply unacceptable. I know that you need to do your due diligence and that that can take time. The Water Department needs to do its own testing on the well and on the water quality. All of the upfront and continual costs associated with this need to be identified before a deal is made. I would ask that this due diligence process not be rushed and that it be transparent. I also know that you cannot make a decision today. I would ask, however, that you make a commitment to do the testing and some due diligence, and you make a commitment to not allow any development projects, specifically the Kula Ridge project to move ahead of those on the water meter list. Thank you.

CHAIR VICTORINO: Thank you, Ms. Flammer.
AUDIENCE: ...(Applause)...  

CHAIR VICTORINO: Questions for Ms. Flammer? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Ms. Flammer, for being here this morning. I'd like to get some clarification. I know as much about this as most people do, a lot of it from reading *The Maui News* article. In that article, it stated...and the reason why I'm bringing this up is we hear about 100 percent of the water. If we're going to get 100 percent of the water, I read in the paper that the developer would like to keep 30 meters. Is that a concern for the organization?

MS. FLAMMER: We haven't discussed it at this point. I think our big concern is that water credits not be sold. That's been a practice in the past, and that's how people have avoided or jumped the water meter list, and we see this as a very unfair practice. We think the only people that should be getting that water now really are the people on that list. I understand the 30 meters, so I don't think that's unreasonable.

COUNCILMEMBER BAISA: Thank you. I think that helps us as we discuss this, 'cause everybody's talking about 100 percent, and I'll try to find out later exactly what that means.

MS. FLAMMER: Okay.

COUNCILMEMBER BAISA: Thank you.

MS. FLAMMER: Thank you.

CHAIR VICTORINO: Thank you. Other questions? Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Gina, I, I, I think there's some talk around that they think that the County is going to get this well and, and meters for nothing. Is that something that concerned you when this kind of talk is going around that perhaps we are not going to compensate the developer?

MS. FLAMMER: No. I think in Richard Pohle's letter, he outlined the different options, and I don't know if you guys have a copy of that.

COUNCILMEMBER NISHIKI: I, I...

MS. FLAMMER: In, in the past the County has, has used a standard water agreement where the developer got...and I'm not...I don't...maybe 80 percent of the water, most of the water, and they've sold that water to other people. And they've given it to developers for development, and the people on the list didn't get any water. So what we're asking...or what I'm asking now is for
a new way of business, and that’s where the County buys the well. And I know it’s going to be expensive, and you need support in order for that to happen.

COUNCILMEMBER NISHIKI: And, and thank you, because I, I think that this Council has the power to set policy on how we deal with it. So hopefully, Mr. Chairman, we’ll be using that ability of ours as we pursue this. Thank you so much, Gina.

CHAIR VICTORINO: Any other questions? Seeing none, thank you very much, Ms. Flammer. Next testifier is Mr. Richard Pohle. He is from the Upcountry Meter List Association, he’s the founder of UMLA, and followed by William Blietz.

MR. POHLE: Greetings. I am Richard Pohle, founder of the Upcountry Meter List Association. In 1986, my wife and I established Valley View Protea Farm at 4,000 feet on Crater Road. I have testified this Council...before this Council at least 15 times to no apparent effect. The Piiholo South Well is different from surface water sources that the County depends on for most of its water. This new water is always available, even in the worst drought, but this water is thousands of feet down. It is expensive to pump Upcountry. As a farmer, I can buy 1,000 gallons of it for a dollar. It costs the County $6 to deliver it to me. If the cost of water Upcountry pumping is the real reason you have not provided more meters, then you should charge me more for water. The issue today is the meter priority list, how many new meters, if any, will result from this well. Some people say if the priority list were repealled, there would be an overwhelming rush to get meters, but I say that if the County made it clear that meters would always be available when needed as needed, demand for new meters would be moderate. I joined the list in 2003, not because I wanted to subdivide, but because I was afraid to miss the boat. Slightly change the rules and this well could satisfy the whole list. Some people say the County cannot afford to pay the millions required to acquire and operate this well, but I say there are many ways to finance this. You could float a bond, sell shares, or as with power, you could lease your transmission lines to the well owners. Let them manage and deliver their water. The Upcountry water problem was never about lack of water. It has always been about lack of management, money, and imagination. Some people say the County uses water meters to control Upcountry development. These people would be the lawyers arguing a class action lawsuit on the grounds of discrimination, misuse of exactions, and the taking without compensation of our rights to use our land. But I say let’s wait and see what the County does here and how they treat this well. In the 20 years this County has had...the meter problem has persisted, the County has done little. You have probably had 50 ways to get us water. Dig us a dike, Mike. Buy us a dam, Dan. Senator Dan did get some funds for planning an Upcountry reservoir. Mayor Tavares spent it for repairs to the existing system. The Mayor ate our seed corn. Drill us a well to sell. It is State policy that water belongs to all of the people. If the County will not drill wells when private individuals do and try to sell it to the County at a small profit, don’t complain. Zach Franks and his invest [sic] to drill this well at their own expense and risk. It has cost the County nothing. We owe you our thanks, Franks. You don’t deserve the Nishiki resolution claiming free rights to 100 percent of the water, because taxpayer dollars are being used to develop and transmit water. Don’t be a pain, Wayne. If you want 100 percent of the water, buy the well. Please use this well in a way that maximizes the number of new meters provided to your Upcountry constituents.
Abolish the priority list. Tell Mr. Franks, open the tap, Zach. Stop saying no, Joe. Hook up the pumps, chumps, and let the water flow. Thank you very much.


CHAIR VICTORINO: Articulate at best. Thank you. And I’ll try to dig up the dike as soon as I can. Questions from the Committee Members? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Pohle, for being here this morning, and we can certainly use a little humor around here. This is a very serious subject, has been for a long time. I know you’ve done a great deal of work on that...on the list and probably know more about it than anybody else besides the Department. I wanted to ask you a question. We’re talking about satisfying the entire Upcountry list possibly if we buy the well outright and have all the water. I also have been told, you know, there’s a lot of stuff going around right now that the way the people appear on the list, that within the first few hundred names there are so many subdivisions that they would probably consume all of the possible meters. Do you know that to be true? Otherwise, I’ll ask the Department when we get to them.

MR. POHLE: I have no way of knowing how many meters are on the list. I do read from the minutes that Jeff Eng said some six months ago, there were 2,900 meter applications. Assuming a year has passed, I would assume 3,000 meter applications. Now part of the meter applications, as I say, were because of the...wanting to get on the list, and so if I assume 50 percent of it is...that that leaves 1,500 meters. The other thing you must realize is that Upcountry water consumption is not 600 gallons a day, as the Department says. If you irrigate--and I can irrigate--that is a huge expense and water use. If you want to build a house, it’s been my personal experience that people take about 90...80 to 90 gallons a day per person. So if you’ve got four-person house you have less. Now combine that with, with a pricing structure that gives everyone the same rate at, at...up to a baseline and then it steeply penalize, and you will have people using the cost of water as a conservation measure. You will no longer have water running down the hill because it’s so cheap. There is a real expense--and I recognize it--of the County to pump water uphill. You ought to get your money from that. So a few rules like that, and I’d be...they’re, they’re listed on my website of UMLA.ws.

COUNCILMEMBER BAISA: Okay. But you, you really don’t know how many of those maybe 300 or 400 first names on the list are subdivisions?

MR. POHLE: No. I have no way of knowing that.

COUNCILMEMBER BAISA: Okay. Thank you very much. I’ll try to get that out of the Department.

MR. POHLE: Thank you for the question.

COUNCILMEMBER BAISA: And I do want to tell you I agree with you, because we do not use 600 gallons a day. We often use less than 200.
MR. POHLE: Thank you.

COUNCILMEMBER BAISA: Thank you.


CHAIR VICTORINO: Thank you, Mr. Pohle. Next testifier, Mr. William Blietz, and he'll be testifying on behalf of the Blietz ohana family, followed by Jim Bushlow.

MR. BLIETZ: Good morning, Mr. Chairman and Members. My name is William Blietz, but actually you should think of me as No. 40.


MR. BLIETZ: Actually, you know, when I got on that list, I had all my teeth, I didn’t have a gray hair in my head, and I didn’t need to take $500 worth of medicine every month to keep me alive. The reason that I’m...I have a wife, two sons. They each have a wife. I have three grandkids and one grandkid [sic], and all I’m trying to do is to get a water, water meter so I can get my property to my family. It’s not a situation where I’m going to make five cents off of it. And how long have I been waiting in line? Twelve and a half years. You know, if I came here and I told you that I was waiting on a, on a bus stop for one of your buses to come, and I’ve been waiting for twelve and half a years, then I’d say, gee, can’t you get that thing running so that I can get off this bus stop and get to where I’m going? Well, it’s the same situation. And I’m not here to complain, because I’ve heard a lot of talk, I’ve heard a lot of talk about Administrations. Actually when I got on the list I was No. 700, so I’ve come 616 marks up the, up the ladder to get to the top, but in the last few years this Administration has talked plenty about water, everyone else has talked about water. I thank Mr. Nishiki for bringing a resolution here to get this thing resolved...where it looks like according to Harry Eagar...I read his wonderful article. It’s already been mentioned by you. I’ve been reading Harry for as long as he’s been writing in The Maui...and I’ve never...I never ever saw him misstate facts. I think he’s got all the facts in there, and if it’s true that there’s 1,300 people on the list, unfortunately, you know, I’ve never had one correspondence from anyone in the, the 12½ years about where I’m at on the list. All I’ve been told is go check it on the internet, but you know what? It took me a month and a half. I’m so ignorant about using the internet that it took me a month and a half to figure out how to do it. So I’ve watched mine crawl up the ladder. The last four years, I think I’ve made two steps, I went from No. 42 to No. 40, and I suspect that’s because two people died in front of me. I don’t know.


MR. BLIETZ: I hope the first gentleman that talked here that his great-grandfather had a lot to do with the water, I hope my great-grandchildren aren’t coming here in years to come asking you folks to do the same thing to try to supply water situation. I, I, I don’t think that you’re really trying to
discourage development, and you’re trying to do the things that are necessary to get things done, but everybody talks about it. In fact the only one that...the only candidate I’ve seen talk about it was Randy Piltz, had a picture of himself in the paper next to a well that was drilled ten, ten, drilled ten years ago. Nothing’s been done. Well, that’s insane. I mean that’s not reasonable, is it? Everyone wants to talk about it, nobody wants to do anything about it, and now you folks have the ability to do it. The only person that I see that you...

CHAIR VICTORINO: Okay. Mr. Blietz? Mr. Blietz, can I ask you to conclude? Because we have a whole bunch of testifiers --

MR. BLIETZ: Yes, sir.

CHAIR VICTORINO: --and I’d like to give everybody an opportunity.

MR. BLIETZ: Okay.

CHAIR VICTORINO: Please, sir.

MR. BLIETZ: Yes. Get yourself a financial advisor to figure out how you’re going to do it, and please, get it done. Thank you. Aloha.

CHAIR VICTORINO: Thank you, Mr. Blietz. Questions for the testifier?

AUDIENCE: ...(Applause)...

CHAIR VICTORINO: Seeing none, thank you, Mr. Blietz, for being here. Next, next testifier is Mr. Jim Bushlow, followed by...and he’s speaking on his behalf, and followed by Mr. William Abreu or Abre [sic]. I can’t read the writing, so I’m sorry again if I mispronounced his name. Mr. Bushlow, go ahead.

MR. BUSHLOW: Jim Bushlow, I live in Waiakoa. Good morning to everybody. I am here because I live up there and we all need the water, and it all sounds just get great. However, when I read Mr. Eagar’s article in the paper, it said one thing, and when I read the letter to Mr. Victorino from Piilolo South, it states that they are going to give the water to Kula Ridge. This is a project that has been declined by this august group here in the past. They’ve got so many issues on the table, it’s unreal. We could go into all of that, but I’m sure Mr. Victorino doesn’t want to address those issues in a, in a water meeting.

CHAIR VICTORINO: Yeah.

MR. BUSHLOW: I just...it, it makes me very uncomfortable, they’re trying to push everything through for Kula Ridge the week before the elections. It seems to be padded by the Mayor. I mean I don’t care if we’re in Maui, if we’re in Chicago, if we’re on the moon--pushing things through a
week before an election just doesn’t sit right with me. That’s basically all I have. If you’d like to get into any details on it, I’d be happy to.

CHAIR VICTORINO: Thank you, Mr. Bushlow. Any questions for the testifier? Seeing none, thank you, Mr. Bushlow.

MR. BUSHLOW: Thank you.

CHAIR VICTORINO: Okay. So Mr. William…

MR. ABREU (from the audience): Abreu.


MR. ABREU: Again my name is…good morning, Council Members. My name is William Abreu. I am No. 30 on the list. . .(clears throat). . . This is all . . .(chokes up). . . this is a very sensitive issue for me. My dad passed away in December, not seeing me get our meter for the property that he gave me. Sad. I always have a concern about the DWS. My concern is that there has been no Director since David Craddick who actually directed the DWS. Every Director since Mr. Craddick left…is being direct…that left, is being directed by a certain person in the Department, and that person is Herb Chang. That being said, I’d like the DWS to be given a time deadline for their involvement on this matter, so someone can be held responsible for any delays related to this well purchase. I’d also like the Board of Water Supply to be reinstated in a way that they have some power and the people in the DWS be held accountable for what I predict will be ridiculous demands on these people who have already took the risk to drill the well. They took the risk and now have something to offer the County. The water may belong to all of us, but someone needs to pay to get it to us, and they did that. That’s the cost, getting the water. We need now to move forward to work with them to get that good, clean water into the Upcountry system. In closing, I’d like to say the DWS has a slogan, by water all things find life. I urge the County Council to approve the purchase of the Piiholo South Well, and remember, buy the water so all these people on the list can get on with their lives. That’s all.

CHAIR VICTORINO: Thank you, Mr. Abreu.


CHAIR VICTORINO: Mr. Abreu? Mr. Abreu, please. I have a question for you, and then I’ll open it up to the rest.

MR. ABREU: Yeah.

CHAIR VICTORINO: You’re No. 30 on the list.
MR. ABREU: Uh-huh.

CHAIR VICTORINO: So if something of this nature was to come to fruition, you would be able to get your water meter and proceed?

