

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
THURSDAY, OCTOBER 28, 2010

Held at the Department of Liquor Control
Conference Room, David Trask Building, Room 105,
Wailuku, Maui, Hawaii, commencing at 09:04 a.m.

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

1 A P P E A R A N C E S

2

3 BOARD MEMBERS:

4

5 Michael Howden, Chair

6 Phyllis Robinson, Vice Chair

7 Kevin Boteilho

8 Patricia Eason

9 Donald Gerbig

10 John Hoxie, Jr.

11 Kui Lester

12 Kelli Myers

13 Ted Yamamura

14

15

16 STAFF PRESENT:

17

18 Jeffrey K. Eng, Director

19 Edward Kushi, Jr., Deputy Corporation

20 Counsel

21 Paul Seitz, Water Treatment Plant

22 Operations Division Chief

23 Tony Linder, Assistant Water Treatment

24 Plant Division Chief

1 Holly Perdido, Waterworks Fiscal Officer
2 Brenda Lee, Assistant Waterworks Fiscal
3 Officer
4 Herb Chang, Engineering Program Manager
5 Mel Meleka, Planner, Water Resources and
6 Planning
7 Gaye Hayashida, Commission Support Clerk
8
9

10 OTHERS:

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12 Bryan Plunkett
13 Robert Hobdy
14 Clay Rumbaoa
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1 CHAIR HOWDEN: Ok, I'd like to call our,
2 the Water Board meeting to, into session and
3 there's thousands of people here today.
4 I'll begin with the board. Thank you all
5 for coming. Board members present, Phyllis
6 Robinson, Vice Chair; Ted Yamamura; Donald
7 Gerbig; Kevin Boteilho; John Hoxie; Phyllis
8 (sic) Eason and..

9 MEMBER MYERS: Kelli..

10 CHAIR HOWDEN: Kelli Myers. She's so
11 beautiful sometimes you just forget her
12 name. Ok, sorry. Ok. Our Director Jeffrey
13 Eng, our Deputy Corporation Counsel Ed Kushi
14 and from the Department itself, Paul Seitz,
15 division head, Treatment Plant Operations;
16 Tony Linder, assistant division head,
17 Treatment Plant Operations; Holly Perdido,
18 our Fiscal Officer; Brenda Lee, Assistant
19 Fiscal Officer; Herb Chang, Engineering
20 Program Manager; Mel Meleka, planner, Water
21 Resources. Did I say that right, Mel, your
22 name?

23 MR. MELEKA: Yeah, that's fine.

24 CHAIR HOWDEN: Ok. Ok. There are no

1 announcements. We don't have the minutes of
2 our last meeting.

3 MS. HAYASHIDA: Oh no, we do. You're
4 looking at the, November's one.

5 CHAIR HOWDEN: Oh, the November one. Ok,
6 great.

7 MS. HAYASHIDA: Here.

8 CHAIR HOWDEN: That's right. Ok, any
9 additions or deletions? Don? Ha ha ha.

10 Sorry, family joke. Might we have a motion
11 to approve the minutes?

12 MEMBER GERBIG: So move.

13 CHAIR HOWDEN: Thank you.

14 MEMBER MYERS: Second.

15 CHAIR HOWDEN: Second. Ok, those in favor?
16 (a chorus of ayes)

17 CHAIR HOWDEN: Ok, we have 3 people from
18 the public who have signed up to testify but
19 they would like to testify on the Lana'i
20 Watershed Plan. So, evidently we're gonna
21 take them at that time. Is there anyone
22 else from the public who has testimony?

23 (silence)

24 CHAIR HOWDEN: So, there are 2 pre, pre-

1 hearing conferences this afternoon, Michael
2 Perry and Keauhou O Honua'ula. And those
3 will be dealt with outside but they're
4 listed here. So, we'll move to the
5 Lana'i...John.

6 MEMBER HOXIE: Which ones, which ones are
7 those on the...

8 CHAIR HOWDEN: Appeals are number 6.

9 MS. HAYASHIDA: Oh no. The board announces
10 their...

11 CHAIR HOWDEN: Oh, I'm on the wrong..

12 MS. HAYASHIDA: Yeah, sorry, Michael.
13 Here. Here, Michael.

14 CHAIR HOWDEN: I got it.

15 MS. HAYASHIDA: Oh, you got it.

16 MEMBER HOXIE: My question is what are the
17 pre-hearing conferences; which ones are
18 they?

19 CHAIR HOWDEN: Michael Perry...

20 MS. HAYASHIDA: No. The pre-hearing,
21 Michael...

22 CHAIR HOWDEN: That'll be next month.

23 MS. HAYASHIDA: No, um, ah, yeah, that'll
24 be next month.

- 1 CHAIR HOWDEN: Ok.
- 2 MS. HAYASHIDA: We're having pre-hearing
3 conferences this afternoon on Strini and
4 Molokai Veterans but Mr. Kushi will be
5 conducting those meetings.
- 6 MEMBER HOXIE: So, which ones are they?
7 Pre-hearing?
- 8 MS. HAYASHIDA: Strini.
- 9 CHAIR HOWDEN: Michael Perry.
- 10 MR. KUSHI: No.
- 11 MS. HAYASHIDA: Michael Perry is November
12 18th.
- 13 CHAIR HOWDEN: Next month. Next month.
14 We're simply doing the findings of fact,
15 conclusions of law and decision and order on
16 the appeal by Greg Davidge today.
- 17 MEMBER HOXIE: No, my question is what are
18 the pre-hearing ones? Which ones are the
19 pre-hearing ones?
- 20 MS. HAYASHIDA: Strini...
- 21 CHAIR HOWDEN: Michael Perry.
- 22 MEMBER HOXIE: Strini.
- 23 MS. HAYASHIDA: Strini is this afternoon
24 and Molokai Veterans Caring for Veterans

1 this afternoon.

2 MEMBER HOXIE: Ok.

3 MS. HAYASHIDA: And then tomorrow will be
4 Mr. Pollock, the Noel Johnson Hui.

5 MR. KUSHI: Can't hear you on the record,
6 Gaye, yeah.

7 MS. HAYASHIDA: Oh, so this afternoon will
8 be Strini and Molokai Veterans Caring for
9 Veterans and then tomorrow is the Noel
10 Johnson Hui and then Michael Perry and
11 Keauhou will be on November 18th.

12 CHAIR HOWDEN: Thank you. Ed, couple, do
13 we make that announcement...

14 MR. KUSHI: Go into executive session.

15 CHAIR HOWDEN: Ok.

16 MEMBER GERBIG: Mr. Chairman, I just
17 clarified, next month's meeting is on what
18 date?

19 MS. HAYASHIDA: November 18th.

20 MEMBER GERBIG: November 18. Thank you.

21 CHAIR HOWDEN: So, should we do this now or
22 shall we put it to the end?

23 MR. KUSHI: (inaudible)

24 CHAIR HOWDEN: Ok, because we have all

1 these people and then we have budget too.
2 What? Ok. If it's all right with board
3 members, I'd like to move to the Lana'i Plan
4 and then we'll go back to Fiscal and then to
5 the Davidge appeal. Ok? Just in the
6 interest of letting people speak. So there
7 are 3 people testifying on the Lana'i plan.
8 We begin with Bryan Plunkett, Conservation
9 Officer for Castle and Cooke. Bryan, please
10 come forward.

11 MR. PLUNKETT: Chairman Michael Howden and
12 members of the Board. Yeah, my name is
13 Bryan Plunkett, manager of the Conservation
14 and Natural Resources Department of Castle
15 and Cooke Resorts. I'd like to, before I
16 continue my testimony, I just, differentiate
17 between the conservation efforts in the
18 Lana'i Water Use and Development Plan. I
19 over, I have oversight over the watershed
20 and forest protection issues, not the
21 overall conservation issues in this Water
22 Use and Development Plan. So, I'd like to
23 reiterate some of my concerns presented at
24 the October 13th, 2010 meeting on Lana'i. My

1 testimony at the time referred to the
2 Chapter 8 Implementation Measures. Some of
3 which, in my opinion, is impractical and
4 some impossible to accomplish, like
5 eliminating rats, insects and other pests.
6 The word "eliminate", except when referring
7 to feral ungulates, should be replaced with
8 words like "manage" or "control". Now these
9 changes would be, certainly make the task,
10 even though it's difficult, more realistic
11 to accomplish. And another thought I'd like
12 the board members to consider, is to
13 eliminate some of the implementation
14 measures regarding the watershed that do not
15 actually contribute or affect that aquifer
16 recycle, recharge recycle. And any, effect
17 that, on pages 8-7, the Long Term, dash by
18 2030, construct and maintain enclosures for
19 snails, protect bird habitat, and so on.
20 These great measures, however, it will and
21 can be addressed by other means. In effect,
22 designated as endangered species and more
23 than likely protected by funds from the US
24 Fish and Wildlife Service. We also support

1 Jay Penniman's Lana'i Native Species
2 Recovery Program that is working on
3 Lanaihale to restore the habitat of
4 endangered Hawaiian petrel and also support
5 Hank Oppenheimer's work on Lana'i with the
6 plant extinction prevention program, to
7 protect Lanai's endangered plants.
8 Therefore, it'll be really a lot simpler to
9 keep measures that directly affect the water
10 use and eliminate measures that are really
11 the responsibility of organizations like the
12 USDA or the US Fish and Wildlife Service to
13 control things like invasive plants and
14 animals. Again, in conclusion, the measures
15 that are impossible or impractical to
16 accomplish, if kept in its present form as
17 conditional if provisions for allowing build
18 out projects to proceed as on page 1-23,
19 will in effect stop these projects from
20 proceeding because some of the measures are
21 impossible to accomplish. And therefore, we
22 request that the Water Use and Development
23 Plan not be approved as written and
24 furthermore to really think about these

1 implementation requirements that should be
2 really balanced with financial practicality.
3 Thank you very much.

4 CHAIR HOWDEN: Any questions from board
5 members?

6 (silence)

7 CHAIR HOWDEN: Bryan, since Castle and
8 Cooke really took control of the island, how
9 much, do you have any sense on how much
10 money has actually gone in to preservation
11 of the watershed?

12 MR. PLUNKETT: The conservation department
13 started in 2000 with one man and the budget
14 we already probably spent over \$2 1/2
15 million dollars on that conservation
16 efforts. And there's other things that we
17 did as the conservation department but
18 building the fence, also planting pine trees
19 and things, that the only things that we
20 really can do without eliminating the deer
21 or the ungulates in that area; about 2 and
22 1/2 million dollars.

23 CHAIR HOWDEN: What would it take to finish
24 the fences?

1 MR. PLUNKETT: Approximately a million
2 dollars. There's one last section, a four
3 mile section, which is, goes up and down the
4 deep gulches; Bob Hobdy can tell you about
5 that; the way that that fence goes would
6 require stainless steel fencing which is
7 real expensive and the amount of labor
8 involved in getting to the sites; helicopter
9 drops; again, doing deep gulches fencing,
10 that's a real expensive.

11 CHAIR HOWDEN: Might it not make um, more
12 sense, although it would take more fencing
13 to perhaps fence, as an enclosure, a larger
14 area that would be more readily accessible,
15 and could be better maintained.