MR. ABREU: Yeah. I’d like to tell you a story about that, real short.

CHAIR VICTORINO: Okay. Really and try to make it short, please.

MR. ABREU: Okay.

CHAIR VICTORINO: Thank you.

MR. ABREU: Anyway, when Kimo Apana was Mayor before he left, David Craddick was the Director, they sent out 300 letters. There’s some people in the audience here that got one of those letters that said if you come in and pay for your meter you’ll get a meter. Okay. Well, I was one of the persons that did that. Well I came in, I paid for everything upfront, went to Mr. Craddick…oh, I went to Herb Chang and said, you know, I’m here to pay for my meter, and I went to the off…the front desk. Then they said they didn’t know what’s going on. Then I went to Herb Chang and he said he didn’t know what’s going on. Then I went to David Craddick, he walked me back to Herb Chang, and Herb said we’re not going to give him a meter, and David said you are going to give him a meter. So anyway, so Herb tells me, okay, Mr. Abreu, you go tag off where you want your meter on your property and we’ll be there next week. Well you know what? That all went down the toilet. You know? So the Water Department apparently…whenever I come to this building, I never feel comfortable. It’s like you the enemy. I mean we all need water. We’re all in it together. And whether you’re renting a house or wherever it might…whatever it is, when you’re in the populace, you’re still drawing the water.

CHAIR VICTORINO: Right.

MR. ABREU: So we have a chance to have an accessibility to water, you know, 1.750 million gallons a day that can take care of all of these people. You know, I’m tired of all of the BS already. This Water Department gotta go, man. Somebody needs to look over their shoulder. That, that’s just the way it is.


CHAIR VICTORINO: Okay. Thank you, Mr. Abreu. You went a little bit more than I had asked, but thank you very much.

MR. ABREU: That’s all right.
CHAIR VICTORINO: I do appreciate...yeah, I do appreciate it. Any other questions? Thank you, Mr. Abreu. Chuck Freitas, please, he’s testifying on his behalf, and Vicki Schulte will be the next testifier. Mr. Freitas?

MR. FREITAS: Thank you, Mr. Victorino. Three minutes, huh? I’m Portagee. This is going to be hard. Okay.

CHAIR VICTORINO: I know, but try, try, please try.

MR. FREITAS: I going try, though. I going try.

AUDIENCE: . . .(Laughter) . . .

MR. FREITAS: I don’t know about, you know, the 100 percent from the, the well, and I don’t know about subdivisions, etc etc. But I do know about indigenous people, you know, and, you know, like the gentleman over here who’s on medication, you know. My wife and I are 64, we have a five acre parcel, we asked for a meter. Okay. We asked when we were in our early 50s. I told her straight, we’re not going to get our meter in my lifetime. Now I hear about this well, and guess what, you don’t have to pump uphill because we live down Kokomo. Hey, we can gravity feed. That’s fine with me, you know.

CHAIR VICTORINO: . . .(Laughter) . . .

MR. FREITAS: So if, you know, if that this Council has the ability to get this well, I think it would be great. You know, I know Mike when we were up in Kalama, and I’ll be real honest because, you know, teaching there, and I’ve said this to the Water Department, some of these people if they were my students would get some really poor grades. I’d like to see you guys get some really good grades, ‘cause we need it. We need a meter, you know, especially the individuals, and if we can do that, that would be wonderful. I’d like to see it in my lifetime. Thank you.

CHAIR VICTORINO: Thank you. Very good, Mr. Freitas. Questions for Mr. Freitas? Seeing none, thank you, Mr. Freitas. You did a good job staying under three minutes. Thank you. Vicki Schulte followed by E.G. Davis, and I guess, Vicki, you’re speaking on your own behalf.

MS. SCHULTE: I am. Thank you. Council Members, thank you for the time to testify. I’m going to be very brief. I come from an economic background, and I also happen to own a small, special, little surf place over on Molokai. And I’m stating that because the context of my communication has to do with the fact that we have failing water systems on Molokai, and it affects me regularly. And I see the people it affects over there when developers were in fact left with water systems over a long period of time, and the County did not acquire through full purchase, and then maintain and establish proper water services. And it’s a disaster over there right now. So my economic conversation is very clearly that there should be nothing but an outright purchase made on this, and that any partnership for infrastructure building, that’s fine, but that the water system itself should be acquired directly and maintained by this County. It is a public resource at that
point. It should be maintained and overseen by the public servants that have the expertise to do that. And I don’t believe that anything less than an outright purchase is an appropriate matter and Molokai is an absolute example of it. And I can ensure you I’ve lugged five-gallon buckets for my showers and for my food to boil on Molokai, because that water system constantly is breaking down with no notice.

CHAIR VICTORINO: Thank you. Thank you for your comments.

AUDIENCE: ... (Applause)...

CHAIR VICTORINO: Questions for the testifier? Seeing none, thank you very much. E.G. Davis, and you’re going to be speaking on behalf of Neil Sunning [sic]...you know what, sorry. I cannot, you know, I don’t wanna, I don’t wanna botch this name, so you’re going to help me.

MR. DAVIS: It’s all good.

CHAIR VICTORINO: That’s...you’re the project manager, I guess.

MR. DAVIS: I’m the project manager.

CHAIR VICTORINO: Okay. Okay.

MR. DAVIS: Yeah. Aloha, Council. Thank you for letting me speak here. My name is E.G. Davis and I’m speaking on the behalf of my boss Neil Strumingher, and we live on Piiholo Road, and he’s been on the water meter list for almost ten years since 2001. And I guess I’m just speaking on the behalf that we’re just a small farm that grows native Hawaiian trees. We’re just trying to get extra water to supplement our small farm. We don’t want to see any large subdivision happen. It’s an eyesore almost every time I turn left on...or turn right on Piiholo and see the water well thinking that we might not be able to get a water meter. We’ve been on it for ten years. We’re just trying to grow some trees. And I really feel with these gentlemen that have spoken before me that, you know, with...we’ve been on it for ten years. I don’t want to be, you know, on it for another ten or another 20 or another 30. I don’t believe that we need to do more subdividing or large developments. This is for the small guy just trying to get extra water to pass down to his family and to grow some native vegetation. Thanks.

CHAIR VICTORINO: Thank you. Any questions for the testifier? Seeing none, thank you, Mr. Davis. Next to speak will be Michael Howden, and I guess he’s speaking on his behalf, followed by Mr...by Dr. John Dugan. Mr. Howden?

MR. HOWDEN: Chair Victorino, Members of the Council and the Committee. I am strongly in favor of the County acquiring the Piiholo South Well. I think there are certain conditions you need to look at. One is that to use County transmission lines to supply Kula Ridge...I mean people have spoke...Gina Flammer spoke about this before. I think it’s one thing to give the Piiholo South developers adequate water for their, their own subdivision. I think it’s foolish to bring water that
you’ve already pumped 1,700 or 1,800 feet up from sea level up...further up into the upper and lower Kula systems. These are some of the mistakes that were made with the Piiholo Well agreement which has since been cancelled. I do find the timing of this rather curious. I’ve been nudging the Department, as Chair of the Water Board, to enter into negotiations with Mr. Franks and his partners for well over a year, and we’re close. But I think that because there’s so much public pressure to resolve the, the water meter list, that you still want to be careful what kind of agreement you’re going to make. It will cost you $6 per 1,000 gallons to put this same water up in the upper Kula system. It will cost you about 4.50 to put it in the lower Kula system, and we’re charging at least with Agricultural rates $1 per 1,000 gallons. So you need to look at some level of adjustment, and meanwhile while there’s this great rush on to purchase this well, we’re kind of sidestepping very valuable water that’s available to us through the Waikamoi flume system. I, I know that there’s a study on...about this, but for years this has been pushed to the side. We need to reconfigure and possibly extend that system. Then you have water that you don’t need to pump at head above 4,000-foot elevation. The other thing is also that, that in terms of financing this, Carl Freedman with the Water Use and Development Plan said the actual cost of meters is close to $20,000. And I think that the Council and the Administration need to look at really having a cost when you purchase your water meter, that it needs to reflect the actual costs of what it costs to deliver water in the County of Maui. Thank you.

CHAIR VICTORINO: Thank you, Mr. Howden. Questions for the testifier? Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Howden, for being here this morning.

MR. HOWDEN: Thank you.

COUNCILMEMBER BAISA: Just a quick question. You are the Chair of the Water Board?

MR. HOWDEN: Yes.

COUNCILMEMBER BAISA: Has the Board discussed this matter officially, the purchase of the well?

MR. HOWDEN: We’ve talked. When we get the Director’s report at each meeting, we will ask Director Eng about this, and it seemed to just be stalled. There seemed to be kind of a reluctance. I mean I, I think Jeff is right to ask for further testing. We want to really be sure. I mean this is drilled in old pineapple fields, right?

COUNCILMEMBER BAISA: Yes.

MR. HOWDEN: And the last thing you want is another Hamakuapoko Well, you know, especially when you paid 8 or 9 million for it.

COUNCILMEMBER BAISA: Right.
MR. HOWDEN: But we were prepared, of course, with the Piiholo agreement to put in transmission lines, et cetera or at least to reimburse Maui Land & Pine for that. Yeah, we have discussed it. It's, it's been always on this informal basis, and...

COUNCILMEMBER BAISA: No official action?

MR. HOWDEN: No. No. I mean they...Mr. Franks, of course, has met with the Mayor, I think, a few times and with Director Eng, but sometimes there seems to be kind of a veil between what's happening and what we're told.

COUNCILMEMBER BAISA: No, thank you very much. I thought it would be relevant for the Council to know if the Board had taken any official action.

MR. HOWDEN: No.

COUNCILMEMBER BAISA: Thank you --

MR. HOWDEN: Thank you.

COUNCILMEMBER BAISA: --very much.

MR. HOWDEN: Thank you, Gladys.

COUNCILMEMBER BAISA: Thank you.

CHAIR VICTORINO: Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Thank you, Mr. Howden, for being here this morning. Just two questions. When you mentioned canceled agreement, what agreement you talking about?

MR. HOWDEN: Well we, we...at one point we had a...the Piiholo Well agreement, right, with Maui Land & Pine, where we were going to take...we were going to accept the well, but we were going to give them the lion's share of the water.

VICE-CHAIR PONTANILLA: Okay.

MR. HOWDEN: And they had the right to...they were given an allocation, I believe, of 140,000 gallons a day in the lower and upper Kula systems.

VICE-CHAIR PONTANILLA: Okay. So the agreement was with Maui Land & Pine?

MR. HOWDEN: Yeah. And --

VICE-CHAIR PONTANILLA: Okay.
MR. HOWDEN: --they...but they had the right to...they designated a number of entities including A&B as recipients of...potential recipients of some of that allocation.

VICE-CHAIR PONTANILLA: Okay. Thank you. And, and the second question, Waikamoi system?

MR. HOWDEN: Yes.

VICE-CHAIR PONTANILLA: Can you expound on that?

MR. HOWDEN: Well some years ago...some decades ago, at great cost and danger to those participating in it...I mean Smitty will get to that later on, but we...the community built or helped build a water diversion system, called the Waikamoi flume system. There were two reservoirs. I believe they’re each 15-million gallons each. There are two of them. We don’t use them anymore, because they’ve…the lining has disintegrated and there must be, you know, ten feet of silt at the bottom of them. And they’re used as transient reservoirs to fill the Kahakapao Reservoirs at this point. What’s happened is that, you know, you built them out of redwood which doesn’t have really any lateral strength. It’s good with water but when it dries out, of course, it checks, and there’s tremendous leakage out of that system. It’s, it’s extraordinarily inefficient.

VICE-CHAIR PONTANILLA: Okay. I think you answered my question. So basically it’s the maintenance of the flume itself that need to be done. It kind of interesting that you mention about the two 30-million gallon reservoir. You know, that’s something that we always look for something to store water, and if we haven’t acted then, you know, something is wrong. So thank you.

MR. HOWDEN: You’re welcome.

CHAIR VICTORINO: And that, you know, just to--before I recognize Mr. Molina--to let you know that the monies for that are still...we’re, we’re still working out with Senator Inouye for the $10 million to replace the entire system. That is something that has been ongoing, and we’re hoping in the very new future that that Federal funding will come through. Because we all know that right now between one-to-three, maybe as much as five million gallons a day is lost in that system, and no one really has an accurate number because no one really knows. Until it’s fixed then we’ll actually know what comes down, isn’t that correct, Mr. Howden?

MR. HOWDEN: Yeah. It, it…the thing with that as you well know --

CHAIR VICTORINO: Yes.

MR. HOWDEN: --having been Chair of the Water Board is that here’s water that’s basically for free at head above 4,000 feet. We don’t have to pump it.
CHAIR VICTORINO: Yes.

MR. HOWDEN: And, and it was designated really for agriculture in upper Kula, so and which we’re largely ignoring.

CHAIR VICTORINO: Well and so all said and done I, I just want it, want it made known that that is something that is still being worked. It is one of the top priorities for the Department and for our Senator to get that money so we can make that necessary repairs. And if that can come true in the very near future, that would be a big help too to the system itself.

MR. HOWDEN: It would be a godsend.

CHAIR VICTORINO: Yeah. It would be a godsend. Go ahead, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Good morning, Mr. Howden, and thank you for sharing your perspective with us as the Water Board Chairman. You mentioned the topic of the water meters, possibly increasing that, and that’s a good discussion point as it relates to this and any other future water sources we may be looking at. I think currently it’s roughly about 6,000 per meter --

MR. HOWDEN: Yes.

COUNCILMEMBER MOLINA: --and to offset the cost you’re looking at tripling basically to 20,000 or so. Now maybe for your next Water Board meeting if you could also bring up the discussion point of maybe grandfathering those. You know, we’ve heard from people here who have been on the list for years and years. And when they first got on the list, I’m sure a water meter cost a lot less than what it’s currently costing right now.

MR. HOWDEN: Yes.

COUNCILMEMBER MOLINA: So if maybe the possibility of grandfathering those if and when this well comes to fruition and we start doling out the water meters, that those who have been on the list for 20-30 years that they be, you know, at least be charged the old price, I guess, if you will, rather than, you know, the consideration of 20,000, just to be fair.