16 MR. PLUNKETT: You would have to go way
17 down, even then find, the conservation
18 district I think goes pretty far down on the
19 lee side where that last, uh, windward side,
20 where that last segment is but it would take
21 away a lot hunting area, again, making it
22 larger and pretty much cheaper would
23 increase the size of trying to get rid of
24 the ungulants; so staying close to where the

1 forest is at the moment and then trying to
2 control, get rid of the, eliminate the deer
3 inside of that last section is gonna be
4 huge, is probably the biggest of the
5 sections and the hardest to get to the
6 animals. So the bigger you make the fence,
7 the harder it is to control the animals and
8 the longer it'll take to do reforestation,
9 planting trees and things like that. But
10 there are other measures that you could,
11 after you build the last leg and you could
12 also run fences down to the ocean then take
13 care of huge areas but there's lot of issues
14 involved with that too.

15 CHAIR HOWDEN: But, but you, you could
16 still give hunting access to those areas,
17 right?

18 MR. PLUNKETT: You could.

19 CHAIR HOWDEN: And at present, do community
20 groups have access Lanaihale in terms of
21 restoration and taking out invasive species?

22 MR. PLUNKETT: Yes.

23 CHAIR HOWDEN: How does that work?

24 MR. PLUNKETT: What Jay Penniman's group,

1 when they're, they're programmed to restore
2 the native species, in particular, the
3 Hawaiian petrel, involves removing the guava
4 trees and any alien species that really
5 taken over the uluhe fern, which is the
6 basic habitat for the 'ua'u or the Hawaiian
7 petrel. That's an ongoing program ever
8 since the, 2006 and prior to the met
9 (meteorological) tower going up and prior to
10 the habitat conservation program which is a
11 mitigation for the met towers. They are
12 doing work there to eliminate the guava from
13 the uluhe ferns. And this is ongoing.

14 CHAIR HOWDEN: How has their progress been?

15 MR. PLUNKETT: It's pretty slow. It's,
16 it's difficult. They're train, changing
17 their strategy to go where there's less
18 dense guava and work their way back that's
19 the current plan to save the better areas
20 and stop the encroachment of the guava and
21 then work their way to where it's really
22 dense.

23 CHAIR HOWDEN: Any questions?

24 MEMBER YAMAMURA: Brian?

1 MR. PLUNKETT: Yes.

2 MEMBER YAMAMURA: What kind and how much
3 assistance are you getting from the County
4 of Maui?

5 MR. PLUNKETT: We got the, from the OED
6 funds, the last 2 years is a \$100,000 each
7 year and that's going through Tri-Isle and
8 we get \$92,000 out of it, which is good.

9 MEMBER YAMAMURA: So you're partnering
10 pretty much with DLNR right now?

11 MR. PLUNKETT: As far as funding?

12 MEMBER YAMAMURA: Well, as far as doing the
13 exposures or the fencing project.

14 MR. PLUNKETT: Well, the funding in this
15 last project was USDA, NRCS, Maui County and
16 Forest Stewardship. Those are the 3 funding
17 plus LIFE, which is an organization that was
18 created to do the work on the Hale. We have
19 funds from NRCS Grassland Reserve program
20 which we can use to help fund the fencing
21 and other efforts on the Hale. So..

22 MEMBER YAMAMURA: So the same group of
23 people would generally be assisting you in
24 terms of overall resource protection?

1 MR. PLUNKETT: Well, we hopefully to, when,
2 well, US Fish and Wildlife at the beginning
3 was a big contributor and they gave 245,000
4 a couple years. But the last couple years
5 they haven't. But the, we wanna increase
6 our funding base obviously to get the most
7 money. We're trying to get Clean Water
8 Branch help, which we haven't gotten from
9 the beginning. We got 50,000 and that's it
10 from the water funds.

11 MEMBER YAMAMURA: So, there is an ongoing
12 plan to protect your resources?

13 MR. PLUNKETT: Yes, to increase our base
14 funding.

15 VICE CHAIR ROBINSON: So the, the, the
16 issues that you draw attention in the plan
17 in your letter, are, are they comprehensive
18 in terms of the parts of the plan that you
19 feel are impossible to accomplish and you
20 feel need to be removed?

21 MR. PLUNKETT: Just word changes and other
22 things that kinda involve trying to the work
23 of maybe the USDA...

24 VICE CHAIR ROBINSON: Ok.

1 MR. PLUNKETT: To stop invasives from
2 coming unto the island or US Fish and
3 Wildlife stopping birds and other invasives
4 to come, that's kinda, you cannot put a big
5 net in the sky and stop birds. It's kinda
6 difficult things like and organizations like
7 them, they have resources to, well,
8 supposedly resources to control these type
9 of problems. I think we should concentrate
10 more on just trying to enhance the watershed
11 to produce more water. These other things
12 are like distractions from the main goal.

13 VICE CHAIR ROBINSON: So, if we needed to
14 recommend changes in the wording as was
15 stated in this letter, would you be
16 available to, to, to get into some, I mean,
17 you're fairly specific but I'm thinking that
18 in some ways some parts of this are sort of
19 general and I'm concerned that if we're
20 going to get specific that we as a board may
21 not be qualified to be specific.

22 MR. PLUNKETT: Sure, that wouldn't be a
23 problem, yeah.

24 VICE CHAIR ROBINSON: Ok, thank you.

1 CHAIR HOWDEN: Any other questions? Ok,
2 Bryan, thank you.
3 MR. KUSHI: Mr. Chair.
4 CHAIR HOWDEN: Oh, please.
5 MR. KUSHI: Mr. Plunkett, following up,
6 following up on Member Yamamura's question,
7 so you do have some grant monies from the
8 county?
9 MR. PLUNKETT: Yes.
10 MR. KUSHI: Oh ok. It's from Maui Office
11 of Economic Development?
12 MR. PLUNKETT: Correct.
13 MR. KUSHI: And the grant will be Tri, Tri-
14 Isle...
15 MR. PLUNKETT: Yes. It goes...
16 MR. KUSHI: Tri-Isle.
17 MR. PLUNKETT: Administers the grant and
18 we...
19 MR. KUSHI: 'Cause I know the Water
20 Department through its Planning Division
21 gives grant monies to Tri-Isle for East
22 Maui, West Maui, Molokai watersheds but I
23 don't recall seeing the Hana, I mean,
24 Lana'i.

1 MR. PLUNKETT: Yeah, apparently some, some
2 of the requirements kinda assumes, seems
3 like we don't qualify for some reason but
4 Clean Water Branch 319 funds is lot large,
5 there's a large some of money supposedly in
6 there that we haven't been able to utilize
7 or qualify for.

8 MR. KUSHI: Ok.

9 MEMBER GERBIG: Have you, have you applied
10 for these, any funding from the county? Do
11 you, can you apply for it or have you
12 applied for funding for the, for these
13 various projects from the County of Maui?

14 MR. PLUNKETT: Yes.

15 MEMBER GERBIG: What, you have?

16 MR. PLUNKETT: Yeah, the currently,
17 supposedly we have a tentative, another
18 \$100,000 for this fiscal year coming up.

19 MEMBER GERBIG: What project is that?

20 MR. PLUNKETT: It's a, a fencing project.

21 MEMBER GERBIG: Uh huh, ok. Thank you.

22 CHAIR HOWDEN: Ok, thank you Mr. Plunkett.
23 Clay?

24 MR. RUMBAOA: Good morning Chairman Howden

1 and members of the Board. My name is Clay
2 Rumbaoa and I'm Director of Engineering for
3 Castle and Cooke on Lana'i. We've sent
4 numerous letters to the Board detailing our
5 objections to the Water Plan but this
6 morning I just want to highlight 3 or 4 of
7 them. The first one, just kinda
8 piggybacking off what Bryan was saying on,
9 on the watershed. Castle and Cooke does not
10 object to protecting the watershed but we
11 feel, in fact, it's written in the Hawaii
12 Water Plan that the watershed protection is
13 a stand alone document that is prepared by
14 the State so therefore it shouldn't be part
15 of, of this water use and development plan.
16 The second, second item is the
17 memorialization (sic) of the Lana'i Water
18 Advisory Committee as a official body
19 reviewing water applications of, for Lana'i.
20 We believe that first of all, we already
21 have the County of Maui Water Department, we
22 have the State reviewing water applications
23 and they do have the purview of the waters,
24 the State does and adding another layer we

1 believe is, is a, a contradictory to what,
2 what the county is, will be doing so we feel
3 that that's probably not appropriate to be
4 included in this plan. Thirdly is the, the,
5 the pumping allocation in Chapter 7. We
6 feel that that's very restrictive and, and
7 inflexible and doesn't allow Castle and
8 Cooke the opportunity to, to develop the
9 project districts as we were allowed to
10 when, when they were developed. Instead,
11 Castle and Cooke provided an alternative
12 water allocation in Chapter 4, whereby we
13 feel, we implemented an internal pumping
14 limit of 4.3 million gallons per day, and as
15 you know the sustainable yield on Lana'i is
16 6 million gallons per day. So that 4.3 that
17 we've set a limit we reached that in a
18 period of time; in a period like 20 years.
19 So, when we do hit that we still leave
20 approximately 1.7 million gallons in, in the
21 aquifer. So the notion that we are over
22 pumping and jeopardizing the aquifer we feel
23 is, is false and therefore the table that
24 was presented in Chapter 7 is overly

1 restrictive and again doesn't allow Castle
2 and Cooke the opportunity to develop the
3 project districts. That's, that's all that
4 I have. Oh, yeah, that's all I have. Thank
5 you.

6 CHAIR HOWDEN: Thank you, Mr. Rumbaoa. Any
7 questions from members of the board? Ok.
8 At what point does the trigger, at what
9 point does state oversight come in if you go
10 4.2, 4.3? Where, where is that?

11 MR. RUMBAOA: The, the trigger to begin
12 designation is, is 4.3.

13 CHAIR HOWDEN: Ok.

14 MR. RUMBAOA: 4.3 million gallons per day.
15 And again that's just to begin. Doesn't
16 mean you're designated automatically. It's
17 just they come in and then they look at your
18 system.

19 CHAIR HOWDEN: Because with Lana'i is so
20 dependent for recharge of the one aquifer on
21 fog drip, evidently 50% of the recharge
22 comes from that and 65% of the moisture on
23 the island comes from fog drip and you're
24 only at a 3370 foot elevation. And we are

1 perhaps experiencing the affects of, of, of
2 a warming of the planet. Are you watching
3 that carefully in terms of how, how the
4 recharge in the aquifers are affected? Have
5 not certain well levels, do they not
6 continue to drop through the years?

7 MR. RUMBAOA: Yes, we do. We do monitor
8 our, our wells pretty regularly and when we
9 do see the, the water levels dropping to
10 certain point, we, we actually rest those
11 wells. We have some redundancy wells so
12 that way we can shut down a well, let it,
13 let that, let that aquifer recover and then
14 we bring in another well. So we do have
15 some redundancy where that allows us to do
16 that, especially in our non-brack, non-
17 potable system.

18 CHAIR HOWDEN: Ok. Board members any other
19 questions?

20 MR. KUSHI: Mr. Chair, if I may.

21 CHAIR HOWDEN: Don?

22 MR. KUSHI: After you.

23 MEMBER GERBIG: When you monitor wells,
24 monitoring such a broad term, the wells are

1 utilized for drinking water, I don't care
2 about ag, but are you monitoring for salt
3 content? Is that one of your...

4 MR. RUMBAOA: That's, that's correct.

5 MEMBER GERBIG: All of these?

6 MR. RUMBAOA: Yeah, we have a test that EPA
7 requires us to perform annually..

8 MEMBER GERBIG: Conductivity.

9 MR. RUMBAOA: Yeah, the whole slew. I
10 don't think that's the exact test we do but
11 we have to comply with state regulations and
12 we publish...