MR. HOWDEN: You know, yeah...I, I think that would be reasonable and compassionate given how long so many of these people have been...especially for immediate family subdivisions. That’s what we’re looking...I think the, the flaw in the list besides that we’re not providing water is...are all the subdivisions that are there, you know, extensive subdivisions which will change, of course, change the character of Upcountry. And I think that would be to all of our detriments.

COUNCILMEMBER MOLINA: Right. Okay. Thank you. Thank you, Chair.
CHAIR VICTORINO: Thank you. And I want to remind Mr. Molina and, and the rest of the Council that if something like that which was to come up, we would be the one to make that, that change. It will come back to us. The Water...the Board of the Water Supply is still advisory. They would advise us, and I thank them for that. But as far as power, it would have to be us to make that decision, and something, Mr. Molina, that if you’re not here, I would or anybody that would still be here would be very much encouraged. So thank you for putting that in the notes. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much. And I will still be here, God willing, and I’m very concerned. Thank you for...Mr. Molina, and for...Mr. Howden, for bringing up the question I had asked earlier. Because it was brought to my attention by somebody who’s been taking a good look at this list that, you know, there were a number of subdivisions that would be in the early numbers. And so they would take up all the meters that would be released, and it’s a concern for a lot of people as well as myself. Because how do we deal with the long-time families who have waited generations like mine and many in this room to get water to give their children? But if the subdivisions are going to come in and take it all, then, you know, we’re going to spin our wheels here. Yes, there will be water, but it’s not going where we want it to go to. Any comment?

MR. HOWDEN: Yeah. I, I, I wholeheartedly agree with you. I think it would be a travesty for...especially for families who have lived here for generations and who desperately want water not for personal profit, but simply for the legacy in their families. And to see more unnecessary subdivisions go in Upcountry when you need to really meet the needs...and I also say that, you know, we have a certain reserve for Hawaiian Homes.

COUNCILMEMBER BAISA: That’s correct.

MR. HOWDEN: I believe it’s half a million, but we need probably quadruple that reserve for Hawaiian Homes as, as Hawaiian Homes gets built out, and I, I don’t think we’re looking at that. And to make these allocations based simply on how akamai you were when the list came out, you know, obviously I mean if you...you’re doing a subdivision, you have money, and you have a good attorney, you’re on that list. A lot of people simply didn’t know or neglected to put themselves on the list.

COUNCILMEMBER BAISA: Yeah. Thank you very much, Mr. Howden.

MR. HOWDEN: You’re welcome.

COUNCILMEMBER BAISA: We really appreciate having you here today. Thank you.

MR. HOWDEN: Thank you.

CHAIR VICTORINO: Any other questions for the testifier? Seeing none, thank you --

MR. HOWDEN: Thank you.
CHAIR VICTORINO: --Mr. Howden. Now Mr...Dr. John Dugan, and I think he's saying he...he's speaking for the people, so okay, I'm sorry I can't read your writing. And then the other one is...next after Mr. Dugan is Mr. Ron Montgomery. Mr. Dugan?

MR. DUGAN: Hi, I'm John Dugan. I just wanted to reiterate some of the things I heard. But one of the, the key things that I just heard regarding the flumes which you were talking about, Mr. Chairman, and I don't...it sounds like it's a more current issue as this Board is hearing it. And I lived here for 20-plus years, and Mrs. Fong up in Keokea, I was talking to her one day and she said when she was a child how she had been up around the flumes and had seen the water leaking like a sieve, and Mrs. Fong is in her 70s. Okay. Well, I raised my children here and we played around that area at one time before they had the fences up and stuff, and it was leaking like a sieve ten years ago, twenty years ago, and it's still leaking. Okay. So I just don't see it as a current problem, I see it as an area of neglect by the, the Water Department, and once...it's been going on 20, 30, 40, 50 years. I mean you, you can't saying anything less than that. Water is, is life for, for Upcountry, Maui, and water has been neglected for Upcountry, Maui as long as I've been around here. And there's a, there's a...do what's right, pono, laid on all of you, because to purchase the well outright and to give to the people on the water list is, is...and the people of Upcountry, the growers, the...that's...I don't think there's a lot of choice. But I know and it scares me to hear behind-closed-door meetings and that, and decisions already being made, and I know that's happened in the past. I, I pray that that's not going to be the case this time. That's all I have to say.

CHAIR VICTORINO: Thank you, Mr. Dugan. Questions for the testifier? Seeing none, thank you, sir.

MR. DUGAN: Yeah.

CHAIR VICTORINO: Next is Ron Montgomery from the Kula Community Association, he's the Vice-President, followed by Ed Smith...Edward Smith.

MR. MONTGOMERY: Thank you, Chair. Good morning, Committee Members and Council Members. My name is Ron Montgomery. I'm Vice-President of the Kula Community Association. I'm speaking today on the Water Resources Committee issue WR-18. There's the position of the Kula Community Association that current water resources are inadequate to support Upcountry needs for use for agriculture and housing development that is supported by the draft Maui Island Plan. I bring up the Maui Island Plan for two reasons. First of all, back to Councilmember Baisa's last question is that I think that you can protect the people on the water meter list by making sure that any development that takes place follows the intent of the Maui Island Plan. If, if somebody is not on the water meter list for their family and they're there for a larger development, then you can deal with those issues through the Maui Island Plan. The second comment I'll make in regards to that is that it's the--as a sidelight--it is the position of the Kula Community Association that the current Kula Ridge project does not meet the intent or the requirements of the Maui Island Plan, so that would be a case in point. The Kula Community Association supports the proposed resolution for the purchase of the well and the water supply to
one, affirm a commitment to the County...by the County to provide water to Upcountry, Maui residents and farmers, and two, urge the Administration to negotiate a private water source agreement with Piiholo South, LLC, whereby the County would receive 100 percent of the maximum water capacity to fulfill these needs, with acknowledgement that the 100 percent is you...might be questionable. The Kula Community Association is aware that there are concerns regarding the potential cost associated with the...and I’ll add the purchase, and the pumping water for the needs of Upcountry, Maui. However it is the position of the Kula Community Association that additional sources of cheap water are limited or no longer exist. Given the choice of paying more for available water or not having water, the KCA’s position is to support the current resolution. Thank you.

CHAIR VICTORINO: Thank you, Mr. Montgomery. Questions for the testifier? Seeing none, thank you, Mr. Montgomery.

MR. MONTGOMERY: Thank you, Chair.

CHAIR VICTORINO: Next testifier is Edward Smith, and Mr. Smith has been a member of the Upcountry Water Advisory Committee and the up...and he’s an Upcountry resident. And most of us know him as Smitty, and as he comes down, I will also call upon right after Mr. Smith is Garcia, Bernard.

MR. SMITH: Good morning, everybody. Smitty from Pukalani, Maui. I’m here today because there’s one, one thing that concerns me with this, this well that the, the County plan to acquire. It’s kind of going against the rules that we made in the past where “show me the water”, the quantity and quality of the water. My, my concern is, as we all know, we’ve had a health problem Upcountry, not just, not just the drought problem, but a health problem from contamination in our, our water. This was surface water and some, some well water, I believe, was blended in. So my, my concern would be this, would this well now that the County is planning to acquire without “show me the water” and wait 20 years to prove that it’s available, the quantity and the quality, and you folks are now turning right around and going against this ruling to purchase the well. I can understand this, we all need water. I have known...I’ve known some of these people here for many years that have, have property and don’t have no water, waiting for their, their water meters, I mean their...yeah, the water meters, et cetera, and I feel for them. I feel for all of you, ‘cause we all also on...that have established water meters are having, having a problem with...especially with, with good, clean water. So my concern would be, if you folks are going to use this well, are you folks planning on tapping into our system, blending in that water from this pineapple field into our existing system now? This water I’m against, because we all know--nobody, nobody can say otherwise—that that plantation property that had pineapple on it, has good, clean water under that ground. We all know that water is contaminated. No...I no care what professor or whoever you...technician you folks bringing in to say that water is safe, that’s a lie. That water will be dangerous, it will cause a health, health problem. I still have a health problem yet from drinking water in Pukalani. My animal, a lot of my animals have died from it. I believe this was studied, studied the health issue with my stepfather-in-law where, where later on he passed away. He had the same problem I had, contaminated water in Pukalani. Now most
of these problems in Pukalani have been cleared up. We still have a problem with our fire hydrants, where it’s acting as a catalyst and breeding bacteria in there, trapped water. Now that’s bad enough. That problem now has not been cleared up yet. We...I’ve talked about this with Jeff and he agrees with me that there’s a way to get around that. But now before we can solve these problems, our old problems, you folks are talking about bringing in water from a pineapple field. I say fine, but don’t give it to us. Don’t give it to us. You want to ship it, you want to ship it up, up to Kula or wherever, ship it off island, fine, but don’t give it back, don’t give that water to us in Pukalani or in Makawao. We’ve had it. We’ve had...I still have a health problem. Just standing here, my guts is just burning up from this, from this water problem.

CHAIR VICTORINO: Mr. Smith, thank you.

MR. SMITH: So I, I, I, I...I’m hoping I can make it to my next birthday in October.

CHAIR VICTORINO: Okay.

MR. SMITH: Okay?

CHAIR VICTORINO: Questions for the testifier? Seeing none, thank you, Smitty, for being here again.

MR. SMITH: You’re welcome.

CHAIR VICTORINO: Thank you. Next testifier is...

MR. SMITH: ...(Inaudible)... you folks, but be careful. We’re all human. We don’t want to get sick.

CHAIR VICTORINO: Thank, thank you, Mr., Mr., Mr. Smith. Next testifier is Garcia, Bernard testifying on his behalf, and followed by Ruth DePonte.

MR. GARCIA: Bernard Garcia. I live up in Kokomo area. For years we’ve been hearing there’s always a water shortage Upcountry. By purchasing this well, it might help in the water shortages. I’m all for it. Work out your differences between your developer and you folks, and keep in mind the residents. And keep in mind the allocation that you folks are imposing on agriculture people. I got a letter...oh I got a correspondence from the Water Department on purchasing on private sources with the approval from the Water Department. They are imposing a 4,600-gallon-a-day allotment that we have to purchase, that was from the private sources. I hope you do not impose that on this source. Nowhere that I can see a resident using 4,600 gallons a day, and the cost of purchasing that credit. That is ridiculous, that it’s upon Mr. Jeff Eng himself. I am still waiting for a response from your office. I wrote the letter in June, and I put...gave that letter to Mr. Victorino here. Please act on it, and do not, do not jeopardize the agriculture people who lives on agriculture, who is not using agriculture amount of water. We gotta live, we wanna bring our kids home, they need the water, they need a meter. Thank you.
CHAIR VICTORINO: Thank you, Mr. Garcia. Mr. Garcia, Mr. Garcia, come. And I apologize because you wrote Garcia, Bernard, and I...I've been just reading it straight across, so I apologize for that first of all. Secondly, I will be looking into that matter that you brought to my attention.

MR. GARCIA: Thank you.

CHAIR VICTORINO: I will follow up and get an answer to not only for myself but for the Committee, and just for the Committee's knowledge the...what he's talking about is private source, the Kulamalu --

MR. GARCIA: Right.

CHAIR VICTORINO: --water agreement. And that's, that's a private agreement that goes through the Department of Water Supply, and I will be looking into that matter on how this agreement was formed. Again something that I don't have any information on today, and I would prefer not to get into that. But I assure you, Mr. Garcia, our intent is if we are to purchase, this is nothing about putting no 4,600 credits for any agriculture or anybody to be that...for that matter so.

MR. GARCIA: Yeah. I just don't want this to be carried over to this system here.

CHAIR VICTORINO: Yes, exactly. You know and that's a private agreement, and this Council...and as soon as I can find out more, I will pass it out to the rest of the Members so that they understand that. Okay.

MR. GARCIA: Thank you.

CHAIR VICTORINO: All right. Thank you, Mr. Garcia. Next testifier is Ruthie DePonte. Aunty Ruthie, welcome, and followed by Rosemary Robbins.

MS. DEPONTE: Good morning, Mike --

CHAIR VICTORINO: Good morning.

MS. DEPONTE: --Mike Molina, Gladys, Sol, Wayne, Joe, and Danny. Here I am. I decided today that I'd try to go a different route. You know where I am. I've begged you for water. I wanted to let you know that in...on December 28, 1917, my mother and my father leased land from the Territory as well as a lot of people here in Maui. This land wasn't given out to them. It was the land patents, from what my papers read, was finally awarded to these people on February 10th of 1922. That is how long a lot of people in Maui owned their land. We homesteaded. My father was a water tender from 1917. He ran the waterline from Boteilho Gulch all the way to Makena. We had only 400 people. We put waterlines through your properties. We brought in panini so that we would not use the water from the farmers, and our cattle ate the panini during the drought. We had water tanks, sure, but we didn't have the water. At night you ran your
waterline, your water pipe and you filled your water tank. The farmers, they didn’t use sprinklers. They went individually watering their plants from 2 o’clock in the morning, and this was Kula. And my father was a supervisor on the line at the Waikamoi. He built the Waikamoi with them. He was a supervisor. He thought of the future, they watched the water flow, they got Waikamoi started. This is how we started, and I say that today is a chance for us to start again. We lay the line, the field, and then we perfect. We still use Waikamoi. I called the County of Maui...I have four siblings, because the four...I am asking for four water meters. My mother had five children. Out of all of this land that we do own, the 80 acres we Medeiros’ still hold 69 acres of land. That shows you that I’m not going in the subdivision business. So I have asked for four water meters for the four last. I called the County of Maui because I am getting concerned. I haven’t had any answer about my, my water meter, but I am No. 60 on the water list. I spoke to a very courteous, nice gentleman, his name was Fred. I commend you on the Water Department. And my question to him was to ask him about my, my name on the water list.

CHAIR VICTORINO: Aunty.

MS. DePONTE: He...

CHAIR VICTORINO: Aunty Ruthie, I’ve got to be fair, yeah.

MS. DePONTE: Yeah. Okay.

CHAIR VICTORINO: Please, you know, can you conclude in the next --

MS. DePONTE: Sure, I will.

CHAIR VICTORINO: --ten seconds, please. And...

MS. DePONTE: And he told me that I had to go to the source. I said according to my documents I am... when I have water available, not source, you tell me the difference, and I feel that there was water available when Alan Arakawa gave out those 200 water meters and I was bypassed.