13 MEMBER GERBIG: For the state?

14 MR. RUMBAOA: Those results. Yes.

15 MEMBER GERBIG: Oh, thank you.

16 MR. RUMBAOA: In terms of water quality, we
17 do monitor that.

18 MEMBER GERBIG: Ok. That's Department of
19 Health?

20 MR. RUMBAOA: DOH, yes.

21 MEMBER GERBIG: Thank you.

22 CHAIR HOWDEN: Ok. Thank you very much.

23 Oh, Ed.

24 MR. KUSHI: Oh yeah, Mr. Rumbaoa, I just

1 wanted to make sure, for the record, that,
2 that Castle and Cooke understands that it is
3 subject to the "show me the water" bill; you
4 familiar with that ordinance?

5 MR. RUMBAOA: That's correct, yes.

6 MR. KUSHI: And it applies to subdivisions
7 so like when you develop a parcel you go and
8 subdivide. You'd have to show the Director
9 of Water Supply a committed source of water
10 and Lana'i being the only show in town, your
11 water company, he would then have the
12 prerogative to look into your engineering
13 reports, your water system, your viability of
14 the long term water source and all of these
15 issues not only sustainable yield, these
16 other issues, how that water source affects
17 maybe other areas would come into play. You
18 understand that?

19 MR. RUMBAOA: Yes, yes sir. Yeah, we've
20 actually gone through the process already
21 with Director Eng. We submitted reports and
22 we've got approvals.

23 MR. KUSHI: So, it's not like just because
24 you're the only private water source you're

1 gonna get it.

2 MR. RUMBAOA: Oh no, no, we understand
3 we're private but we still have to comply
4 and show that so we understand the word of
5 that ordinance.

6 MR. KUSHI: You recall if that LWAC
7 understands that also?

8 MR. RUMBAOA: I don't know about the other
9 members. Actually when we did bring it up
10 they actually were surprised that we were
11 required to go in and submit. They thought
12 that we had free rein of just, just doing
13 it. 'Cause we did, we did in one of our
14 meetings mentioned to them that we had to
15 submit a, a report to Director Eng and they
16 were, they were surprised.

17 CHAIR HOWDEN: Ok, thank you Mr. Rumbaoa.
18 Also like to, before Robert Hobdy comes up,
19 acknowledge Kui Lester's presence, our final
20 board member. This is Robert Hobdy,
21 formerly of DLNR. His 1993 report figures
22 significantly in Chapter 6 and has colored
23 somewhat the conclusions of the entire
24 report. Mr. Hobdy.

1 MR. HOBODY: Hello, members of the Board.
2 Bob Hobdy. Was a manager of the Maui
3 District DLNR, following Wes Wong, many
4 years. And I grew up on Lana'i and in fact
5 our class of 1960 just celebrated its 50th
6 reunion this year. So I've seen Lana'i over
7 a long period of time, seen changes and I'd
8 like to say a little bit about the
9 importance of the watershed there and the
10 sensitivity of it. A little bit of history,
11 the first territorial forester, Ralph
12 Hosmer, came to Lana'i in 1910 and met with
13 George Munro and assessed the condition of
14 the watershed and at that time there was a
15 lot goats and sheep on the island and the
16 lower elevations were getting deforested.
17 And he recommended that they create a forest
18 reserve on Lana'i and they did, the Maunalei
19 Forest Reserve was about 3500 acres and it
20 was fenced off on the ridge tops on the
21 windward side and on the leeward side was
22 more continuous. And remnants of that fence
23 are still there. But it's interesting that
24 the, the fence is now about 2 miles, what's

1 left of the fence is about 2 miles below
2 where the forest boundary is now. In other
3 words that watershed has shrunk over the
4 years. In the 80's the company and the DLNR
5 cooperated on an effort to get rid of the
6 goats on the island and they did. They,
7 they got rid of all the goats on Lana'i.
8 And we thought that would, that would help
9 the watershed recover but right after that
10 they had a drought and the, the deer moved
11 up into the forest and started creating
12 trails and opening up the understory. To
13 back just a little bit too, I was involved
14 in 2 working groups on the island that
15 addressed separate issues; both affecting or
16 affected by the mountain and one was the
17 watershed and the importance of the
18 watershed and the other was the rare native...
19 (3-minute timer beeping)

20 MR. HOBODY: Plants and birds that are up
21 there. And, we were meeting on Lana'i on
22 these 2 different things over a period of a
23 couple years and after, after a couple years
24 we came to the conclusion that the, the two

1 things really should be one thing. That
2 the, the very best watershed on the island
3 was the native forest and that the very best
4 way to protect the watershed was to, to
5 protect the native, so. Those 2 things
6 kinda came together in one focus. The, the
7 nature of the forest that's on the summit of
8 Lana'i is, it's not like most of the other
9 islands. It's a low statured forest as
10 Michael referred to the fog drip.

11 (3-minute timer beeping)

12 MR. HOBODY: Lana'i gets most of its
13 moisture from fog drip and that's not a
14 whole lot. I mean, they only get about 35
15 to 40 inches of, of precipitation up there.
16 And the fog drip enhances that. But the
17 native forest which is only like 4 or 5 feet
18 high with a few higher lehua trees is, is a
19 very, very dense low scrubby ohia with a lot
20 of fern in it and it's so dense that it's
21 like a big sponge when it rains. The rain
22 is captured by this low stature forest and
23 it kinda holds it like a sponge and then it
24 gradually percolates into the aquifer. And

1 what we see today is the deer that have
2 gotten into the forest and made trails and
3 openings have brought in a lot of weeds and
4 strawberry guava is one of the big ones.
5 There's several weed species that are a
6 problem there but the strawberry guava is
7 probably the worst one. And it, it grows up
8 through the small native stuff and it over
9 tops it and shades it and then it eventually
10 dies out. And the problem with the
11 strawberry guava is that it doesn't have an
12 understory. It doesn't have that thick
13 layer on the ground that can sponge the
14 water. So when the rain falls in an area
15 that's completely converted to this
16 strawberry guava you get runoff almost
17 immediately and you don't get the
18 percolation into, into the ground as much.
19 So out of those working groups was the
20 genesis of this, this fencing project that's
21 been ongoing for the last several years and
22 the first increment was completed and the
23 second increment on the south end of the
24 mountain is, quite a bit of it is built but

1 it's not closed up yet. So the, we have the
2 2 ends of this mountain that are being
3 worked with, as Bryan indicated, there's
4 this big central section in the middle that
5 is the most critical part of the watershed
6 that hasn't been fenced yet. And, this,
7 this little watershed is the source of the
8 drinking water, long term for the island.
9 Lana'i has always been fairly dry. Back in
10 the early 1900's there was one running
11 stream on the island, in Maunalei Gulch and
12 it only ran for about half a mile from, from
13 where it came out of the ground in gulch
14 bottom and then it disappeared into the
15 ground so that was the only stream. So, all
16 of the groundwater or all the water on the
17 island has had to be developed as
18 groundwater. So, there's numerous wells as
19 you're aware. But these, these are
20 recharged under the mountain from this, this
21 meager rainfall. It's really important that
22 this, this watershed be protected for the
23 watershed values and also for all of the
24 rare native things that grow there that are

1 important as well. But as far as the
2 community is concerned the water is the big
3 one. So, I just wanted to give a little bit
4 of that, that history and some of the
5 information about the watershed and the, and
6 I didn't want to make any particular
7 recommendations other than that this fence
8 should be completed. The, the requirement
9 really is that it be fenced and then the
10 animals removed from within it because if
11 you don't remove the animals from within it
12 you just create a pasture for them and they,
13 they reproduce and it becomes a, an ongoing
14 continuing problem. The invasive weeds are,
15 are a huge issue and as Bryan indicated
16 it's, it's a huge task to, to try to get rid
17 of all that stuff. But those things are
18 there because of the disturbance in the
19 forest and if that, the animals are removed
20 that will lessen and so I think the first 2
21 steps are the most important in the long
22 run. So basically that's, that's what I
23 wanted to, to just verbalize here. I don't
24 know if there's any questions or anything

1 but...

2 CHAIR HOWDEN: Board members, any
3 questions? Um, Bob, would it eventually
4 make sense and I, I asked Bryan something
5 like this, to return to the original
6 boundaries of the forest reserve, in terms
7 of augmenting a marginal watershed?

8 MR. HOBODY: That's really difficult. If
9 you, if you look at the, the biggest place
10 where the, the forest has been pushed,
11 pushed up it's on the windward side and the
12 windward side is the roughest, most
13 incredible canyon land you can imagine on
14 the island. That whole windward side, these
15 gulches are very steep sided and they're
16 just one after the other like this. In the
17 old days there was a thin native vegetation
18 on those steep slopes and the, today those
19 slopes are completely denuded. There's
20 nothing on 'em at all. There's just dirt
21 and rocks and as you get up to the, the
22 forest is where you start to get vegetation
23 again. It's really hard to bring back an
24 area that's been destroyed in that manner.

1 You look at, it's, it's almost comparable to
2 what we have on Kaho'olawe; it's just bare
3 ground kinda situation. I'm not sure if, if
4 increasing the fence size in that area; for
5 one thing it would be almost impossible to
6 make the fence. It would be very expensive
7 to maintain the fence if you have it.

8 That's why the, the choice was made to bring
9 it up to that, where the forest is now,
10 'cause the gulches are a little bit smaller
11 over there and it's more manageable.

12 CHAIR HOWDEN: So, perhaps eventually the
13 suggestions that Bryan made in terms of
14 running fence lines down to the ocean from
15 either end and...

16 MR. HOBODY: Those, those were considered,
17 you know, you could've taken the whole
18 windward side and pushed it down to the, to
19 the coastline; that met with a great amount
20 of negative energy from, from Lana'i
21 residents as far as hunting opportunities.
22 And it was scrapped fairly early on. Also
23 you can make a fence right to the ocean but
24 deer do swim. They can go out in the ocean

1 and go around, that they have been seen
2 doing that before so it's, I'm not sure how,
3 how airtight that would be.

4 CHAIR HOWDEN: But one would assume that
5 they would have hunting still in the
6 windward area, that there would be access
7 for, especially for subsistence hunting for
8 Lana'i residents.

9 MR. HOBODY: Yeah, I mean, you could, you
10 could put that forth. I'm not sure how it
11 would be accepted. Because when you manage
12 a watershed, we have found that to have
13 animals in it is and, and having it
14 controlled by public hunting or, or some
15 kind of hunting program is not really
16 feasible because the hunters will go hunting
17 if they have a good chance of getting
18 something. If they gonna knock the animals
19 to the point where they go out 2, 3, 4 times
20 and not get anything they're just gonna stop
21 going. And then the animals will build up,
22 then they'll back. You know, it's sort of
23 a, you're not really gaining ground,
24 conservation wise that way. These eco-

1 systems evolve without, without animals in
2 'em. And they really have a hard time even
3 with, with a moderate number of animals as
4 we've seen throughout the islands.

5 CHAIR HOWDEN: John?

6 MEMBER HOXIE: Bob, have you been a
7 resource for the Lana'i Company and their
8 watershed plan, are they...?

9 MR. HOBDY: Well I, I provided a lot of
10 information to the Water Use Development
11 Plan through Ellen. Over the years I
12 provided a lot of the information on the
13 native stuff that's in there and just the
14 background information on, on the mountain.
15 I haven't worked specifically with the
16 company but I've worked with working groups
17 addressing some of this, yeah.