CHAIR VICTORINO: Thank you.

MS. DePONTE: Thank you.

CHAIR VICTORINO: Thank you, Aunty Ruthie. Questions for Aunty Ruthie, please?

AUDIENCE: . . . (Applause) . . .

CHAIR VICTORINO: Seeing none, thank you, Aunty Ruthie, and we’ll keep working on this. Thank you so very much. Rosemary Robbins and she’s speaking for herself and the community. She’s a member of the Upcountry Oversight Committee, and then followed by Tina Boteilho.
MS. ROBBINS: Good morning. I’m appreciative of the opportunity to be here today. That Oversight Advisory Committee was required by the Environmental Protection Agency when they awarded a half a million dollars in ’04 to be addressing the Upcountry contaminated water, contaminated water by both lead and/or other contaminates, very clearly so written. The ...(clears throat)... excuse me, the EPA, like I say, required this Committee. We took a look at what was happening primarily with water quality, and most of what I’m hearing over time has been water quantity. And they’re both...you can’t have one without the other. The degree to which we have the quantity and the quality has certainly been in question, and the Maui Land & Pine and County Piiholo One, and also on paper there was a Piiholo Two--this was long before what’s happening up behind St. Joseph’s now--talked about the fact that there were not only water meters, but there were also water meters pretty much in perpetuity for generations on down the hill. And where was the transparency on that? That legal paperwork was done after the ’06 election but before the induction of the people who were voted into office on that first week in November of ’06. So when the EPA said there was something wrong with incomplete records, and that was definitely one of the things that was in both their executive summary and in other parts of the water resources thing that they just did two years ago. They kept saying we have incomplete records. So the transparency problems that were happening back in ’06 and which we have many times reminded people were beginning in ’95 when the EPA said you’ve got problems, carcinogen-producing problems in your water Upcountry, you need to do something about that. It’s 15 years later. So I hope that the Dan Inouye County situation gets through. That would be wonderful. Late, but better late than never, and we need to have very clear transparency as to how that money gets spent. We did not have that on the previous one.

CHAIR VICTORINO: Thank you, Ms. Robbins. Questions for Ms. Robbins? Seeing none, thank you very, very much.

MS. ROBBINS: You’re welcome.

AUDIENCE: ... (Applause) ...

CHAIR VICTORINO: Tiny Boteilho speaking on her behalf, followed by Bob Hansen. And just to let the Committee know, we have six...seven more testifiers after this, and it is my intent to finish all the public testimony. And at that time if we can finish, allow for a break, and then we’ll get into the presentation. Okay. Ms. Boteilho, I’m sorry. Go ahead.

MS. BOTEILHO: Hi. My name is Tina Boteilho, I’ve emailed several of you guys regarding the water meter situation. I am the great-granddaughter of Joe Silva(?) and John Boteilho, and my mom guys have water meters, you know, and we’ve kind of like, you know, all pulled together as an ohana. And we’ve shared water meters for years, and we’ve figured it out, and we’ve, like, really struggled over the, like, generations of struggle. My great-grandfather owned 200 acres that stretched from Olinda to Piiholo. There’s a water tank right below our house, and two properties up, my aunt traded with the County for a property that was waterless out in Kula so that you guys could have a huge water tank. And yet, like, I’ve been on the waiting list for
almost seven years now. I’m No. 986. You know and, and I’ve considered buying houses. I’ve considered, like, you know, renting other places, and for what? You know it’s like my great-grandfather passed all the property on to us, and we, we don’t even have a house. We share, we figure it out...we, you know, we have like three people living in a bedroom and that’s sad. That’s really sad for us. You know, and like I just appeal to you, guys, please get the water, because, you know, I’ve met with people who dig wells. And I’m like why are we not digging wells as a County when there’s people who are...who have the equipment, who can do it? Like, we’re relying on other people to tell us how much it’s worth or to tell us, you know, it’s $8 million, and that, you know, all of a sudden we have to come up with $20,000 for a water meter when our name comes up, like Mr. Abreu said. And to me, like, that’s hurtful, you know, because we were told that our land was like gold, and now it’s like the water is like diamonds to us because we can’t afford it; and we’ve been here for generations, and we’ve paid our taxes, and we’ve always worked. And to me, like, it’s heartbreaking to hear that local people are getting passed for like, you know, Kulamalu and like people to come in and buy houses when we are sharing bedrooms, and we’re figuring it out and our livestock are dying, and it’s just heartbreaking. So I appeal to you guys to please buy the well just outright, and do the right thing. Thank you.

AUDIENCE: ... (Applause) ...

CHAIR VICTORINO: And thank you, Ms. Boteilho. And, and let me make something clear. I mean what people testify is not what this Council’s actions may or may not be. So, you know, to worry about whether you’re going to pay $20,000 for a meter in the future is premature, and I just...that’s the problem when you have public testimony. People bring out ideas and others take it as being gospel. It is not. We’re here today just to talk about Piiholo South. We wanted to make sure that what we do is proper. Beyond that, there’s many more steps that need to be taken, so let me assure you so long as myself and others, I think, that are here, that will be here, we’ll be working very, very diligently to protect the long-term local residents, ‘cause you deserve that...

MS. BOTEILHO: Yeah.

CHAIR VICTORINO: ...you know, and, and, and we will do our best. You know, that’s my only assurance to you. But please all these other statements that are being...it’s not from us, it’s from people out there, and it’s not something that we’re taking as gospel. Okay? So please, rest assured. Okay?

MS. BOTEILHO: Okay. Thanks.

CHAIR VICTORINO: All right. Thank you. Questions for the testifier? Seeing none, thank you, Ms. Boteilho.

MS. BOTEILHO: Thank you, guys.
CHAIR VICTORINO: Next testifier is Bob Hansen, and he's speaking on his behalf, and then I think it's Bernice Lu.

UNIDENTIFIED SPEAKER: Lu.

CHAIR VICTORINO: It is all right? Am I saying that right? I hope so.

UNIDENTIFIED SPEAKER: Yeah.


MR. HANSEN: Thank you, Chairman Victorino and Committee Members. I am Bob Hansen, I think I said that. I own a property up on Olinda Road, and I have been on the water meter list since...for over ten years. I have 4 1/4 acres, and I just want...I have two houses on the property which has been grandfathered in. I just want the second water meter so that I can have proper pressure at my lower house. My upper house seems to be fine. That's, that's, that's all I want. I'm also on the other side of the fence where I have sold a lot in Piiholo South subdivision as a realtor, and so I see that side, too. And I just wanted to say that it's just really important when a developer drills a well that he at least get as many water meters as is in his subdivision, and I think that Piiholo South doesn't have too many meters. So I mean, what developer in his right mind would want to go through all the hassle of drilling a well if he didn't get at least enough meters for his subdivision. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hansen. Questions for the testifier? Seeing none, thank you, Mr. Hansen. Okay. The next testifier is Bernice Lu, followed by...and she's speaking on her behalf, followed by David Lindsay. Can you bring the microphone down, please? Thank you, dear.

MS. LU: I'm Bernice Lu. Thirty years ago, we had a dream. My husband and I were middle-aged parents who were fortunate enough to buy a piece of land in Kula that was subdivided...was subdividable by virtue of its zoning. Our children were going to school and we never had enough money to subdivide. When they were done with their schooling, we put our thoughts into subdividing so that we could someday be able to provide affordable housing for our children. Every time we took a step in that direction, there would be a drought, so we'd take a step back. About 20 years ago, we took a big step by asking an engineer for an estimate, got a huge shock at the cost, and took ten steps backwards. About 12 years ago, we got up the nerve to get a little bit more serious and asked another engineer about subdividing, and the price had quadrupled. The word was that you could not subdivide in Kula anyway. At that time, I had heard about getting on a list for water and relayed that to the engineer. While I sat in the office at Austin, Tsutsumi Engineering, the engineer called the Water Department and was told there was no such list. Over the next few years, it appeared that some people were able to subdivide their property, so we went to see the then-Water Director. And he said, who said you can’t subdivide? You can subdivide, you just have to put in the improvements. Given that direction, we went full steam ahead. To raise the money, we sold family property that had been in the family for over
100 years. We were committed to Maui. While we were in the middle of the process, the Administration changed, and now in order to get our subdivision plans approved by the Water Department, we were required to sign documents stating that even if we put all the improvements in, we would not...we might not get water meters. So there we were in the middle of the river. Shall we go forward or shall we turn back? Because Maui is our home for our children and our grandchildren, we did...we decided to go forward and put in all the improvements. How could we do otherwise? We now had the money and we no longer had the family property. After spending close to $200,000, we sit ten years later still without the two water meters we need to get final subdivision. I ask you to please do something to make this happen. I am not privileged to all the particulars with regard to Piiholo South. I understand that the entity expended a lot of money to develop that, that water source, a huge task that Maui County was unwilling or unable to accomplish. I appreciate that you want most of the water, but is that fair? After serving on the Planning Commission and being a mom-and-pop subdivider, I have been able to wear the other shoe. I have seen the risk and cost of developing something. I have seen developers get really lucky and make lots of money. I have also seen developers lose it all. I have also sat on your side trying to squeeze out as much as possible from developers for Maui County. Therefore, if Maui County is unable to buy this well, then surely in all fairness the developer, developer should be allowed to recoup their costs.

CHAIR VICTORINO: Ms. Lu, can you conclude, please?

MS. LU: Okay. If, if...I ask you to please do something to make this happen. If you cannot come to a decision, create a taskforce or an ad hoc committee to flesh out all the details, so that the, the decision can be made sooner than late, so that decision is fair, a fair one for all parties so that we don’t have to wait another ten years.

CHAIR VICTORINO: Thank you, Ms. Lu.


CHAIR VICTORINO: Any questions for the testifier? Thank you very much. Next is Dave Lindsay, followed by Ernest Rezents. And Mr. Lindsay is testifying on his behalf, and the same thing for Mr. Rezents.

MR. LINDSAY: Thank you all for letting me speak. My family homesteaded on Kauhikoa Road in the late 1800s. We’ve been...lived there, et cetera, for a long time you might say. We used to get our water in a ¾-inch pipe from, from a spring. Then when we got...we finally got back...oh, the family owned property from the homestead all the way up Kauhikoa to...at...real...through...when you drive through the gulch. Okay. Since then, the family, because of the water situation, has sold off all but my...our last little piece of 17 acres, predominately because of the, the water situation. So I am asking that some consideration be given to us that have been there for a while. It’s, it’s the same story. I mean you’re not hearing anything new. The other thing is I understand with Piiholo Well is that the difference in that being contaminated and not is that they have gone down to sea level, pretty close, and had the
water tested and lined the pipe per requirement, and it’s apparently healthy water. So we’re down the road, so the water can flow down to us, but they, they finally put in an 8-inch main down Kauhikoa. And every piece of property that we...our family had owned at one time is built up now. Now maybe that’s part of our fault for having to sell it, but when you gotta live, you gotta live. And I’ve got...we’ve got two boys coming along with about six grandchildren, and they’re very interested in maintaining that piece of property. We don’t want to sell it. Aloha and thank you again.

CHAIR VICTORINO: Thank you very much. Questions for the testifier? Seeing none, thank you, Mr. Lindsay. Mr. Ernest Rezents, followed by Gregory Figueira.

MR. REZENTS: Good morning and thank you for having me this morning. I speak for myself. I have been on the water meter list for some time, and the property we own in Haiku has been in the family for about 100 years. Now I am for the County making outright purchase, but I understand what Bernice Lu said and I can sympathize with the developer. But historically I know that when a developer gives or...the water to the County, the County, they take the top 37 percent or so off the water and the rest goes into the system. But the County gets stuck paying the electrical bill without issuing any more meters, so that is something I do not want to see done. So I’m all for an outright purchase. If you want to give the developer some, give some, but not necessarily all the meters that they’re asking for. Now before you buy, of course you should check the volume and the water purity. You want to be sure of what you are buying is real. Another thing is I read in the paper where to pay for this purchase you want to have the meter payments help defer the expenses. I think that’s a great idea. Now when you do that, there’s residential and there’s agricultural rates, and I...was alluded earlier about the Dowling private agreement with the County, they were asking 22,000 for a residential, I think it is, plus departmental fees, and then for agricultural rate or meter was in the 30s I think, lower 30s. And the lot that I have in Haiku is on agriculture, but you cannot do any farming because it’s 45 degrees and...vertical, and there not a piece of level ground. But the Department would not consider and give me a residential rate for the water meter. I had to go agriculture. So you have to look at that when you’re considering the costs to pay for the well, that maybe you should have a, a . . .(inaudible)...difference. If it’s an agriculture lot and you cannot do agriculture, you should not have to pay that exorbitant amount of money. And my closing comment is plug the pukas, because you can have a lot more water if you plug the leaks. This has been known for many years, and I think Councils and Water Departments have not had the courage to take a step in that direction. But I think something is being done presently, but it takes a while for the wheels to turn. But anyhow, I think an outright purchase will help the water list that we’ve been on for many, many years. Thank you very much.

CHAIR VICTORINO: Thank you, Mr. Rezents.

MR. REZENTS: Good bye.

CHAIR VICTORINO: Questions for the testifier? Seeing none, thank you, Mr. Rezents.
MR. REZENTS: Aloha.

CHAIR VICTORINO: Gregory Figueira speaking on behalf of the Figueira family, followed by Sheldon Lewis.

MR. FIGUEIRA: Good morning, everyone.

CHAIR VICTORINO: Good morning.