18 CHAIR HOWDEN: Any other questions? Ok,
19 thank you very much.

20 MR. HOBDY: Alright.

21 CHAIR HOWDEN: Ok. Let's go forward. We
22 have Member Gerbig's comments on the Water
23 Use, Development and Protection Plan and
24 also Member Yamamura's. Might we have a...

1 MEMBER GERBIG: Aren't you gonna do the
2 budget? You gonna do all this Lana'i thing
3 now?

4 CHAIR HOWDEN: We can start it. Or shall
5 we...

6 MEMBER GERBIG: Well, I, I thought if...

7 CHAIR HOWDEN: Shall we defer for a while?
8 Ok.

9 MEMBER GERBIG: Because they had, they came
10 in to testify.

11 CHAIR HOWDEN: Ok, let's deal with the
12 Water Department then. We go back to...

13 MEMBER GERBIG: Then we can go back to
14 Lana'i.

15 MR. KUSHI: Mr. Chair, for the record I
16 believe the Board's Secretary received an
17 email from one Albert Morita.

18 CHAIR HOWDEN: Yeah.

19 MR. KUSHI: So, that should be admitted or
20 considered written testimony for today, and
21 also an email from one Lisa Galloway. So
22 with those 2 pieces that would be the
23 testimony for today on this agenda item.

24 CHAIR HOWDEN: Ok, thank you. Ok, let's

1 move back to the Fiscal Year 2012 Budget.

2 Holly?

3 DIRECTOR ENG: I'd just like to make a
4 statement that this budget is pretty much,
5 this operating budget that Holly will be
6 presenting is pretty much what we'll be
7 submitting to the Budget Office shortly.

8 Although there might go through even several
9 revisions by, by the time this is formally
10 sent to the Mayor and then sent on to the
11 council for their review and approval. So,
12 it's pretty much what we're going to be
13 presenting. We were given a directive early
14 on from the Budget Office to, our goal was
15 to have a flat budget for Fiscal Year 2012.
16 I think we have achieved that. So, I guess
17 I'll let take it from there. I brought a
18 lot of the group here and we may kinda keep
19 this informal if there some information we
20 would like to volunteer or add we might be
21 chiming in from time to time.

22 CHAIR HOWDEN: Great, great. Please.

23 MS. PERDIDO: Good morning, Board Chair

24 Howden and members of the Board. My name is

1 Holly Perdido. I'm the Fiscal Officer for
2 the department. Jeff kinda gave an
3 overview. I don't know, I'm not, I haven't
4 met everybody here. There's new board
5 members since I've been here last but I just
6 kinda wanted to go a little bit farther from
7 what Jeff had said on the submittal. What
8 we do is at different times we're submitting
9 items to the Mayor's office. The Mayor's
10 office will be reviewing it; we will be
11 having many meetings and then we will come
12 up with our final budget. This, what we
13 have to you is what we're gonna submit to
14 the Mayor. After these final meetings and
15 the Mayor comes up with the budget, I just
16 found out they've changed some dates so the
17 Mayor will submit the budget to council on
18 March 25th. And then council has up to June
19 10th to adopt it or approve it and then the
20 Mayor has 10 days to approve. During that
21 time there's all, public testimony is
22 always, you know, avail, you know, available
23 at all the budget meetings. Ok, everyone
24 has their packet of our, our budget. What I

1 did is I gave like a summary, the front page
2 and we'll start with that. I'll give a
3 little bit of history about our Fiscal Year
4 2010 budget how we came out. Budgeted
5 revenues for water service were lower, well
6 we budgeted about 51 million and actual
7 revenues came in much lower than we
8 expected, about 45 million. In February of
9 this year we had to submit to the Mayor what
10 we're gonna do to make up for this potential
11 revenue shortfall. So we looked, all of our
12 division heads, the director looked at our
13 budget and we looked where we could save and
14 basically payroll until positions,
15 electricity we had some savings and we did
16 cut the grants for fiscal year, Fiscal Year
17 11, right, by 10% so the grants were all cut
18 by 10%. So our net shortfall ended up that
19 we were, it was about 4.6 million which we
20 were able to cover. Those, so basically
21 those were our savings that we realized in
22 those different areas. Water consumption
23 has actually decreased when we started the
24 aggressive conservation programs in 2007.

1 We were at about 13.2 billion gallons and
2 then up until 2009 it was decreasing to the
3 low was at 2009 which was 12.1 billion
4 gallons. And 2010 is our first time we saw
5 an increase of a little bit like 12.2
6 billion gallons in 2010. So hopefully, Jeff
7 keeps telling me we're gonna hit the bottom,
8 we're gonna start going up. So hopefully we
9 are gonna go the other way now with
10 consumption. The revenue estimated for
11 fiscal 2011 with this 7% rate increase is
12 budgeted for about 48.5 million, that's for
13 this fiscal year. So right now we can start
14 with the front page and basically, what
15 we're looking at, this is kind of our
16 breakdown we have give a zero base budget
17 with revenue and expenses balancing out. So
18 we still are looking at with what we coming
19 up with is 6.5% rate increase. Right now
20 that's, this is only tentative, you know,
21 like I said this will go through many
22 changes probably by the time it gets to
23 council. What we, if you look at the top of
24 the, that first page, all the revenues,

1 these are all the different revenues that we
2 get to cover, our carryover ended up very
3 well. We had a big savings this past in our
4 electricity expense which helped
5 tremendously. We're keeping our budget
6 level for next year as I will continue to
7 tell you. And our CIP budget as we will go
8 in later and I will kind of break that down
9 for you later as we go through the budget.
10 It's very aggressive. We're looking at a
11 \$38 million CIP Budget, so. But we will hit
12 that secondly. If you turn the page, um,
13 should I ask for questions after each page
14 or do you want me, what, how would the Board
15 like to proceed?

16 MEMBER HOXIE: Yes, I think that's a good
17 idea.

18 MS. PERDIDO: Ok. Is there any questions
19 on that first page?

20 MEMBER HOXIE: So, the total water
21 consumption, do you have a number for, this
22 is the budget for 2011, or is this for, I
23 don't understand.

24 MS. PERDIDO: This is, oh, this is the

1 budget 2012...

2 MEMBER HOXIE: 2012.

3 MS. PERDIDO: Yeah.

4 MEMBER HOXIE: So when does that start?

5 MS. PERDIDO: That will start July 1st in
6 2011.

7 MEMBER HOXIE: Ok.

8 MS. PERDIDO: So, yeah, right now we're in
9 the 2011 budget.

10 MEMBER HOXIE: Yeah.

11 MS. PERDIDO: So we have to start...

12 MEMBER HOXIE: Right.

13 MS. PERDIDO: The budget very early.

14 MEMBER HOXIE: Ok. And you, you had talked
15 about the water, total water use going down
16 from 13.2 down to 12.1 and 12.2; do you have
17 a number, a forecasted number at all? Do
18 you come up with a number like that?

19 DIRECTOR ENG: I think when we kinda
20 planned our forecast sales for Fiscal Year
21 2012, I believe the direction I told you was
22 we're going to have level...

23 MEMBER HOXIE: Right, yeah.

24 DIRECTOR ENG: Consumption and so I did

1 foresee any lowering in consumption, I just
2 kinda take a little, (inaudible) it'll be a
3 flat.

4 MEMBER HOXIE: And the rate increase that's
5 what you would need to, to balance at...

6 MS. PERDIDO: Correct.

7 MEMBER HOXIE: 6 and half percent and last
8 was 7 percent.

9 MS. PERDIDO: Yeah. And if you notice on
10 the bottom part of it, it says Transfer to
11 Capital Replacement Fund, 6.9, that's a
12 large amount. Last year I think we
13 transferred, excuse me, 2 million, 2.3
14 million. So that, what this is is we
15 transfer from our revenues to our capital
16 reserve fund to fund projects which we will
17 be going over once we get to the CIP budget.
18 I can go over it, we'll be going over those
19 (inaudible) projects that have..

20 MEMBER HOXIE: So is the number high
21 because of the forecasted capital?

22 MS. PERDIDO: The number is high because of
23 the forecast of projects we wanna complete.
24 We would like to do and if, if you, well, I

1 don't think board members...

2 DIRECTOR ENG: Well you know, that's kinda
3 the direction we need take as far as funding
4 our capital replacement CIP projects. We've
5 kinda limited ourselves over the past recent
6 years to maybe \$2 to 3 million of cash and
7 that's not gonna do it because we have some
8 restrictions on our bond funding
9 availability. We do tap in as much as we
10 can with the State Revolving Funds through
11 the Department of Health. But there's
12 certain limitations on that too. And so,
13 we've kinda expected in the future when we
14 need to really fund more programs, capital
15 programs there's actual cash from water
16 sales. So, yeah it is a increase to 6.9
17 million but I think that's the direction the
18 Department has to take and really convince
19 even those who approve our budget at council
20 that if they wanna get serious about capital
21 projects we gonna have to come up with cash
22 pretty soon.

23 MEMBER HOXIE: Thank you.

24 MS. PERDIDO: Any other questions? Ok. So

1 what I have done is each of the budgets,
2 I've done an overview. Now this is our
3 operating budget which is all our 7
4 different areas which includes equipment and
5 positions or employees. Ok, if we look at
6 this overall budget, we, we're showing a
7 slight increase in everything. Let me
8 explain why. For Fiscal Year 11 when we
9 brought the budget to you last year, we kept
10 all the positions, we, I think we didn't, we
11 had no expansion positions but then as
12 everyone knows the Mayor, we did, or the
13 council, we did a furlough, one day
14 furlough. So we cut all, all the, everybody
15 by one day. So we did have a decrease in
16 the budget Fiscal Year 11. So this year
17 every, we left it flat that we had no
18 furloughs, we're turning it in with no
19 furloughs right now. Who knows what'll
20 happen but that's what we're doing and
21 that's why there is the increases as you'll
22 see as we go page for page. So this is the
23 overall budget. We're, it's looking like
24 we're gonna be going up about \$300,000.

1 We'll turn the pages and start with
2 Administration Program and then let me, the
3 summaries are in the front part and then I
4 have more detail in the back on each of the
5 programs if we need to go into further
6 detail we can do that. As I said salaries
7 and wages, there's no expansion; there's the
8 only increase is because of the furloughs,
9 for, that we had last year compared to
10 Fiscal Year.

11 DIRECTOR ENG: Holly..

12 MS. PERDIDO: Yeah.

13 DIRECTOR ENG: Excuse me. There's no
14 increases due to our labor contracts?

15 MS. PERDIDO: No.

16 DIRECTOR ENG: Ok.

17 MS. PERDIDO: No. Yeah, right now the
18 labor contracts are flat too; there was no
19 increases shown on that. Now, I'm not sure
20 if, what the Mayor's office will do or the
21 council. Ok. Operations is increasing by
22 10,000 and let me explain what, what the
23 Admin Program did is increase Operations 10
24 which is in the Supplies and Equipment for

1 the Safety Program but they decreased the
2 10,000 from the Equipment. So that same
3 line item in the Equipment was decreased.
4 So it's basically, they're, a \$1,000 that he
5 cut because of the computer allowance as we
6 all look down in the Equipment. And it kind
7 of explains it below. So basically it's a
8 flat budget; he just juggled the 2 items
9 from one area to the other. Any questions
10 on that Admin Program? Ok.

11 DIRECTOR ENG: Admin is basically..

12 MEMBER HOXIE: Too much, too much detail.

13 DIRECTOR ENG: The director's and deputy's
14 office..

15 MS. PERDIDO: Too much detail?

16 DIRECTOR ENG: And our Safety Program.

17 MEMBER HOXIE: Can I back up?

18 MS. PERDIDO: Sure.

19 MEMBER HOXIE: To page, I'm, I think
20 getting into the detail, I don't know how
21 interested you all are getting into the
22 different positions but to me I think we
23 should focus on the overall budget; my
24 question is in the Engineering Program you

1 show a big increase and the Water Resources
2 Planning you show an offsetting, this is on
3 page 2, I guess, Program Budget. Just,
4 could you comment on that?

5 MS. PERDIDO: On page 2.

6 MEMBER HOXIE: This one here. Overview.

7 VICE CHAIR ROBINSON: Percentage.

8 MS. PERDIDO: Oh ok.

9 MEMBER HOXIE: Yeah. Overview of the
10 Budget program, program budget.

11 MS. PERDIDO: Ok, as I explained it if we
12 go through each individual one, the
13 increases are from the payroll because of
14 the, the furlough in 2011 we have a furlough
15 day, 2012 we're not. So if you look at each
16 individual department as we go through
17 you'll notice that, that's where the big
18 increase is, is because of the payroll. One
19 page that's kind of a nice to look at, that
20 might be a little more self-explanatory is
21 that summary page. Gaye, I'm not sure, sure
22 of the pages.

23 MR. KUSHI: No page numbers.

24 VICE CHAIR ROBINSON: There's no page

1 numbers.

2 MS. PERDIDO: There's no page numbers.

3 DIRECTOR ENG: Keep you guys guessing.

4 MS. PERDIDO: Yeah. Right following all
5 overviews is this summary page. And if you
6 look at that that kind of shows you right
7 away where the increases or decreases change
8 is. And that kinda helps you see why, if
9 you look at the Engineering Program the huge
10 increase is because of salaries and that's
11 because of the furlough day.

12 VICE CHAIR ROBINSON: Can you just hold up
13 what you're referring..

14 MS. PERDIDO: I can.

15 VICE CHAIR ROBINSON: To so we know what
16 we're looking at.

17 MS. PERDIDO: Right after the last page of
18 the summaries.

19 VICE CHAIR ROBINSON: Ok.

20 MS. PERDIDO: Everyone see that. Yeah.

21 And that shows each program and then where
22 the differences occurred.

23 MEMBER GERBIG: The last page; I don't know
24 where you're at.

1 MS. PERDIDO: Ok.

2 MEMBER BOTEILHO: More toward..

3 VICE CHAIR ROBINSON: Right here. It's
4 the, it's the page, last page..

5 MS. PERDIDO: Right after the summaries
6 that we're going through now.

7 VICE CHAIR ROBINSON: First page of
8 horizontal figures.

9 MEMBER BOTEILHO: Next page.

10 MS. PERDIDO: I keep trying to make this as
11 easy possible but, we'll have to try to make
12 it easier next time I think. So basically
13 the increase is because of salaries,
14 unfortunately, keeping them at a level. Ok.
15 So Administration is, you can see what
16 they're actually asking for in equipment and
17 stuff and items that are needed. Next page
18 would be your department-wide. These are
19 pretty much our debt service and whatever
20 the county charges the department. They, to
21 be honest these could change. I kept flat
22 amounts; they have not told me how much
23 these amounts are gonna be. But, in,
24 because I have to get the budget in;

1 sometimes in January, February they'll come
2 back with more accurate numbers that they're
3 gonna actually end up charging us but at
4 least we get the same amounts in. Debt
5 service, this is what we're currently have.
6 We do have some SRF's coming up that aren't
7 listed here; Makawao waterline. We do have
8 the 3 ARRA funds that are gonna be forgiven,
9 3 projects; Vineyard, West Olinda Tank, one
10 other one.

11 DIRECTOR ENG: Kihei Road.

12 MS. PERDIDO: Kihei Road. So those are 3
13 projects that we will not have to pay back
14 for the SRF funding, which was very nice.
15 That's about it. Basically, these are fixed
16 charges that the department is, sorry. Am I
17 losing everybody?

18 VICE CHAIR ROBINSON: Well...

19 MEMBER BOTEILHO: Page 3.

20 VICE CHAIR ROBINSON: Just give us the
21 heading.

22 MEMBER BOTEILHO: Page 3.

23 VICE CHAIR ROBINSON: This is the
24 department-wide expenses, right?

1 MS. PERDIDO: Yeah. Oh yeah, on the back.

2 VICE CHAIR ROBINSON: This one, Don.

3 MEMBER YAMAMURA: If I may talk about
4 Engineering for just a little bit.

5 MS. PERDIDO: Ok.

6 MEMBER YAMAMURA: So your, the operations,
7 you're projecting a flat budget for Fiscal
8 2012, and yet it's no secret, in the general
9 public, that one of the greatest causes of
10 frustration, irritation and consternation
11 and everything else put in there, is the
12 untimely or very slow response of
13 Engineering. I'm not trying put this on any
14 one particular person; it's just why aren't
15 we planning for maybe a larger staff to
16 handle all of this work that's being
17 channeled through Engineering for their
18 approvals?

19 DIRECTOR ENG: Excuse me, Ted, maybe I can
20 speak to that. That's a fallacy, first of
21 all, ok. For many years, as you know, we
22 were short handed. We had many vacancies in
23 that division; we couldn't attract
24 engineers. I think I recall just about 4

1 years ago when I joined the department I
2 think we had 50% of the budgeted engineer
3 positions filled. I don't know how they got
4 through, through the day, really with that
5 much work coming in and such a short staff.
6 Just recently we hired an engineer, came
7 onboard a couple weeks ago. This time,
8 except for one position that was deleted by
9 the council last budget time, and a key
10 position that we're trying to restore, but
11 right now based on funded positions we're
12 finally fully staffed. Big difference, big,
13 big difference. The changes that we've had
14 over the past just about almost a year now,
15 with hiring of new engineers has allowed
16 Herb Chang, and I want to give him the full
17 credit, to look at a reorganization of that
18 division. A probably for the first time in
19 history there's been a reorganization. For
20 all these many years we're basically
21 organized by districts; Central Maui,
22 Upcountry. So subdivision reviews, building
23 permits, water service requests and all the
24 other issues that come up engineering-wise

1 were basically separated by districts. Then
2 you handled everything within your district.
3 Herb recently created a new section,
4 Commercial Building Permits and he took 4
5 engineers, moved them into this new section
6 and they're solely dedicated to commercial
7 building permit reviews. And that's a very
8 difficult one, challenging one because it's
9 a high demand area; a lot of people who are
10 in the engineer's face demanding that their
11 permits are reviewed, approved and it's a
12 very challenging one 'cause they're really
13 based on quality of plan submittals that my
14 engineers have an opportunity to review.
15 They're information that they receive to
16 work off of. So there's lot of interaction
17 with the permittee or the consultants. But
18 it's really, really it help streamlined the
19 division. We're seeing results already;
20 it's, it's incredible. I'm trying to get
21 the word out but I, a lot of people still
22 think that we're kinda stuck in our old ways
23 and we're not. There's been a vast, vast
24 improvement.

1 MEMBER YAMAMURA: Well much of it is
2 through no fault of your own or through
3 engineering it's just that it, it's
4 channeled through water and engineering for
5 their review and approvals and so if we
6 needed more manpower or help in that
7 department, I mean, we shouldn't be at flat
8 line. We should budgeting more as far as
9 I'm concerned for engineering.

10 DIRECTOR ENG: I think for the next fiscal
11 year I think we'll be fine. I think we're
12 hoping that the, see the engineering
13 position that was deleted was a real
14 critical one. That was our CIP section
15 head. And so, we're always getting
16 complaints about CIP, well, council deleted
17 our CIP head, so that's the one we, and
18 we've incorporated that restoration of that
19 position in this budget. I think once we
20 get that filled sometime maybe in Fiscal
21 Year 2012 we'll be in pretty darn good
22 shape. Right now, poor Herb is handling
23 that also, Program Manager's duties as well
24 as CIP section head. So that will really,

1 really relieve him. So I think I'm very
2 optimistic as we go forward in Fiscal Year
3 2012. I may not be here but I'm very
4 optimistic.

5 (laughter)

6 MS. PERDIDO: One thing I wanted, Mr.
7 Hoxie, on the salaries for the engineering,
8 that does include that reinstating that
9 position. Last year we put it as unfunded
10 because Herb had a very new staff, well he
11 can tell you too and he wanted to see if
12 there's someone he could move up and develop
13 into the head of that section. So that, one
14 of those amounts in there is for reinstating
15 that position and then the rest is a
16 furlough. Ok, any more questions on
17 department-wide? Ok, we'll turn the page,
18 the Fiscal Customer Service Program. Do you
19 need me to kind of tell you a little bit
20 what the different sections do? Or does
21 everybody, pretty familiar?

22 DIRECTOR ENG: I think a little brief,
23 brief overview, yeah.

24 MS. PERDIDO: Ok. Sorry, I guess all the

1 years I've done this I keep forgetting
2 there's new board members every year so. My
3 apologies. Ok, Fiscal Customer that, our
4 division, we oversee all the accounting, the
5 budgeting, the meter reading, the billing,
6 collecting the money, purchasing, all the
7 paperwork goes through Fiscal. So we have,
8 I have, actually I have one position open;
9 almost fully staffed. We just lost one of
10 our accountants which put us down a bit but
11 we'll, we bounce right back and we'll be
12 fully staffed in another month. We're
13 looking at, well, the salaries and wages
14 because of the furlough day and then
15 equipment last year I put in for a vehicle.
16 One of our vehicles caught fire and was
17 destroyed and that meter reader was driving
18 it and they cut my vehicle which we were
19 able to use other vehicles in the meantime
20 but I would like to get that replaced so
21 that's why I'm increasing my vehicles by
22 one. And then I'm just doing a change from
23 water meter inventory to stores to increase
24 our stores and that's an internal line item

1 over there. And basically that's all for
2 Fiscal that we're trying to, requesting
3 those. So it is additional equipment, a
4 vehicle. One thing I wanted to say about
5 our section too, we're pretty happy; we were
6 just able to reallocate 2 of meter readers;
7 we have 6. So now we have 4 meter readers
8 and 2 of our meters are, 2 of our meter
9 readers are full-time bill collectors. So,
10 we have 2 people going out and collecting,
11 full-time. So that will help us on
12 collections and unfortunately in collections
13 we have lock meters to collect all the
14 monies. So that's been working really well,
15 we're really happy with that; that frees up
16 meter readers to just read and also doing
17 any double checks and closing bills and all
18 the other things that they do. And that's
19 it for Fiscal. Any questions? Ok, we kinda
20 went over Engineering. Herb basically like
21 I said, he, in the salaries and wages it
22 does incorporate the head for the CIP
23 section, furloughs and then he's actually
24 reduced his equipment and basically it's

1 kinda self explanatory. Any more questions?
2 And Herb is here. He can answer any
3 questions that you need any more on
4 Engineering. It's great though, they are,
5 we're seeing a lot more going through,
6 Fiscal side because of the increase in the
7 engineers and the CIP so. We're happy
8 getting things going. Ok, next section is
9 the Planning Program. Basically I, the
10 Planning Division last year, one of the
11 unfunded position was also deleted by
12 council. But we are not asking for it to
13 come, to be reinstated. And I think they
14 are pretty much fully staffed right now.
15 DIRECTOR ENG: Except for the..
16 MS. PERDIDO: Except for the head of the
17 Planning, I'm sorry, the main person, the
18 head, who, who has left us I think everybody
19 knows about that. Operations, they've
20 looked through their operations and have
21 decreased some of the items that they've
22 needed. And I think I do see one. Let me
23 go to the details of how to explain. We
24 have kept the grants cut by the 10% for this

1 fiscal year also. And, would you like to go
2 more in details on the grants? Everybody
3 know we do give some grants out. If you go
4 to, I'm not sure what page, there's the
5 detail and it looks like this and it says
6 Planning. We can kind of go over this a
7 little bit, more in detail. It's past all
8 the summaries and everything further back
9 you'll see each division has a detail. I
10 can kind of, I just want to kind of tell you
11 more in detail what they, they were doing.