MR. FIGUEIRA: My name's Greg Figueira. Our family has lived on this property at 1321 Makawao Avenue for maybe 60 years. My grandfather purchased that land when he retired from the...working at the Puunene Store. He was a manager there, and at that time his dream was for all of us to have a home near him. And in January, much like Mr. Abreu, I was sitting there taking care of my dad, and my dad goes, Greg, when you gonna put the house over here? I gave you this lot, what you doing? I says, dad, I still waiting for the water meter. And so I decided to just start clearing the land up and making it look nice, but without water I cannot put in trees, I cannot...and all I want to do at this point is at least prep the land for our children and our grandchildren. ‘Cause I’m 62 years old right now, and I hope you guys get those water meters before I make, you know so. And I’d like to get started on that land right away. I’m not too eager about paying for the water meter. We’ve paid taxes, my grandfather paid taxes, my dad paid taxes, now we’re paying the taxes, and we get nothing in return for the money we put out. Come on, you guys got to run a business here... (inaudible)... we have to live, our children have to live, our grandchildren have to live. Why can these guys find water, but the County can’t find water? I mean who’s doing the job for the County? Are we...are they just sitting behind a desk going oh, sorry, family subdivision, oh, that’s terrible, you guys going be fighting. No one’s there to help us. They want us to put in fire hydrants, they want us to put in 20-foot roads, they want us...and all we want is one gravel driveway to our house, and we can have plants and animals where our kids can play safely and our grandchildren can play safely. And I do not, I don’t have much time, so buy the well, get the water to us, and please keep the cost down, and that’s all I really have to say. Thank you.

CHAIR VICTORINO: Thank you, Mr. Figueira.

AUDIENCE: ...(Applause)...

CHAIR VICTORINO: Questions for the testifier?

VICE-CHAIR PONTANILLA: I have a question.

CHAIR VICTORINO: Yes, Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Good morning, Mr. Figueira. You know we...we’ve heard a lot of testifiers this morning in regards to family subdivisions and the like, and right now the County of Maui is...in fact the Council is reviewing the Maui Island Plan. So I, I, I don’t know
if, you know, some of you that testified here this morning really looking at the Maui Island Plan and the urban growth boundary area. You know I hope you do, because, you know, I don’t want you guys to get surprised in the end that, you know, here we are, you know, if and when we purchase this well for, for people to use water, that you’re not caught not being in the urban growth boundary. So I’m hoping that, you know, the Planning Department has already looked at that, included you guys in the map, so that you don’t have this problem in the future. So thank you. Thank you, Chairman.

CHAIR VICTORINO: Thank you. Any other questions for the testifier? Okay. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Real short question. What...where do you stand on the list? What is your number?

MR. FIGUEIRA: I think it said 973. . . .(chuckles). . .

COUNCILMEMBER NISHIKI: And when did you apply?

MR. FIGUEIRA: You know, when the land was given to us by our dad, that probably was about five years ago.

COUNCILMEMBER NISHIKI: Okay. Thank you.

MR. FIGUEIRA: But, you know, get the water to us. Okay. If the private people can do it, the County should be able to do it. Thank you.

COUNCILMEMBER NISHIKI: Thank you.

CHAIR VICTORINO: Thank you. Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

CHAIR VICTORINO: Wait, wait, wait.

COUNCILMEMBER BAISA: Mr. Figueira, just another word about the Maui Island Plan. As we review the Directed Growth Section of that Plan, we are going to be looking at each area on Maui, and we’re going to decide where the growth boundaries are. That is really important that you pay attention. It is my intent that when we get there that we will look at the tax map keys so we can see who’s in and who’s out, because the way it’s drawn right now, it’s kind of shaded areas with outline, with color. But you can’t really tell, is my tax map key in or out? So when that happens, please pay attention, because we’ll able to tell you in or out and to make changes in that map if we have to, but we’re going to need your help. So I, I ask you, like Member Pontanilla, to please pay attention to the Maui Island Plan. Comment?
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MR. FIGUEIRA: I will, and I hope the County can advise us like the South...Piiholo South did. We need, you know, help too.

COUNCILMEMBER BAISA: I, I think what you’re telling us is that you’d like notification of when this is going to happen.

MR. FIGUEIRA: Exactly.

COUNCILMEMBER BAISA: We, we have had quite a few comments about our notification, but it’s a difficult problem and, you know, we’ll do the best we can. But we’ll need, you know, you guys to kind of pay attention. I’m really, really sorry. I wish we had a better way of contacting everybody. This is a very expensive process, and I really want to thank those people in the public who do this for us. So we’ll do the best we can, but if you can help us. Watch Akaku, really important, and read The Maui News. We publish the notices in The Maui News.

MR. FIGUEIRA: Okay. Well, you know, we have The Maui News, so please publish it, and --

COUNCILMEMBER BAISA: Yeah.

MR. FIGUEIRA: --thank you.

COUNCILMEMBER BAISA: Watch those legal notices. They’re important.

MR. FIGUEIRA: Okay.

COUNCILMEMBER BAISA: Thank you.

MR. FIGUEIRA: Thank you, Gladys.

CHAIR VICTORINO: Thank you, Mr. Figueira. Next testifier is Sheldon [sic] Lewis testifying on his behalf, and followed by Dick Mayer.

MR. LEWIS: I’m...hi, my name is Selden Lewis. And I think that the County should buy this well, because it’s there. Basically I don’t think drilling these wells 1,800 feet is a good idea. I think we need to be concerned what this might lead to as far as future developments go. I’m concerned that future developers will use this as a precedent to drill more wells. You know, the water comes from the aquifer and it comes at a high price, and I, I just don’t hear anybody concerned about that. I’d like everybody to be aware that it’s...the water is not free. At the same time this well is here and I think the County should take control of it. But I’ve heard that other developers want to put more wells in. I, I live about a half a mile from this well, and when it was put in for a period of about two months, it sounded like a jet plane taking off every night, 24/7. So quite a bit goes into drilling these wells, and I just, I just think there are better solutions to long-term water use and sources. I haven’t heard anybody mention catchment for one thing in the whole meeting, and I think that’s still a viable possibility. Thank you.
CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you. Next testifier is Dick Mayer speaking on his behalf, and the final testifier is Lesley Ann Bruce. Go ahead, Mr. Mayer.

MR. MAYER: Thank you. There’s a handout that’s going out right now. Thank you, Chair Victorino and Council Members. I have some questions that the Council needs to ask regarding the potential purchase of the Piiholo South Well. The water from this well would be distributed not only to new water meter users, but also to all water consumers in Haiku, Makawao, Pukalani, Kula, and Ulupalakua. Given the fact that the Piiholo South Well is located on land which has been farmed for pineapple for many decades and has been heavily sprayed with herbicides, nematicides, and pesticides, how safe will water from this well be in the long run? Are these chemicals still moving down into the aquifer? Number two, what long-term effects and interactions will this well have on the ability of the existing wells, Pookela, and Maui Land & Pine’s Piiholo to maintain their present rates of output? Will residents and the County become dependent on this and neighboring wells that will not be able to maintain their initial rated output? Number three, of the first 80—this speaks to a point made by several people and was asked of Mr. Pohle earlier who’s in charge of at least the water meter group—of the first 80 applicants on the Upcountry water meter list, 43 are for subdivisions totaling about 300 acres. Many subsequent applications are also for subdivisions. How many residents who now anticipate a meter—people in the room today—will actually get a meter given the fact that so many of the positions on the Upcountry water meter list and especially at the beginning are for subdivisions? Since many of the subdivisions will be for agricultural lots or single-family homes on ag lots, the per meter usage figure will be far higher than the usual 500 gallons per day single-family average, perhaps closer to the agricultural meter average Upcountry of 4,000-plus. Has this been accounted for in predicting the number of new meters that might be allocated? Number five, how will the allocation of the well water be compliant with the requirements of the Upcountry Community Plan which specifically gives the highest and equal priority to Hawaiian Home Lands and to agriculture when new water sources are developed? Will water be reserved for expected Hawaiian Home Lands construction? Number six, what CIP costs will the County and its Department of Water Supply have to bear to initially put the new water source online and thereafter to maintain the pumps, tanks, and transmission lines? Is there any financial plan being offered? Number seven, it is estimated that the electricity cost to lift 1,000 gallons up 1,000 feet is $1.50. What will be the ongoing operating cost to the Department of Water Supply and ultimately to water consumers to pump the water up the 1,650 feet to the Piiholo South Wellhead—in other words to ground level—and then to pump the water up to the upper Kula waterline at the 4,000-plus level or to the lower Kula line at 2,500 feet? The electricity cost will be about $6 per 1,000 with the upper line and 3.75 for the lower line. The Department may be selling it at agricultural rates of $1.05 per 1,000 gallons. Can the Department and County afford these continuing financial losses? How much of the newly developed water will be kept in reserve to eliminate the restrictions that are annually being placed on all existing Upcountry residents? And finally, these are questions that the Council deserves to have completely answered before the County negotiates and approves a well purchase and before these waters are mixed with the existing water in the County Upcountry distribution system. And I refer you to
the second page which has a list of the first 80 meters, the ones in...shaded in are all the subdivisions with their acreages listed next to it, and as you can see, out of the first 80, 43 are for subdivisions, many of which are ten acres, twenty acres, many of them are smaller. But many of them are of considerable size, and we have no idea how many lots will be on each of those. If they’re in urban area, it could be as many as four or five per acre.

CHAIR VICTORINO: Mr. Mayer, if I could ask you to conclude, please.

MR. MAYER: I will conclude. Thank you very much for your attention.

CHAIR VICTORINO: Thank you, Mr. Mayer. Questions from the Committee? Seeing none, thank you, Mr. Mayer.

AUDIENCE: . . .(Applause) . . .

CHAIR VICTORINO: Lesley Ann Bruce is our last testifier. Anyone who wishes to testify, if you’d sign up and please come forward. Ms. Bruce?

MS. BRUCE: Good morning, Council Members and Chair. Thank you for this opportunity to testify. My name is Lesley Ann Bruce. This planet’s climate is changing and there is global desertification. Uwe ka lani, ola ka honua, the heavens weep and the land lives. The water is a public trust. The Hawaiian Constitution declares the water is a public trust. The rights of native Hawaiians to all the water cannot be ignored. I live in Hana and I have a County water pipe and I got dysentery drinking the water in my house. There are problems on Maui with the health of our water. We need to replant the upland forests and capture the clouds to help us restore our water. We need to restore all of the rainforests, and we need to have catchment for all homes and look into desalinization for this island. Thank you very much.

CHAIR VICTORINO: Thank you, Ms. Bruce. Questions for the testifier? Seeing none, thank you. I’ll give…and one more opportunity. Anybody who would like to testify, please come forward. Seeing none, I will, with the approval of the Committee, close public testimony. Any objections?

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: It is at 10:40. I will give us to 10:55 for our personal needs and, and whatever else, and then when we return, we will start the presentation by the developer, the Franks and Warner. And that way we will then get into after that with the Department questions and answers. Okay. So this meeting will stand in recess to 10:55. . .(gavel). . .
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RECESS: 10:40 a.m.

RECONVENE: 10:58 a.m.

CHAIR VICTORINO: . . .(gavel)... The meeting of the Water Resources Committee, September 7, 2010 will come to order or reconvene, I should say, not come to order, reconvene.

ITEM NO. 18: PIIHOLO SOUTH WELL (STATE WELL NO. 5118-04) (C.C. No. 10-159 and MISC.)

CHAIR VICTORINO: Right now we have a presentation by the Piiholo South, LLC, and the presentation is to the Committee. At this time, Mr. Franks, are you ready to go?

MR. FRANKS: I think so. Is this...is the mic working?

COUNCILMEMBER BAISA: Yes.

CHAIR VICTORINO: Everybody can hear Mr. Franks? Okay. Go ahead and proceed, please. And what we’ll do is we’ll go through the presentation, then we’ll recess, put the screen back up, and then we’ll bring Mr. Franks up for questions...answers and...questions and answers, I should say.

MR. FRANKS: Do I, do I have to do the second part?

CHAIR VICTORINO: The second part?

MR. FRANKS: . . .(Laughter)... The questions and the answers.

CHAIR VICTORINO: That will...yes, you have to. Thank you.

Note: Computer-generated presentation.