12 MEMBER HOXIE: Too much detail.

13 MS. PERDIDO: Too much? Ok.

14 MEMBER HOXIE: In my opinion.

15 MS. PERDIDO: Ok. In the past it just
16 depends. Some boards want a lot of detail,
17 some maybe I can really make it a lot easier
18 and not give as much detail.

19 MEMBER HOXIE: I mean, that's my opinion.
20 Up to you.

21 MS. PERDIDO: Yeah. Ok. Well, let me just
22 kinda go over Professional Services. That's
23 one of the big items of Ellen's and I think
24 I put a wrong summary. That's one of the

1 decreases that the Professional Services
2 was. What we did is on Professional
3 Services, the board has in the past always
4 known what's in your Professional Services
5 because that could be somewhere people hide
6 things. But a lot of those are like the
7 USGS Groundwater Model, which is Upcountry
8 and East, East Maui. And we have 50,000
9 budgeted to continue on that program. We
10 have some contracts with USGS. Also for
11 another groundwater model, rain gauges and
12 stream monitoring. So these are
13 continuations of that plus our Water Use and
14 Development Plan and demand model allowance
15 of 50,000. So that's pretty much
16 Professional Services. So it has decreased
17 by the 120,000. If you, the page before it
18 shows all the detail for all the grants. If
19 you need more detail I can let you know, but
20 we give a grant to Leeward Haleakala Forest,
21 37,500; Maui Nui Botanical Gardens gets
22 35,000; West Maui Partnership gets 71,250;
23 Nature Conservancy gets 37,500; the Miconia
24 gets 180,000; and the East Maui Watershed

1 gets 142,500. So these are grants that the
2 department gives to these different entities
3 and, I think the council also, not, well the
4 council or the, they also give grants out to
5 them. So, they, it's not just from us; it's
6 from other areas also.

7 MEMBER YAMAMURA: Aside from Tri-Isle,
8 really Lana'i does receive any grants?

9 MS. PERDIDO: Lana'i does not receive any
10 grants from the department. We do not
11 collect any revenues on Lana'i. We do not,
12 yeah. But they do get grants through I
13 think like one of those speakers, he
14 mentioned from the county, right?

15 VICE CHAIR ROBINSON: OED.

16 MS. PERDIDO: OED?

17 VICE CHAIR ROBINSON: Yeah, 100,000. Tri-
18 Isle gets a thousand.

19 MS. PERDIDO: Ok, any other questions? I
20 think our easiest division is the next one,
21 the Water Treatment Plant Division. We have
22 Paul and Tony back here, if you have
23 questions for them but basically he's going
24 with a totally flat budget except for the

1 furloughs, are, you know, we're leaving 'em
2 in as if they were not taken out. But
3 that's all he needs for next year.

4 CHAIR HOWDEN: I noticed under CIP, that
5 there's for Kamole Weir, their intake
6 improvements, design. What, what will that
7 be?

8 MEMBER HOXIE: Are we gonna get into that?
9 Now or...? I think we should finish this
10 first and then get into CIP.

11 MS. PERDIDO: That's a CIP, you, you...

12 CHAIR HOWDEN: Ok.

13 MS. PERDIDO: Do you mind...?

14 CHAIR HOWDEN: Ok, I'll wait.

15 MS. PERDIDO: We'll bring them up when,
16 yeah.

17 MEMBER HOXIE: Sorry.

18 CHAIR HOWDEN: No, don't be silly, save us
19 time.

20 MS. PERDIDO: Yeah. Yeah, and that's more
21 on the CIP part you know for the, yeah,
22 operations is pretty much self-explanatory.
23 I think all of the other 2 divisions, you'll
24 notice, Field Operations; Water Treatment

1 Plant, does everyone know, they're the ones
2 who run all the treatment plants on the
3 island? Briefly, is what they, they handle.
4 Field Operations are the ones who do all the
5 repair work. I noticed on the front page of
6 the paper there was one of guys working on a
7 mainline break yesterday. Was it a
8 mainline? Yeah, out in Sprecklesville. But
9 they're the ones who are always out there
10 working; all times of the hours, fixing
11 breaks, keeping everybody's water running
12 and it's pretty much self-explanatory, you
13 know, the same thing; equipment and
14 salaries. Any questions? And then Plant
15 Operations is the final one. Basically,
16 he's, we're all looking at a flat budget.
17 Last year we did have a big electricity
18 savings but we need to keep an electricity
19 budget, you never know what'll happen.
20 We're gonna have to pump water up, our
21 expense go huge, you know. We'd like to
22 have that electricity in there just to make
23 sure we're covered and not have to going
24 back to council for a budget amendment or

1 anything. Their equipment, he thinks he can
2 get by on this amount of equipment for next
3 year. And that's pretty much Plant
4 Operations. I would try to make it a lot,
5 next year, less detail. We'll come up with
6 an easier presentation so it's not so
7 confusing. The next pages are all detail.
8 So you can go by those and then the very
9 back the last 3 pages is the CIP. I'll
10 explain a little bit about the funding for
11 our CIP first. And then I think we'll have
12 Herb and, come up and, I'm not sure who's
13 gonna come up and help.

14 DIRECTOR ENG: Herb and Mel.

15 MS. PERDIDO: Yeah.

16 MR. KUSHI: Holly, before you go on, Mr.
17 Chair, can I make, where would you find the
18 line item for the Hokama lease for the
19 Planning Division?

20 MS. PERDIDO: The Hokama lease would be
21 under Planning Division...

22 DIRECTOR ENG: Yeah, I think, under rents?

23 MS. PERDIDO: No, it would be under
24 rentals? 91,000?

1 MR. KUSHI: Under what?

2 MS. PERDIDO: Oh, under Planning Division,
3 right here. More detail.

4 MR. KUSHI: Oh, ok.

5 MS. PERDIDO: And there's about 91,000 in
6 there for rentals. And that's where the
7 Hokama lease. I guess Ed brought that up
8 because Hokama building after this year, our
9 lease up as of June 30 and we have to decide
10 what we're gonna do. Ok. CIP Budget as I
11 had mentioned it..

12 VICE CHAIR ROBINSON: This one, right?

13 MS. PERDIDO: That one, correct, is very
14 aggressive, does everyone see that? My
15 summary page is on the top. It's at the
16 very end; the other way, the very, very
17 back; the last 4 pages?

18 VICE CHAIR ROBINSON: This is separate.

19 MEMBER GERBIG: We have it, we have it
20 separate.

21 MS. PERDIDO: Ok. My summary pages on the
22 top; this is where we, as I explained a
23 little bit about it. Very aggressive
24 budget. We gonna transfer the 6.9 from our

1 revenue fund. The Water System Development
2 Fund is the monies that we get when people
3 come up, come in and get a meter and they
4 pay for the Water System Development fee.
5 So this is used for source, storage and
6 transmission. And we've been getting about
7 2 million, a little over, a little less
8 every year for our Water System Development
9 fees. I'm hoping it'll continue to stay at
10 that levels so we're hoping to be able to
11 have this kind of revenues for our CIP from
12 the Water System Development Fund. There is
13 some carryover, or lapsed funds from
14 previous projects that carryover that
15 encompass in this \$4.9 million. The Source
16 and Storage funds are these 2 funds that
17 preceded the Water System Development Fund,
18 that there's still these small balances I
19 want to get rid of and close these funds.
20 So hopefully we're gonna get these projects
21 out so we can close these up and continue.
22 Then we won't have that any more. State
23 Funds is the Safe Drinking Water loan fund.
24 These are monies that we get from DOH. It,

1 the monies come from EPA, EPA yeah, and
2 basically the loans are lower than bonds.
3 So they're a good deal for the county. We
4 try to get as many as we can. And we try to
5 submit as many as we can so we can get as
6 much of the money. And then the bond funds
7 and basically we put in this amount; we
8 don't know if we'll get it because we're,
9 the council, or not the council but the
10 Mayor and the council they all decide who,
11 how many bonds are allocated to each area.
12 So after that, any questions on funding? I
13 guess we can start the CIP then.

14 DIRECTOR ENG: Ok, great.

15 MS. PERDIDO: Who do you want up here?

16 DIRECTOR ENG: We'll have Mel and Herb. As
17 Holly indicated, it's quite an ambitious
18 budget for them. Herb, Herb, Herb, Herb has
19 told us that, assured us he can do it all,
20 so. He can do it, we'll fund it, yeah.
21 Again, it's subject to a lot of change. A
22 lot of it is because of the bond
23 limitations. We're all placed in the same
24 pool as the other departments. I know the

1 county does have some big project priorities
2 like Fire Department, new Kihei police
3 stations, and those are big ticket items.
4 We're hoping that we can kinda preserve our,
5 what, 7.5 that we're projecting? I don't
6 believe we're the highest priority
7 department in terms of getting the
8 appropriation for bond fund but we're gonna
9 reach it. We gotta fight for it.

10 CHAIR HOWDEN: It, it's too bad they don't,
11 that you're on the most complaints and then
12 you...

13 DIRECTOR ENG: Oh, yeah.

14 CHAIR HOWDEN: You could be number one.

15 DIRECTOR ENG: Well, we can...

16 CHAIR HOWDEN: Well, if...

17 DIRECTOR ENG: We can, we can do that if
18 you wish.

19 CHAIR HOWDEN: It seems like, no, it seems
20 like the department's everyone's whipping
21 post.

22 DIRECTOR ENG: Well, Herb will take care of
23 that, ok? Go back to old organization, no,
24 no, (laughing). No, so and then really the

1 SRF appropriation we're hoping for. That's
2 a big one, 19.35 million. But they've been
3 pretty good about accommodating our, our
4 request for funds and getting, we're also
5 competing with other counties. I think even
6 some private utilities can tap into that
7 too, so. It, it's, a lot of uncertainties
8 but then again this could be revised quite a
9 bit by the Budget Office by the time it gets
10 submitted to the Mayor and council. Ok,
11 guys, I'll let you start.

12 MR. CHANG: Morning. I assume everybody
13 has this legal size sheet. We could go line
14 down the, just down the list, yeah. Might
15 be easier, or, if there's any questions
16 about anything can just...

17 CHAIR HOWDEN: Yeah, I, I had a couple of
18 questions. I don't know if you need to go
19 through the whole list but in the Makawao-
20 Pukalani-Kula treatment plant improvements
21 under Kamole Weir, intake improvements for
22 design, what, what is that consist of?

23 MR. CHANG: Ok, this is, would be for funds
24 for like you mentioned, design. In times

1 where there's very low rainfall and the
2 Wailoa Ditch flows are really small and
3 therefore the, the level of the water in the
4 ditch is pretty minimal. The Kamole..

5 CHAIR HOWDEN: Herb, Herb, what, what would
6 minimal be?

7 MR. CHANG: In feet or..?

8 CHAIR HOWDEN: Minimal amounts, what would
9 you consider minimal?

10 MR. CHANG: That would be somewhere in a,
11 maybe below 20 million range. 'Cause I
12 think the peak, the max would be like 200?

13 DIRECTOR ENG: 200, yeah.

14 CHAIR HOWDEN: Yeah.

15 DIRECTOR ENG: Paul maybe can, can address
16 that. When do you start getting some
17 hydraulic issues in that plant?

18 MR. SEITZ: The hydraulic issues basically
19 occur when the level in the ditch drops
20 below the 20 million.

21 DIRECTOR ENG: Yeah.

22 MR. SEITZ: Then what happens is we lose
23 the head from the level in the ditch to the
24 level into the flocculators into the

1 treatment plant. And there's just not
2 enough pressure to push the water through
3 into the treatment plant and obviously we
4 can't get the water into the treatment plant
5 we can't treat it. So, this will address
6 that problem.

7 MEMBER HOXIE: So, this has nothing to do
8 with increasing the capacity of the plant?
9 This only has to do with the intake at the
10 low flow...?

11 MR. SEITZ: That's correct. This will not
12 do a thing for increasing the capacity of
13 the plant. All's this is going to do is
14 going to allow us to be able to treat water
15 during low flow conditions.

16 CHAIR HOWDEN: So, Paul, what is the
17 capacity of Kamole Weir?

18 MR. SEITZ: Ok, you're gonna have to
19 qualify that.

20 CHAIR HOWDEN: In your opinion.

21 MR. SEITZ: Ok, are you asking me for the
22 instantaneous capacity? Are you asking me
23 for the date, day to day capacity? Are you
24 asking me for my peak flow capacity?

1 They're all different numbers and there's a
2 lot of numbers that float around out there
3 and they lead to a lot of misconceptions.
4 And so you need to really, really, really be
5 careful about what you're saying. As far as
6 the instantaneous capacity of that plant it
7 can produce almost 10 million gallons. But
8 that's at one particular point in time. As
9 far as the sustained capacity and when I say
10 sustained capacity what I'm talking about if
11 you, if you had the plant and you wanted to
12 know what it could produce day in and day
13 out under almost any circumstances,
14 basically what you have to do is you have to
15 take $2/3$ of our flux rate, subtract one unit
16 out of the system and that's going to give
17 you an daily capacity of 5.82 million
18 gallons per day.

19 CHAIR HOWDEN: So, what, would the redesign
20 with the intake improvements, would that
21 raise that sustainable...?

22 MR. SEITZ: No, it will have nothing to do
23 with it. It won't affect that number in any
24 way.

1 CHAIR HOWDEN: 'Cause I know for years like
2 when I first came on the board we talked of,
3 part of the problem seem to be the high-lift
4 pumps pushing, bringing the water out of the
5 ditch into the plant. Now, has, has that
6 been addressed?

7 MR. SEITZ: That, that has been addressed
8 basically through the addition of the 3
9 million gallon clearwell, which is now
10 online. Ok? Before it was a 300,000 gallon
11 clearwell which was for all intents and
12 purposes a wide spot plight, ok? And you
13 have to understand also that Kamole during
14 low flows is our redundant system for the
15 other systems up on the mountain. So,
16 there's, there's a lot of times when that
17 plant will be putting out 6, 7 million
18 gallons a day. But that's to supply the
19 Lower Kula system or even the Upper Kula
20 system when those reservoirs run dry.

21 (silence)

22 MR. SEITZ: Did that answer your question?

23 CHAIR HOWDEN: It, it, it begins to fog.

24 You, you're too intelligent to answer it.

1 MEMBER HOXIE: I have a question.

2 CHAIR HOWDEN: John.

3 MEMBER HOXIE: And, I mean I, just going
4 right for the, the thing. We have 2,000
5 people on the meter list, Upcountry.

6 CHAIR HOWDEN: Yeah.

7 MEMBER HOXIE: What are we doing to get
8 them off it in this capital plan?

9 CHAIR HOWDEN: Good question.

10 MR. CHANG: In the Paia-Haiku section of
11 this spreadsheet, excel sheet, if you notice
12 on Priority 1 too, if you notice on the left
13 hand column. We do have five and quarter
14 million dollars worth of funding which we
15 want to spend for source development.

16 Currently, we do have a design contract with
17 Austin Tsutsumi. And they are finding for
18 us several things. One is to site at least
19 6 wells sites in Haiku, which they already
20 have given us the preliminary site plans,
21 site locations which we're working with them
22 as far as, we have contacted the landowners
23 to see if they're willing to work with us to
24 provide or sell us well sites. The contract

1 with Austin Tsutsumi also includes designing
2 of the first exploratory well, the
3 transmission lines to move the water from
4 Haiku to Pookela Tank site which is on
5 Olinda Road. They also are in contract to
6 do the development of the first well too.
7 That means drill, develop, pretty much do
8 the first well complete, transmission lines.
9 This first one's gonna be a big one because
10 of the transmission, the boosters pump
11 stations needed to move the water from Haiku
12 over Maliko Gulch over to Pookela Tank which
13 is our main tank which we can from there
14 move water down to Makawao, Pukalani or move
15 it up to Lower Kula and then Upper Kula. So
16 this is gonna be the big boy. Hopefully we
17 have enough money allocated. It all depends
18 on where we can find the first well. If we
19 can find one that's relatively close to the
20 Pookela Tank, the cost for the transmission
21 will not be as, you know, pretty expensive.
22 So that's the key. We're working on that
23 right now, trying to find the, the site. So
24 we are pushing for source development in

1 Haiku. And if you notice also...

2 MEMBER HOXIE: Are you saying Haiku but the
3 water will go to Pookela Tank, so it'll be
4 used then in the Piiholo system, Kula, Lower
5 Kula system as well as Haiku and Makawao?

6 MR. CHANG: Right, that's where all the
7 priority list subjects are located.

8 DIRECTOR ENG: Yeah, there is some
9 discussion among some of the council members
10 regarding H'poko wells. I know a couple
11 approached me and they wanted to bring it
12 forwarded again for discussion. And the
13 reason for that is those wells are already
14 completed in place. They're idle assets.

15 MEMBER HOXIE: Right.

16 DIRECTOR ENG: So it's probably too
17 controversial during this election period to
18 bring it up but I know there's a couple
19 council members really want to bring that up
20 again also. Then DLNR has some
21 appropriations for a well site in the
22 Makawao area that we talked with them from
23 time to time. They know that we're highly
24 interested in participating in all that.

1 They have some design money that has been
2 appropriated. They requested that
3 appropriation proceed so.

4 MEMBER HOXIE: So how did they get, how do
5 they get direction as to where the water
6 needs are? Is that something you do with
7 them?

8 DIRECTOR ENG: They have, we have not had
9 that much participation with them but they
10 have inspected a few sites and probably we
11 do have one that is preferable and that is
12 the ability to tie-in efficiently to our
13 existing system. So we are in communication
14 with them too.

15 MEMBER HOXIE: I noticed also, if I can
16 continue, that you have in here a water
17 storage facility, 300 million gallon
18 reservoir in the capital budget. Is that,
19 seems like a low amount of money but.

20 MR. CHANG: Yeah, that the, the status on
21 that is one of the main concerns that the
22 division or the department has is where
23 there is site, being it's in an ecological
24 sensitive area, that's one of the main

1 concerns now. So we have allocated or, in
2 this budget, about a million, I believe a
3 million dollars. And we want to try to
4 resolve that issue about the, whether there
5 will be problems with siting the, the 300
6 million gallon reservoir at the location
7 where we're thinking about. So we'll be
8 like a preliminary engineering report and if
9 the goes well we can move into the EIS
10 phase. So that's the intent of this
11 funding.

12 DIRECTOR ENG: Yeah, and actually John,
13 that money is appropriated and approved in
14 our current fiscal year so Herb is
15 proceeding..

16 MR. CHANG: Oh, sorry.

17 DIRECTOR ENG: Proceeding with that
18 currently, yeah.

19 MEMBER HOXIE: So for sources for Upcountry
20 and all the people on the list you got the
21 potential, Paia or Haiku well development?

22 MR. CHANG: Uh huh.

23 MEMBER HOXIE: You've got the potential
24 H'poko wells. You've got the reservoir..

1 MR. CHANG: Yes.

2 MEMBER HOXIE: Potential. You've got Kamole
3 or the Waikamoi Flumes rehabilitation,
4 whether that ends up with more water or not
5 is we don't know but it should be better
6 than it is now, so. Are those the 4 things
7 for that area?

8 MR. CHANG: Um, let's see.

9 MEMBER HOXIE: And...

10 DIRECTOR ENG: Let's say that they're
11 currently that those are the priority
12 projects, yeah that they address the
13 Upcountry's...

14 MEMBER HOXIE: And then the fifth one is
15 what Michael talked about was increasing the
16 capacity at Kamole.

17 CHAIR HOWDEN: Yeah, I mean, John, because
18 the memorandum of understanding with HC&S
19 allows for withdrawal of up to 16 million a
20 day and you do have on, on average I believe
21 over 200 million gallons coming out of the
22 East Maui watershed.

23 MEMBER HOXIE: Oh, that's the, that's the
24 maximum?

1 CHAIR HOWDEN: Yeah.
2 MEMBER HOXIE: That's the maximum.
3 CHAIR HOWDEN: Well, no, I believe the
4 average...
5 DIRECTOR ENG: John, just...
6 CHAIR HOWDEN: Is what, 162?
7 DIRECTOR ENG: John...
8 MEMBER HOXIE: The Wailoa is 200.
9 CHAIR HOWDEN: 200.
10 MEMBER HOXIE: Yeah.
11 CHAIR HOWDEN: Ok.
12 DIRECTOR ENG: Yeah.
13 CHAIR HOWDEN: You know, for the 3 million
14 gallons that our director has suggested that
15 it would take to meet the needs of the
16 Upcountry List, I mean it seems that it
17 would be readily available and a lot less
18 uncertain perhaps than drilling more wells
19 going through expensive transmission lines
20 and the cost of electrical pumping to
21 concentrate more on Kamole Weir and also the
22 Waikamoi Flume system. I mean at least to
23 me. I just wanted to express that opinion.
24 I mean, I mean, it, it's, as Paul suggested

1 it's kind of a mystery to, to know what the
2 real capacity of Kamole Weir is. But I
3 mean, if nothing else because we do have the
4 right of withdrawal, wouldn't we be able to
5 like to, to either improve this plant or
6 build a duplicate better plant next to it
7 and, and meet the needs? I mean this, this
8 Upcountry List is a horror show really. And
9 it seems pretty unnecessary 'cause we do
10 have access to water at least theoretically.
11 So, Herb?

12 MR. CHANG: I think John can probably,
13 hopefully he agrees with me that when times
14 of drought the plantation needs water and
15 Water Department needs water and I think it
16 gets to a point where in extreme drought
17 there's not enough for the plantation nor
18 would there be enough for the Water
19 Department. 'Cause if the Water Department
20 were to draw more water, say 3 million
21 gallons a day more, that probably will
22 require us to have like 13 million, total
23 demand for the Upcountry system. And
24 assuming Haiku, assuming the worst case,

1 where Haiku wells, Haiku is under, self,
2 self-sufficient, that would still leave us
3 about maybe 11 to 12 million, million
4 gallons a day required from the ditch, the
5 treatment plant at Kamole would have to
6 supply and given the condition like maximum
7 flow 16 million gallons a day, no way can
8 our, 'cause we tried to work with HC&S,
9 although we 16 million supposedly in our
10 pocket but realistically we can't just say
11 we're gonna take all, HC&S you only get 4.
12 There's no way. It's not gonna happen I
13 think. So real life situation.