MR. FRANKS: Okay. Thank you very much, Chair Victorino, Members of the Committee, and thank you to the public for coming out for this important matter. Here we are. You’ve had long enough to read this. I’ll try not to read too much to you as we go through. Whoops! The...do I...I’m pushing the button but it’s not happening. Oh, it’s the down button. Okay. So obviously this has been going on for a long time. 1977, Kula list was invalidated by the courts, and what came along was the, was the Upcountry water meter priority list in 1994. Then in 2005, Piiholo South, a group of 25 individuals, couples, and families, largely from Maui, purchased this property where the Piiholo South Well is located. Two years later, the “show me the water” law was enacted, and so we found ourselves in a condition where we had to react to that if we ever wanted to use our land. Right about...within about a quarter of a mile, I...at the same time, the Maui, Maui Pine started drilling the Piiholo North Well, and that well didn’t work out as well as the DWS, who was working with Maui Land & Pine on that well, had hoped. And that, that well
remains idle to this day. That, that had us a bit worried because we were very close by, but we felt that we had to take the risk of drilling a well ourselves. We have seen well after well Upcountry come up short or have contamination problems, and we hoped that didn’t happen to us. But we had to, we had to do something to protect the 25 families who are involved in our property. So we, we did this well, and we used the very best equipment, the very best materials. We, we did it to County standards and beyond. We grouted our well all the way down. It was just a Cadillac of a well, and it came out great, as a matter of fact better than any...better than we expected and better than anybody Upcountry had ever done on a well. So but in 2008, there were 1,312 residents on the Upcountry water meter list. That was the last time it was updated, and applicant No. 1 has been waiting since 1996. And some of the people who testified today might be...might have been waiting for nearly that long as well. The water meter list has been frozen since 2005, although as Mr. Blietz, I believe, testified, it may be that some people have died and fallen off the list. I really don’t know how that quite works. The...and then, then what happened was that the...back in...just, just a few...about a month ago, the County Council, Mr. Nishiki got this whole thing going, and credit to Mr. Nishiki for doing so. He identified a problem and, and asked for a de facto taking of the Pihoilo South Well. While that may not have been at all feasible, at least it got the discussion underway, and it brings up the question, what are we going to do? And that’s why all of us are here today. In our opinion, sitting here on September 7, 2010, we have an unprecedented opportunity to swiftly and dramatically reduce the Upcountry water meter list. There are three parties in this, maybe four, really. There's the Executive Branch, Charmaine Tavares has. There's the Legislative Branch right here in this room. There’s the owner. We’re all equally important. And then there are fourth parties, and that’s all the people who are sitting out here right now and all the people whom you represent who are involved. So acting together on your behalf after 16 years of failure to really find a resolution to a significant part of the water meter list problem, we may be on the cusp of doing so, and wouldn’t that be wonderful? We’ve been asked about the specifications of our well. For...unless you’re a well driller this probably won’t mean very much to you, but I just wanted the Council to know that we were meticulous in recording every relevant piece of data on our well, and it’s all available, and that the Department of Water Supply has had these figures for at least the better part of a year if not longer. So their knowledge of these figures is as good as ours. The pump tests that we did, we pumped at...our, our, our...we, we have a license from, from the State to pump 1,728,000 gallons per day. We put in a pump that was capable of doing that and more, more or less--it’s a variable speed pump--and it’s, it...it’s, it’s, it’s, it’s, it’s a state-of-the-art pump as good as or better than any pump on the island of, of Maui. The relevance here is after you pump a huge amount of water, say 1,728,000 gallons in one day which we did and shut down the pump, how far is the water head down? Our water head was down 1.65 feet which is not too significant at all, as low as anybody’s ever seen for that amount of water on Maui as a matter of fact, and our recovery time after pumping is 17 minutes. In other words, the hole is totally filled up within 17 minutes and we’re right back where we started again. And this is relevant because the County of Maui tends to runs its pumps 16 hours a day. So you’ve got about 18...you’ve got about eight hours to recover. We recover in 17 minutes. During times of drought, I understand and that, that the County runs the pumps sometimes 24 hours a day. When we, we ran our pump pretty much straight for 96 hours and pumped 6 million gallons of water, the average water temperature never varied more than two-tenths of one degree.
What that tells us is that we are not drawing from different parts of the basal aquifer, we’re
drawing from one stable part. We’re not coming in from east, west, south, and north. We’re
coming from uphill of us. What’s happening is that you have to, you have to sort of picture the
water table as something that doesn’t go straight down. Water runs downhill on a slope just like
rivers run downhill on a slope. So subterraneanly we’re getting water not from underneath the
pineapple field but from upcountry, way upcountry, you know, couple of thousand feet above us,
few miles above us. So people like H’Poko, they’re getting our…they’re getting the water that,
that runs off of our fields, but we’re getting water from, from forests and it’s, it’s…and this now
has been certified by Pural Water Specialty Company of Maui and Oahu, and they’re the people
who you see walking around this building checking the water that comes into this building. I just
saw a technician here only about a week ago doing that. They’re the biggest water certification
company on, on, on this island. Piiholo South’s water meets or exceeds EPA and Department of
Health standards and is drinkable right out of the well, and I’m, I’m proof of that. I’ve, I’ve
drank the water and it’s delicious. We happen to be at a really spectacular location. The reason
why it’s so spectacular is because we are right next to the major pumps, I mean tanks and water
treatment facilities Upcountry. I mean we are adjacent to the Pookela Tank, we are adjacent to
the Maluhia Tank, we’re right downhill from the West Olinda Treatment Facility and from the
Piiholo Treatment Facility. In other words, if you were looking for a place to drill a well, this
would be the place. It would not be Haiku which is miles away from all of these kind of
facilities. It would be right here in Olinda. There…’I’ll turn it there. We have three alternatives
for the well. We can remain private, use the water for ourselves. We can dedicate the well with
an allocation of credits which was what was under consideration and what we were discussing at
the last meeting on August 6th under Mr. Nishiki’s resolution. Or the County can purchase the
well. I’ll go through those three alternatives. If we remain private, chances are in ten years from
now, everybody who testified today could just mail in their testimony again, because it’s not
likely that there would be a new solution for their problems. So the DWS does a lot of studies.
They’ve spent a couple of hundred thousand dollars on studies for where they might put a well, I
believe a couple hundred thousand dollars. They’re looking at, at wells in Haiku, et cetera. So
they’ll keep studying the problem. They’ve…they have another million dollars, according to the
Harry Eagar article that many of you referred to today, to study where and how they might build
reservoirs. The DWS has spent tons of money on studies, and I must say the studies are
spectacularly good, but they don’t necessarily lead to anything. We didn’t do a lot of studies, but
we led to something. Dedication and allocation: there’s only one thing that, that people really
need to understand when they’re talking about allocation, and that is the Department of Water
starts from a 45 percent well use. There are various reasons for that, all of them are legitimate,
although the Department actually pumps about 66 percent of the time. But when, when you do
an allocation formula with the Department, they want you to figure from 45 percent and, and we
had agreed and they had agreed in a previous time that we could get 75 percent of the 45 percent,
so right there, which is equivalent to 34 percent of the production. Now Maui County receives
25 percent of the 45 percent, that’s only about 11 percent, but they get 100 percent of the
remaining 55 percent of the well. So they end up with no…without having taken the risks of
drilling, but they end up with two-thirds of your well. We were, we were okay with that, we
could, we could live with that, and, and the…and, and the situation was that there would be 320
new water meters Upcountry. Now if Maui County purchases the well it can really have a
dynamic, a dynamic effect, ‘cause you’re going to have 1,296 meters Upcountry. That’s four times the number of meters that you would get through a dedication and allocation option, and Piiholo South, LLC will retain approximately 30 of these 1,296 meters, in other words, just over 2 percent, the other 98 percent going to the County of Maui. So it’s, it’s manini what we, what we would be keeping, and we’d be paying for those meters at whatever rate the County would ask others to pay for the meters. So we’re not, we’re not getting a land office deal or anything like that. One, one of the Department of Water and study....Department of Water Supply studies...I took a quotation from, and the quotation states, I’ll read it: Economic analysis indicates that the cost to mitigate decreased drought capacity Upcountry using groundwater basal wells is 7 million to 8 million dollars for each 1 million-gallon-per-day impact. Now there are lots of different ways to study this, and I don’t think that we can necessarily draw a straight line from our well to this analysis, but this certainly puts us in the ballpark. What we propose then with the County...we went off of that $8 million and we looked at what we needed to do and what the County has asked us for. The County has asked us for very extensive infrastructure that would connect to the Olinda Water Treatment Facility. That would do various things that would lead to about a 4½ million cost for the infrastructure in order to, in order to work with...in order for the County to take the well and get water to you, so that we need to link to the Pookela Tank which fortunately is nearby. We need to improve this flow capacity along a half a mile of Olinda Road from the West Olinda Treatment Facility which serves upper Kula. We need to build infrastructure for close to a mile on Piiholo Road, and we need to build a 225,000-gallon tank for storage for DWS for, for event...for storage of DWS water if it eventuates which will be...which will go en route from Haiku to Olinda. We can do all of that for the cost of...for roughly the cost of adding $1 million capacity...from 1 million gallons capacity from a groundwater basal well. However, the Piiholo Well, at 1,728,000 gallons is 72.8 percent larger than 1 million gallons. That looks like a good deal to me if I were sitting, you know, if, if I, if I were sitting on the other side of the desk. This is our...this is, is a map of the system. This is where the tank would go on Piiholo Road. Here’s the, here’s the, the water going up Piiholo Road. The, the Olinda Road Treatment Facility, I believe is up here, it comes down here. There’s the Maluhia Tank. There’s the...and there’s the Pookela Tank, and so we’re just going to slip down, throw into the Pookela Tank, Olinda...and, and, and so you can see it’s all hubbed in very closely. Apologies for the map, it’s a lot of information to get on one slide. So the benefits of purchase: we were aware of the 2,900-person number or, or meter number, so our guess is that we will be able to fulfill about 50 percent of the Upcountry water meter list now. It would be great if we could fill it all now. We’re not that big of a facility, however. That...but that translates into thousands of Upcountry residents and their families, and it generates more than $8 million in water fees to help pay for the well. Now water fees...water meter fees, by the way, are allocated not just to source. They’re allocated to transmission and storage. So there’d have to be...I, I mean I don’t think it’s illegal for, for them to be allocated to source, but, you know, there would be $8 million coming into the Water Department from the sale of all these meters, and at $8 million cost that...that’s pretty good. Over the next ten years, as approximately $400 million of assessed valuation, valuation in homes to property tax rolls generating about $2 million per year for Maui County. Lots of homes are going to be built at $300,000 a home times 1,300, that’s $390 million. Annual return on Maui County investment, 25 percent. If somebody can tell me where else I can get 25 percent of my investments, let me sign up. That’s all I can say. Within very few years,
Piiholo South Well pays for itself several times over, and it creates at a time when we really need it—and we’re not coming out of this recession and this unemployment problem soon—it creates several, several thousand people-years of employment for Maui construction workers and businesses. The other thing is that I think that this is probably the greatest affordable housing program that has been proposed to the County Council since I’ve been on Maui. I state here that a three-bedroom, two-bathroom, 1,800-square-foot Upcountry home can, at present, be built for $300,000. How do I know that? I know it because our administrative assistant Sarah Schuck and her mate are building a four-bedroom, three-bath house, 1,800 square feet with a 500-square-foot garage and another 600 square feet of lanai for $300,000. They’re building it Upcountry right now. So a lot of people and probably some of you folks right here could build at our extremely low interest rates that we have today right away, you know, I mean, or as soon as you got this water anyway, and that would just...this would be the greatest affordable housing program. So it’s not just...you know, we’re not just talking about a water program anymore. We’re talking about affordable housing which all of us need. These are the two top issues on Maui that I’ve heard about over the last few years, affordable housing and water, and this addresses both...because the lots, the lots have a very low basis. We have people here who have had...who’ve literally had their land for 120 years. You know, I mean they don’t have any costs and they’re not going to have to, you know, go out and buy these lots. They’ve got them now. So...and these homes, it’s not gonna all go up at once. It’s going to go up over the next several years, and it’s not going to be massed. It’s going to be widely distributed from Haiku to Ulupalakua. And so the...you’re talking about probably hundreds of square miles of land with 1,300 new homes on it. Not going to be overwhelming by any means, except macro-economically it’s going to invigorate the County like no other program that I know of that is before the County at this moment, and at a lower cost. So our summary: proven source, ready to go, at far less expense and time than the County can produce it. It will pay for itself many times over. It relieves Upcountry residents after decades of frustration. The objectives and action...at a time when people are losing their homes and having to move off island—and who of us don’t know those people?—putting the Piiholo South Well to work will make it possible for many others and many of us in this room probably to build their family homes and stay on island. The Piiholo South Well is an economic engine for Maui that, in our opinion anyhow, should be harnessed to help get us back on the road to financial security as individuals and as a, as an island, and prosperity. And then quoting from the Maui County Department of Water Supply, “By water all things find life”. Thank you very, very much for your attention.

CHAIR VICTORINO: Thank you, Mr. Franks. At this time, I’d like to recess the meeting for a few minutes to get the screen brought up and have Mr. Franks come to the podium, and then we’ll reconvene. This meeting of the Water Resources Committee is in recess. . . . (gavel). . .

RECESS: 11:22 a.m.

RECONVENE: 11:25 a.m.

CHAIR VICTORINO: . . . (gavel). . . The Water Resources Committee will reconvene. And before I get into the question and answers, I wanna go real quickly over what we’re here for today, so that
we can all understand the purpose of this meeting. The Committee is in receipt of the following, No. 1, County Communication No. 10-159, from Councilmember Wayne Nishiki, transmitting a proposed resolution to affirm the commitment by the County to provide water to Upcountry Maui residents, and to urge the Administration to negotiate a private water source agreement with Piiholo South, LLC, whereby the County would receive 100 percent of the maximum water capacity in exchange for water allocations...credits, I should say, water allocation credits. Two, a Miscellaneous correspondence dated August 17, 2010, from the County Clerk, transmitting the copy of the Resolution No. 10-40, entitled URGING THE ADMINISTRATION TO NEGOTIATE A WATER RESOURCE [sic] AGREEMENT WITH PIIHOLO SOUTH, LLC, RELATING TO THE STATE WELL NO. 5118-04 TO BENEFIT MOST OF THE APPLICANTS OF THE UPCOUNTRY WATER METER PRIORITY LIST, adopted at our August 6, 2010 Council meeting, and a copy of the Communication No. 10-159. The purpose of the Resolution No. 10-40 are: (1) to affirm the commitment of the County to provide water for the Upcountry Maui residents; (2) to urge the Administration to negotiate a private water source agreement with Piiholo South, LLC, whereby the County would receive 100 percent of the maximum water capacity in exchange for water allocation credits; and (3) to urge the Administration not to submit proposals related to Piiholo South Well, located in Upcountry Maui and also, also known as the State Well 5118-04, until the Council has an opportunity to discuss all potential uses of it. Three, a correspondence dated August 31, 2010 from Piiholo South, LLC, transmitting a copy of a computer-generated presentation entitled “Piiholo South Well Presentation”. The purpose of the presentation is to provide general information related to Piiholo South Well. We are here to discuss at this special meeting the following information, and we, we have now seen the presentation and I would like at this time to open the floor for questions and answers...or questions for which Mr. Franks and Ms. Cindy Warner will be able to give answers to as best they can. So I will open up the floor, and if it is all right with the Council Members, I will allow the maker of the resolution first divot [sic] if that’s all right with you folks. Any objections to that?

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: And I will ask everyone to kind of keep it to two questions so that we can get done and give everybody an opportunity to ask questions, and then I’ll recognize the Upcountry representatives, both Baisa and Molina next. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Thank you. I...I’d like to read from a prepared paper that concerns, I think, all of us here today. First of all, I’d like to thank Zach Franks and Cindy Warner for being open to discussing the possibility of selling this well to the County. For the clarity, in introducing the resolution being discussed today, I did not intend to take the water from this well without paying a fair price for it. Zach Franks, Cindy Warner, and others took a risk and made an investment, so I think it would not be fair to take anything for nothing. My main intentions for introducing the resolutions are one, first to do nothing, to think about it, nothing has been done for all residents waiting for years on the Upcountry meter list. I along with my colleagues felt time to put this issue on the table for discussion to do our part in finding water for the Upcountry residents. Second, as I mentioned, I hope that as many residents on the
Upcountry water list as possible can get water meters. Third, I do not think it is fair for developers or only those with a lot of money to cut in line of those already waiting on the list, Mr. Chairman. The conclusion is, while I can support the idea of the County purchasing this well, I would urge the following: we get together with Mr. Eng here from the Water Department and find out the quality of the water and how much potable water would be available. I’d also urge this Committee, under the ship of….leadership of Mr. Pontanilla, to discuss all options relating to the financing. How much will this well cost? How much will the infrastructure cost? Looking at Federal funding and what are all options we have to get to this point. And I, and I know that Committee Members have other questions, but for Mr. Franks and Ms. Warner here, I believe that the County needs to make a firm commitment in…to providing water for all the residents that have been waiting for years, to stop allowing other private developers with money to cut in line. What has your commitment been with the Department since you’ve been in discussion with them as far as giving all of the water to Maui County?

CHAIR VICTORINO: Mr. Franks?

MR. FRANKS: From the incept….first of all, Mr. Nishiki, I, I want to publicly thank you for taking the bull by the horns and bringing this before the Committee to move it along. I think you’ve done a service to the County in that sense, and I want to thank Mr. Eng for the work that he’s done with us. We’ve spent…we’ve been talking to Mr. Eng for about two years now about our well, and we’ve been suggesting that the purchase of the well was the best thing so that the County could determine on its own what to do with the water. Does that answer your question?

COUNCILMEMBER NISHIKI: Yes. The, the, the question being asked today from a lot of testifiers also was the fact that somehow you have negotiated a deal with an affordable housing project that I think is coming down the chute, and this, I think, concerns especially the representatives from the Upcountry area, Gladys Baisa and Mike Molina. Has there been any kind of deal made with a private developer --

MR. FRANKS: Yes.

COUNCILMEMBER NISHIKI: --any kind of allocation?

MR. FRANKS: Yes. There, there, there, there has been a deal that has been made with Kula Ridge. It is first of all a contingent deal. It’s contingent upon what sort of agreement that we come to with the County of Maui. It’s first of all contingent on that. But what I can say about that is the allocation and dedication deal is…really has Kula Ridge at the center of, of the deal, because they become a co-developer just like us. You know, it’s one thing to develop the source, it’s another thing to get the source into the water system, and so Kula Ridge would be assisting us doing what we would ordinarily being doing to get that water source into the system. So we do have a deal around that, but it is dependent upon whether or not we make a different deal with Maui County. So essentially we’ve, we’ve, we’ve discussed a…we’ve discussed…what we…our deal is as to, as to their contribution to the infrastructure cost of the well, and in return for their, making their contribution they would receive 120,000 gallons of water a day which
represents about 15 percent of our total output. And by the way, they would be paying about $16.67 per gallon for their water whereas the County...what we’re talking about with the County would be about $4.63 per gallon at $8 million for the entire well, so it’s disproportionate in terms of their cost.

COUNCILMEMBER NISHIKI: Okay. And, and finally, this will be my last question.

MR. FRANKS: Oh, sir.

COUNCILMEMBER NISHIKI: I’ll allow questions for others.

MS. WARNER: Mr. Nishiki, could I follow up on that and just make one...a clarification please?

COUNCILMEMBER NISHIKI: Yeah.

MS. WARNER: On that arrangement that Zach was just talking about, that, that was specific to the dedication alternative when we went through three different alternatives, one remaining private, two being a dedication and allocation, and three being a purchase. The agreement with Mr. Nishikawa was in the event of a dedication.

COUNCILMEMBER NISHIKI: Right.

MS. WARNER: That would be...

COUNCILMEMBER NISHIKI: Okay. Yeah. I, I know there’s three alternatives and, and, and, and finally, Mr. Chairman, and, and, and hopefully, those of you out there and us in the Council, the Council did pass a water source development agreement with private entities, and this, when I check back in history, not too long ago, was because when a former Administration, specifically in the Upcountry area made a deal with Maui Land & Pine. That deal was a 75/25 split, 75 to the developer and 25 to the County. Since Mr. Eng took over, that well...and I’ll let him explain it, but anyway I’ll just say my piece. He checked that deal and he checked the pumping capacity, was not satisfied with it, and so therefore that condition...agreement was cancelled. When the Council--which I was not a part of, but thank you for your integrity--found out about this, the Council initiated and passed a law, because the Council felt that all of these water source agreements needed to have the Council approval. They passed a law that says the Council shall approve by resolution any water source development agreement with private entities. For purposes of this section, a water source agreement with a private entity means an agreement, executed by the County or any person, to develop water sources [sic] by constructing a structure to capture, convey, store, and treat currently unutilized, nonpotable surface waters; constructing facilities for currently utilized...unutilized groundwater and its treatment, including pumps, motor control stations, pump control, or disinfection contact time tanks; constructing desalination facilities; or using any other technique that provides or recaptures water that is acceptable to the State of Hawaii, Department of Health, together with any easements required for their improvements. Mr. Chairman, the Council--in its integrity and, and concern for that one
agreement in which I, I guess you felt that it shouldn’t be a 75/25 split or the Council needing to
look at all agreements as a check and balance for how we conduct business--passed this
ordinance. So…

CHAIR VICTORINO: We’re aware of that, Mr. Nishiki, and I’m going --

COUNCILMEMBER NISHIKI: Yeah.

CHAIR VICTORINO: --I’m going to…

COUNCILMEMBER NISHIKI: So the question . . . (inaudible) . . .

CHAIR VICTORINO: No, there’s no more question. I’m not going to allow you to ask any more
questions, ‘cause I want to be fair to the other Members. They’re all waiting, Mr. Nishiki, and I
appreciate…you know, I’ve given you a lot of time, and thank you very much. We’re aware of
these things, but can I please allow the others to ask the question? If we have time, I’ll go back
to you. Is that fair?

COUNCILMEMBER NISHIKI: Yeah. Just that --

CHAIR VICTORINO: Please? Thank you, Mr. Chair [sic].

COUNCILMEMBER NISHIKI: --I don’t think there’s any water source agreement. So it’s…

CHAIR VICTORINO: There’s…thank you, Mr…and we are well aware of it. Thank you, Mr. Nishiki.
Mr…I’ll start with you, Ms. Baisa, and then go on to Mr. Molina if that’s okay. Go ahead,
Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much. I’ll defer to Mr. Molina. I think he has a general
question.

CHAIR VICTORINO: Okay. Go ahead, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Chairman, and thank you, Member Baisa. Just
because we’ve heard from the applicant --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER MOLINA: --so far, can I get input from the Water Director? Because this
obviously…you know or I don’t know at what point we, we can ask the Water Director questions
with regards to the presentation from Mr. Franks. Because it’s been mentioned that, you know,
the water…that negotiations have been going on and…for two years, and just to, you know,
respond to Mr. Franks, you know, response to us with regards to negotiations. I don’t know, can I, can I ask that question of the Water Department now or…?
CHAIR VICTORINO: Yeah. ‘Cause I have Mr. Franks here and I know we can always get the --

COUNCILMEMBER MOLINA: Yeah.

CHAIR VICTORINO: --Department back here. If you’ll make it, I guess --

COUNCILMEMBER MOLINA: Yeah. I’ll, I’ll keep it very general.

CHAIR VICTORINO: --yeah, very briefly.

COUNCILMEMBER MOLINA: I just want to get an overview from...

CHAIR VICTORINO: Yeah. Mr. Eng, if you would like to address that question in a general statement, if that’s your question.

COUNCILMEMBER MOLINA: Yeah.

CHAIR VICTORINO: Mr. Eng, please.

MR. ENG: Can you repeat your question, please?

COUNCILMEMBER MOLINA: Yeah. My question’s basically...and, and Mr. Franks’ response to Mr. Nishiki was that there have been negotiations going on for two years. I wanted to get your take on what these negotiations were about, at least from your side, ‘cause I’ve always believed you gotta hear both sides of the story. So that, that’s what I want, because we’ve only been hearing from testifiers, we’ve heard from Mr. Franks, and now I’d like to get input from the Water Department, at least from your perspective on the well itself. And, Mr. Chair, I’ll keep out any talk of any projects, ‘cause, you know, the focus gotta be on the well itself.

CHAIR VICTORINO: That is correct.

COUNCILMEMBER MOLINA: So, yeah.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR VICTORINO: Go ahead, Mr. Eng. Go ahead.

MR. ENG: Mr. Chairman and Member Molina, thank you. Yeah. We have been meeting since about two years ago, but not on a continuous basis. And as I kind of recall in going through my notes, you know, I think the developer was exploring different options for himself, so we never had any concrete discussions at all. And then there was a period of time earlier this year for several
months that we had no discussions whatsoever; in fact, I believe the developer was having some discussions with the, the ninth floor. And so really only in about the past month or so, have we kind of started up again on our negotiations, and they are proceeding. Currently they’re really in the hands of the engineers, our engineers and their engineer, to really determine the appropriate required infrastructure. So as far as any negotiation of terms, that has not happened yet. Thank you.

CHAIR VICTORINO: Thank you for that clarification. Mr. Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. If I may ask him one more question, I’ll, I’ll yield the floor to Member Baisa for questions to Mr. Franks. We had the Water Board Chairman up here, Mr. Howden, I guess, respond or suggesting to us if this well or any other water source is purchased down the road so we can dole out water meters, the subject of increasing the cost of water meters to subsidize or to offset the cost of a purchase of a well. Twenty thousand, from currently 6,000 to 20,000, is that something the Department would probably consider and bring it to the Council’s attention in the future? And I also brought up the suggestion of grandfathering those who have been on the list for years and who are under the presumption as of this moment paying 6,000, but if down the road we purchase this well…

CHAIR VICTORINO: Mr. Molina, I’m going to stop you here. Again, I, I don’t want to stray too far off of what we’re trying to discuss today. Again as you’ve heard, no…negotiations are still ongoing. Those are things that would have to come up if and when we get to that point, you know, and I’m not sure how far that will come.

COUNCILMEMBER MOLINA: Yeah.

CHAIR VICTORINO: You know, and I understand your question and your concern, and the same thing I think all of us share at this point. I don’t know if Mr. Eng is equipped to answer that question at this time, so I’m going to allow a simple yes or no. Okay?

COUNCILMEMBER MOLINA: Yeah. Okay. And I bring it up, Chair, because it was allowed for in testimony, so that’s why I just wanted --

CHAIR VICTORINO: And I agree.

COUNCILMEMBER MOLINA: --to get his response.

CHAIR VICTORINO: And I agree it was in testimony, but a lot of things was brought up in testimony. I allow because, you know, sometimes it was said after and I had no choice in stopping it, but I’m just trying to keep on this, because time is running --

COUNCILMEMBER MOLINA: Yeah.

CHAIR VICTORINO: --and I want everybody to get a chance to ask about the source itself.
COUNCILMEMBER MOLINA: Yeah.

CHAIR VICTORINO: . . . (Inaudible) . . .

COUNCILMEMBER MOLINA: Well, if we can give Mr. Eng the time, then we can move on, yeah.

CHAIR VICTORINO: Okay. All right, Mr. Eng.

MR. ENG: Mr. Chairman and Member Molina, we have to explore our water rates and fees as well as our water system development fees, so that’s something that’s always ongoing. And again, we’d have to look at the impacts of this, but yeah, future funding is going to be a big issue, as we all know. So we are constantly reevaluating our rates and fees.

CHAIR VICTORINO: Thank you, Mr. Eng. Mr. Molina?

COUNCILMEMBER MOLINA: No. Then I’ll, I’ll yield to Member Baisa.


COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you, Member Molina. This is indeed a historic day. I have been waiting for four years to finally have an opportunity to discuss a real opportunity to do something about the water situation Upcountry, and it’s kind of distressing to me that this has been sitting around since 1994. Well, here we are 16 years later and we have a real opportunity in front of us. So, Mr. Franks and Cindy, I’d like to thank you very much for giving us this opportunity to have a real good discussion. I looked at the alternatives for the Piiholo South Well that you presented, and it appears to me that the idea of the County purchasing the well is certainly a very viable possibility. One of the things that I’m looking at… and there is really no need to belabor the fact that this is much needed Upcountry. I am a living participant and, you know, the result of many “degenerations” of Upcountry people who have waited for the opportunity to have lands… water so that we can develop our land. No question about the idea of creating employment. No question about the idea of affordable housing. I mean this is probably the best social and economic opportunity we’ve seen in a very long time during this campaign season, where you hear much talk about solving problems and issues. However, I am concerned, and I also want to know all the answers that everybody else wants to know, from the Water Department, about the quality of the water, and is the well, you know, does it meet standards, and is it a good investment for the County? That’s not the kind of issues I’m interested in, but there is one that catches my interest. And this is the fact that it will generate more than 8 million in water meter fees to help pay for the well. Can somebody tell me how that 8 million was computed? Where are we going to get $8 million in income?

MR. FRANKS: Well, it’s pretty easy. I… I’m… I… I’m unclear whether it’s for the water meter fee, and Mr. Eng can tell us. If it’s six, if it’s $6,000 for a water meter fee, the actual number is either 7.6
or 7.8 million. But I was told that $6,800 for a water meter fee in which case it will be over $8 million in fees generated from the sale of 1,296 meters.

COUNCILMEMBER BAISA: At either…

MR. FRANKS: Simple math.

COUNCILMEMBER BAISA: At either 6,000 or 6,800?

MR. FRANKS: Right.

COUNCILMEMBER BAISA: And that $20,000 figure that was mentioned is not part of that equation?

MR. FRANKS: No, Mrs. Baisa.

COUNCILMEMBER BAISA: Well, that’s really important, because, you know, I think there is some fear that we would be looking at very large water meter fees in order to make this pencil out, and I want to make sure that’s not the case. That’s not your understanding?

MR. FRANKS: That is, that is not my understanding, no.

COUNCILMEMBER BAISA: Thank you very much. And, Chair, I will refrain from doing further questioning, ‘cause I think most of the questioning that we have at this point have to come from the, from the Department.

CHAIR VICTORINO: Okay.

COUNCILMEMBER BAISA: Yeah. Thank you.

CHAIR VICTORINO: Thank you, Ms. Baisa. Mr. Kaho‘ohalahala?

COUNCILMEMBER KAHO‘OHALAHALA: Thank you, Chair. Are you currently still having negotiations with the Administration and with the Water Department? We talked about what you had in the past for the past two years, but are you currently in discussions or negotiations?

MS. WARNER: I think…I’ll try to address that. We’re kind of in an uncharted territory, because there hasn’t been another well owner that’s come to the County and been successful to have anything happen. We’re simultaneously meeting with…we have had meetings with the Water Department. Primarily now that’s resting in the Engineering Division with, with the details that Mr. Eng explained. We have talked with the Mayor who seems very supportive, and she wanted to get a feel for…or from my understanding, she wanted to get a feel for what the Council Members wished out of the…this meeting. So we’re trying to approach it in a way where we involve everybody really. It hasn’t gotten to any point of any more detail than this with any other entity.
COUNCILMEMBER KAHOʻOHALAHALA: Okay. So at this point then, what do you see is, is remaining or is left to do then?

MS. WARNER: I think there needs to be…it needs to be determined that it’s the will or the desire of the County to purchase the well if that’s...if that is indeed the case. We need to determine the exact infrastructure improvement requirements that the Water Department would require of us, and then we need to sit down and really sharpen our pencils and work together. Whether that’s a small committee or however that takes shape, that’s up to you guys and up to all of us to configure, to make it go forward, and put it into fruition.

COUNCILMEMBER KAHOʻOHALAHALA: So from what I understand then, you still need information coming from the Water Department in terms of what further infrastructure or infrastructure requirements?

MS. WARNER: We have a general idea now based on meetings over the last six weeks or, or couple months, and…but we’re waiting on more detail from them, yes.

COUNCILMEMBER KAHOʻOHALAHALA: Okay. And then how much time are you expecting that you will be spending to acquire the information you need to come to some kind of decision? Because I’m clear that as we’re sitting here today, you know...

MR. FRANKS: I, I believe that we received at this point as of last week all the requirements of the Water Department. If, if Mr. Chang has more requirements of us, he probably has those in mind, and he’s here today so he can probably tell us outside of the Chambers. But I think that we’re just about there in our understanding of what, of what we have to do, and I think that we’re well along in our discussions with, with the Administration. And as I understand it, the, the process will be for the Administration to make a decision about what they want to recommend to the Council, and then of course the money is not there right now. It won’t be there at least until the next budget session next year. But I think that an arrangement can be reached, you know, with, with, with some degree of expedition. Also I did want to clear something up. Mr. Molina, the…I don’t think I used the word that we were in negotiations. I wouldn’t say that we were not in negotiations, but that I suggested right from the beginning to the Water Department that, that the best, the best route to go would be for them to purchase the well. So we…the Water Department at one point asked us--I think this was early this year--they asked us for a figure and we went back over their figures, and we said well, here are you figures so you can work from those. Well, those figures will basically get us where we are today. So...

CHAIR VICTORINO: Thank you, Mr. Franks. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you, Chairman. You know, Mr. Franks and, and Ms. Warner, you mentioned earlier that…the agreement that you had with Kula Ridge. I, I…just a question, and tell me if you have a written agreement --
MR. FRANKS: Yes.

VICE-CHAIR PONTANILLA: --with Kula Ridge.

MR. FRANKS: We do have a, we do have a written agreement, and like...it’s sort of like if you’re buying a house. If something else happens you can, you can move away from that agreement. So we have, we have options. We told Kula Ridge right from the very beginning that we were the horse and we weren’t going to let their cart get in front of us, but that we were very sympathetic to the idea of senior housing and affordable housing Upcountry, and we would do what we could to include them. And that would still be my preference, but it’s not my call. I am not the Administration of the County of Maui nor do I sit on this Council.

VICE-CHAIR PONTANILLA: Okay. Thank you for that answer. And the reason why I asked that question is the possibility of a lawsuit if, if it should happen. Mr. Chairman, most of my question is with the Department since Mr. Nishiki, you know, entrusted the Budget and Finance Committee to, to look at investments. So, you know, I don’t know if you’re going to have another meeting here regarding this issue to resolve the water meter requirements Upcountry. But I would like to have the opportunity to talk to Mr. Eng and what are their plans, and hopefully another meeting can be rescheduled. Because I noticed that, you know, the time is short. Too many times we go into a meeting, you know, we adjourn the meeting, we never come back to the subject. So I, I think this is something that is very important that we need to take care of. So I, you know, wait for your, you know, movement on this one here. Thank you.

CHAIR VICTORINO: Thank you, Mr. Pontanilla. And I will give you my recommendations very shortly, but I wanted to make sure at least from the Franks that they gave their presentation and an opportunity for you folks to ask them direct questions. And we then will, you know, have another meeting probably with the Department, and they can give us more specifics. Because right now, as Mr. Eng has said, he has a lot more things. He’s waiting on engineering reports and all this other stuff. To ask him now would probably be premature.

VICE-CHAIR PONTANILLA: Yeah.

CHAIR VICTORINO: Okay.

VICE-CHAIR PONTANILLA: I understand that.

CHAIR VICTORINO: So...

VICE-CHAIR PONTANILLA: And, and hopefully the people that are here that testified earlier will come back to that meeting so that some of the questions that I want to ask the Director really involves them.

CHAIR VICTORINO: Right.
VICE-CHAIR PONTANILLA: And, and it may be added cost to, to, to get water to their property. So thank you.

CHAIR VICTORINO: Thank you, and I appreciate that. Mr. Mateo?

COUNCILMEMBER MATEO: Chairman, thank you. Ms. Warner, your, your comment that the Mayor was very supportive. Was the Administration supportive of dedication and allocation or is the Administration supportive of purchase?

MS. WARNER: There hasn’t been a formal determination of that. I...my understanding is that they wanted to evaluate and speak with the Department of Water Supply. My gut feeling is that they are leaning towards a...the purchase . . . (inaudible) . . .

COUNCILMEMBER MATEO: Okay. And, and my only reason for asking...because I think for myself if, if all the Members here remember that last well called Pookela. Pookela was the godsend at the time, and Pookela was the, was the “solve all” and the, the “cure all” of the Upcountry water needs. Unfortunately it never got there. So we have this opportunity at this particular point in time, but somehow for myself and, and in prior discussions we...this body have not really been, you know, part of the discussion. So for a lot of us, we don’t really know what the hell went on. So knowing the facts, knowing all of the particulars is important for us to make an informed decision, but you have followed the process, you have spoken to the Department, you’ve spoken to the Administration. And I’m hoping now that this body somehow receive the same kind of information, because the buck’s going to stop here. You know, if it comes to dollars and cents, you know, Mr. Pontanilla is going to develop more white hair than he ever had, because now we’re going to have to look at where about are we going to find, you know, millions of dollars for in fact a purchase that will benefit and put a...put an end to the years of waiting. And it goes back to the very beginning, Mr. Chairman, and it started with Ruthie DePonte, who many months ago came to this body and begged. Nobody should beg. So that’s my interest, and, and, you know, as I said earlier, we’re not privy to a lot of the information, and we’re going to need that information to make a sound decision. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you, Chair Mateo. And I will conclude by saying this. You know, I will be asking to defer this to bring it back when the Department has an opportunity to get specific numbers, and I would hope that would be within the next 30-to-45 days. I will be pushing for that. And, you know, I don’t want talk for the Department, and I don’t want to make the Department feel like I’m pressuring them. But there’s people out there, like they’ve said, have waited many generations, dads and, and grandfathers have passed away and, and parents have passed away. And now our children or our generation are getting up there where we may be passing away very soon, and our children are still waiting and our grandchildren and many other generations down the road. So you’re right, Mr. Mateo, now’s the time, but then I don’t want the same premise as Pookela, ‘cause I was part of that ‘cause I was on the Water Board when that was the godsend of all. And then it ended up being aah...and then we ended up with, with very little, and that was a very sad day in our history, and I don’t want that to happen again. So I want the Department to come back with the facts, get all the facts together for us, Mr. Eng, if that is
possible, as much as you can come back and so that the questions that are going to be raised by
the individuals, that you'll have as many answers as possible. And, you know, you know, I know
you're working on it and I will leave you a moment to say what you must say. Go ahead,
Mr. Eng. Well, you pulled the mic so I figured --

MR. ENG: Thank you.

CHAIR VICTORINO: --you wanted to say something.

MR. ENG: I was going, I was going to throw it at you actually. ... (chuckle) ...

CHAIR VICTORINO: Ah, I was giving you a chance.

MR. ENG: No, I just want to say that, you know, this is a work in progress negotiation...

CHAIR VICTORINO: That is correct.

MR. ENG: And I don't know how much we can divulge publicly at this time. You know, according to
that ordinance that Mr. Nishiki cited, you know, once an agreement is...

CHAIR VICTORINO: Wait, wait, wait, let me stop you right there. It's a resolution, not an ordinance.

MR. ENG: Yeah. But --

CHAIR VICTORINO: But the other one is when we get to that point.

MR. ENG: --relating to the ordinance that, that he --

CHAIR VICTORINO: Yeah.

MR. ENG: --referred to --

CHAIR VICTORINO: Yes.

MR. ENG: --you know, we would present the source agreement for the Council's approval, and I don't
read it as the Council actually being a part of the work in progress. So that is my understanding.

CHAIR VICTORINO: But I think what we're trying to do is the public needs to know what's going on.
I think that's very important, and transparency is very important. Because in the past,
agreements have been made...and not...no reflection on you, Mr. Eng, because these agreements
were made before some of us was in this Council and was a former Administration. So I will, I
will use that as a premise, but some of those that were here weren't privilege to any information.
And so we want to make sure that this time transparency occurs, and that, you know, we know as
much as we can without, you know, breaking any...whatever rules there are and the ordinances
as it speaks. But it was designed for that purpose so that we would have that opportunity first for any water development Upcountry, and that's what I think we worked on, that...that's the main reason for that. So, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. A quick question, please, for Mr. Franks.

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER BAISA: Mr. Franks, it's been my experience that when offers are made, oftentimes there is some kind of a time constraint put on the offer. Does one exist? Because that will tell us how quickly we need to work, and I know how hard it is for government. Can you please tell us?

MR. FRANKS: Well, my, my opinion is about that, Mrs. Baisa, is that we have provided the Department of Water Supply with our lab tests and our pump tests, and they've had them since...for, for, for several months now. So they know, they know our information as well as we know it, and there's really nothing to hold this up. This is not a complicated deal. This is in their...if the County wants water, we have water. If you have a home and I want your home and you want to sell it, then it's the same process. It's really not...it's not very hard to do, and it's just the Department of Water Supply, I think, should perhaps move with some urgency on this though, while the climate is right for it and before things get too complicated. They always...things can always run out of time.

COUNCILMEMBER BAISA: Well, the reason I ask is...it's several things. One of course is everybody's anxious to know. All the people that are here today and all the people that sent us testimony really are serious. They want to know is this going to happen or...and, and am I going to get a water meter? But more than that we also have a concurrent application for a housing development which, I understand, is going to come to us with a time limit on it. So we're going to need to know, 'cause it will affect that also.

MR. FRANKS: Our, our water, our water is available as permitted. Our water is available to the County. You know, as soon as we can get that, you know, the pump started up and, and rolling, water...and, and, and we have a place to send it, we will...the water's there.

COUNCILMEMBER BAISA: Thank you very much. And, Chair, the only reason I bring that of course is to put emphasis on the urgency.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER BAISA: And I thank you very much for taking this up today, and I also thank Member Nishiki for bringing it to the floor. Thank you.

CHAIR VICTORINO: Thank you. Mr. Nishiki?
COUNCILMEMBER NISHIKI: Yeah. I just want to read the crux of this resolution.

CHAIR VICTORINO: Mr. Nishiki, okay, make it quick, ‘cause, you know...

COUNCILMEMBER NISHIKI: Yeah. Really, really. And, and it’s under the “be it resolved”, okay. And it, it asks, it hereby affirms its willingness, the, the Council, to work with the Upcountry community and the Administration toward the goal of providing water meters to the Upcountry residents who have been waiting years for water meters. There’s the key, that it hereby urges this Administration to negotiate a water source agreement, relating to the well owned by Piiholo South, that would include a requirement that Piiholo South, LLC dedicate a fully constructed, completed, and outfitted groundwater, specifically State Well number…to the Water Department whereby the County of Maui would receive 100 percent of the maximum water capacity in consideration for water allocation credits to Piiholo South. I think this is the crux. The fact that we’ve heard from residents here today that are on that list and they are saying to us, Mr. Chairman, by us taking over this water system, it would give us and them more water meters than if there is some sort of other negotiation. And I think that most of ‘em that testified today want the County to, if at all possible, buy this system and, and, and, and fund it so that they would be able to get off of this water list. If it is done in that manner, we will get the maximum amount of people off of the list. Any other way, we will get less, and that’s what I think the Chairman said. If we…the, the three alternatives were remain private, nothing happening; two, dedication with allocation of credits that they might want to do; and the last one was purchase. And this is the crux of this resolution. I just hope that the Council will make that policy to send to the Administration that’s…that is what we want to see the direction taken.

CHAIR VICTORINO: Well, I think the direction has been clear. I don’t think the Administration has any guesswork, Mr. Nishiki. I don’t think there’s anything to guess today.

COUNCILMEMBER NISHIKI: Well...

CHAIR VICTORINO: I think you’ve said it. I think everybody has said it the same way. So with all that said and done, you know, there’s work to be done, we can talk ourselves ‘til we’re blue in the face, but let’s get the work done. I will turn it back to the Administration and to the Department of Water Supply. I will look to bring this back out in about 45 days at the max to see where we’re at with this whole thing, you know, Mr. Eng, and that’s up to you and the Administration for what, you know, how you address this. But this Council, I think, has sent the message to you and the Administration that purchase is what we would prefer, an outright purchase is what we would prefer. That’s what we’re saying. I think that message is clear. And without any other ado, I will defer this matter, without no objections.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: BKM).

CHAIR VICTORINO: Okay. Thank you.
ACTION: DEFER pending further discussion.

CHAIR VICTORINO: And I want to thank all the testifiers for being here today. Mr. Franks and Ms. Warner, thank you very much for being here. Administration, thank you for being here. Again, ladies and gentlemen, there’s more work to be done, but I think we’re heading in the right direction and that’s what we need to do. We need to keep moving and we gotta move as expeditiously as possible, because like Smitty and others have said, make sure there’s no contaminants, make sure... you know, a lot of good points were brought and I want all of these points met. So thank you very much. The meeting of the Water Resources Committee for September 7, 2010 now stands adjourned. . . .

ADJOURN: 12:03 p.m.

APPROVED:

MICHAEL P. VICTORINO, Chair
Water Resources Committee

wr:min:100907 Transcribed by: Daniel Schoenbeck
CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 16th day of September, 2010, in Pukalani, Hawaii

Daniel Schoenbeck