14 DIRECTOR ENG: Yeah, well, that's right.
15 Keep in mind the number that Paul shared
16 with us, as far as a day to day sustainable
17 production at Kamole is 5.8 million gallons
18 per day. So despite what the MOU says we
19 can draw up to 12 million gallons currently
20 and with their approval up to 16, we just
21 can't do it. Also keep in mind that 2
22 summers ago, Wailoa Ditch for a period of
23 time dropped down to 7 million gallons per
24 day. So, we're not going to issue another 3

1 million gallons per day of meters and you
2 know, so. Unfortunately, surface water
3 isn't the direction that would give us the
4 surer, surest to issue the meters off of.
5 It's groundwater. Also keep in mind that
6 during the low flow period besides our
7 domestic needs and what the plantation might
8 be able to take, we gotta serve the Kula Ag
9 farmers. And usually those low flows are
10 during the summer when they're, the peak of
11 their production too, so. Surface water
12 isn't worth the opportunity it is today.

13 MEMBER HOXIE: Well, my concern again is
14 the 2,000 people on the meter list and all
15 of us here that have to hear appeals, you
16 know, we should, we get these people water
17 meters then we don't have to go through all
18 this. But you know, I'm sure Paul can
19 comment about, right now there's lots of
20 water but its' not very clean right now so.
21 You got a full ditch but you can't really
22 probably treat...

23 MR. SEITZ: Actually, Kamole shut down
24 right now.

1 MEMBER HOXIE: Yeah, yeah. The water's so
2 dirty, so you know.

3 DIRECTOR ENG: So turbid, yeah, you can...

4 MEMBER HOXIE: There's all these variables
5 but you know I look at the Water Department,
6 you're the professionals. How do we get
7 water to these people? We got the well in
8 Paia. We got the H'poko wells and whatever
9 but we got to solve this problem. We gotta
10 solve this problem and it should be
11 reflected in here.

12 DIRECTOR ENG: And I believe it is.

13 MEMBER GERBIG: I just want to reiterate
14 what John is saying is that in the long
15 range you know, Upcountry, water meters is a
16 secret word. You know, we should always
17 keep that in front, out front. Anything we
18 do Upcountry to get these people water
19 meters. I mean it's just, I know, I know
20 the department's stuck with it. It wasn't
21 their, their doing but the whole point is I
22 think is the county, you know, owes them.
23 That's the way it is. So the department
24 should always key everything they possibly

1 can towards that. Maybe that should be a
2 priority or should be on, on the top of the
3 priority list.

4 CHAIR HOWDEN: Yeah, I agree.

5 VICE CHAIR ROBINSON: I agree.

6 CHAIR HOWDEN: Ok. Ok, might we take a 10
7 minute break?

8 MEMBER GERBIG: You hit it right. Yes. So
9 moved.

10 CHAIR HOWDEN: Ok, we'll just take a 10
11 minute break.

12 (recess)

13 CHAIR HOWDEN: Ok, we're back in session.
14 (several people speaking at the same time)

15 CHAIR HOWDEN: All yours.

16 MR. CHANG: Ok. So shall we proceed by
17 going down the list or, not sure how the
18 board wants to handle it.

19 MEMBER GERBIG: Go by question.

20 VICE CHAIR ROBINSON: How about by
21 questions, yeah.

22 MEMBER GERBIG: Questions.

23 DIRECTOR ENG: Ok.

24 MEMBER GERBIG: We won't ask what we don't

1 understand.

2 VICE CHAIR ROBINSON: Don't ask, don't
3 tell.

4 CHAIR HOWDEN: Oh, that should be quick.

5 MEMBER GERBIG: It should be.

6 CHAIR HOWDEN: Questions?

7 MEMBER LESTER: No questions.

8 CHAIR HOWDEN: General comments from Herb
9 and from Mel?

10 MR. CHANG: I'd just like to say that this
11 past year's, the 2010 fiscal year budget,
12 we, I think we did a really good job. Not
13 trying to pat myself on the back but looking
14 at the past history of our CIP production,
15 although we missed some big projects like
16 the Waiale Treatment Plant but that was
17 because of the Na Wai Eha issue so we could
18 not proceed but in general I think we got
19 most of our projects out that we intended to
20 in Fiscal Year 2010. So we'd like to keep
21 the momentum going. Whatever projects that
22 we do recommend we wanna go full blast and
23 try to complete all the projects that we
24 have, are asking for. I think that's the

1 new, I think a new direction of the
2 Engineering Division that we're trying to
3 concentrate on CIP. That's number one.
4 Although we're not trying to avoid the
5 building permits; that's something that's
6 always, it's a very difficult, staff has a
7 very, I think that's one of the most
8 difficult sections to work in, the permits.
9 Volume of commercial permits coming in, the
10 demand by developers lose money, their
11 money. So even though I believe we have a
12 good record by the squeaky one's the one
13 that's not getting what they want because
14 they're not willing to do the improvements
15 that they're required to by ordinance or
16 rules and regs. Usually, I think we're
17 doing a good job. It's just that we're
18 always gonna get complaints no matter what
19 we try to resolve the complaints but
20 sometimes it's just something that, the
21 developers because of money, sometimes they
22 just don't have money or; we're always in
23 that situation. We can't please everybody,
24 although we try. The staff is pretty

1 conscientious.

2 CHAIR HOWDEN: Well, I certainly commend
3 your enthusiasm and your commitment to this
4 work. Don?

5 MEMBER GERBIG: I got well, question I
6 have, do you see anything ahead of us in the
7 future, Jeff maybe, both of you, anything in
8 the future you see that in compliance area
9 that we're going to, the department is going
10 to have to buy new equipment, increase
11 equipment that they have, monitoring
12 equipment, do you see anything long-range
13 ahead of us...?

14 DIRECTOR ENG: I think we have a big
15 project in our Piiholo Treatment Facility,
16 that's, look in your spreadsheet; furthest
17 left column, there's priority numbers and so
18 that will be priority, Priority Number 6.

19 MEMBER GERBIG: 6.

20 VICE CHAIR ROBINSON: Number 6.

21 DIRECTOR ENG: So in that area of Makawao-
22 Pukalani-Kula Treatment Plant improvements.
23 We have the Piiholo organic carbon
24 reduction. That's a construction. I don't

1 know if you follow some of the issues over
2 the past several years of Upcountry but the
3 nature of the organic carbon in Upcountry
4 water, when you disinfect it with chlorine,
5 you know you have a tendency to create the
6 disinfection by-products. So we've had a
7 study done regarding reducing the amount of
8 organic carbon. And, and now a treatment
9 process has been selected recently. So this
10 is, we're funding to go forward with this
11 treatment facility at Piiholo to reduce the
12 amount of organic carbon in the water; to
13 minimize the disinfection by-products.

14 MEMBER GERBIG: Do you see that in other
15 treatment plants too or just the, you're
16 just talking about Kamole, is that correct?

17 DIRECTOR ENG: Uh, this is Piiholo.

18 MEMBER GERBIG: Piiholo.

19 DIRECTOR ENG: Kamole, we don't seem to
20 have the problem by the nature of that
21 water, for whatever reasons. We're gonna
22 also probably look at Olinda at some point
23 too. That's why we use chloramine
24 disinfection at Olinda. That also tends to

1 minimize or prevent the creation of this
2 disinfection by-product. So that's a big
3 one and mostly for regulatory reasons.

4 MEMBER GERBIG: Have you had a chance to
5 analyze the disinfectant by-products created
6 by the disinfectant(sic) by-products yet?

7 DIRECTOR ENG: Sure. We have to do that
8 regularly for the Department of Health.

9 MEMBER GERBIG: Unbelievable.

10 DIRECTOR ENG: It possibly can be very
11 high.

12 MEMBER GERBIG: Yeah.

13 DIRECTOR ENG: You're absolutely right.
14 Under the right conditions, that's why we
15 keep the water moving, we flush hydrants
16 Upcountry. It kinda minimize the detention
17 time in storage tanks. Just keep the water
18 moving through the system. But, so this is,
19 this is will be a good benefit, yeah.

20 MEMBER GERBIG: Never-ending.

21 DIRECTOR ENG: Always something.

22 MEMBER GERBIG: Thank you.

23 DIRECTOR ENG: You're welcome.

24 MEMBER HOXIE: I have another question.

1 The Wailuku well exploratory drilling, how
2 does this fit in with Central Maui water
3 development plan?

4 MR. CHANG: The intent of the Wailuku Well
5 exploratory and the 'Iao Well under the
6 second page, Priority Number 9. We have
7 this Shaft 33 that we're kinda borrowing
8 from the Kehalani development. That Shaft
9 33 which I believe 5 million gallons a day
10 when it runs 24/7, is not what we call
11 dependable. It's a really old pump and
12 motor situation and this particular project
13 is to help; we would probably need at 3 new
14 wells to replace Shaft 33. So we have the
15 'Iao Tank well site that we currently are
16 installing a permanent pump and motor. The
17 Waikapu Well, we also doing the same thing.
18 So those are, will be 2 and this Wailuku
19 Well will be the third and the 'Iao would be
20 the fourth. So with these are intended to
21 replace the existing Shaft 33. We're not
22 sure how long it's gonna last. It's one of
23 the critical sources for the Central
24 Maui/South Maui.

1 MEMBER BOTEILHO: In your total CIP budget,
2 is there anyone that's looking at federal
3 funding, to supplement?

4 DIRECTOR ENG: I think I can address that.
5 Actually, the Mayor is handling that. I
6 know in the past 2 years and I think she's
7 planning this year if she is re-elected, she
8 goes to Washington with her laundry list of
9 projects. A couple years ago it was for the
10 raw water, ah, maybe 3 years ago, it was for
11 the large raw water storage facility. I
12 know last year we, we submitted that again
13 and also with the Waikamoi Flume Replacement
14 and pretty much that's where we're gonna
15 give her again to take with her to
16 Washington. So, she is trying to work on
17 getting, 'cause those are, those will
18 require federal funding; it's so huge.

19 MEMBER BOTEILHO: Has she been successful?
20 In getting congressional support?

21 DIRECTOR ENG: I'm not aware of anything
22 toward water. Maybe they gotten some things
23 towards grants for buses and things but I,
24 I, no, there hasn't been any success for

1 any water projects.

2 CHAIR HOWDEN: Mel, you had something?

3 MR. MELEKA: I, I was just trying to add to
4 Wailuku Well, there's just a minor

5 adjustment here. It was under SRF that you
6 might see fine tuning of our, some of the,

7 or the finding of Fiscal Year 2011 and

8 prior, and then one of the adjustment is the
9 2 million is gonna be a bond rather than

10 SRF.

11 (silence)

12 CHAIR HOWDEN: Any further thoughts or
13 questions? John.

14 MEMBER HOXIE: I have one more question and
15 it's kinda off the subject. We've been

16 reading in the paper about the Piiholo Well,
17 and the county council and everything else,

18 can you bring us up to speed on what's
19 happening on that at all?

20 DIRECTOR ENG: Um, yeah, I have really
21 nothing new to report.

22 MEMBER HOXIE: Really?

23 VICE CHAIR ROBINSON: Stalemate, yeah?

24 DIRECTOR ENG: Yeah. I wish I did. I wish

1 I had some good news to report but I don't
2 at this time.

3 MEMBER GERBIG: Let me ask a question along
4 that line. I was reading about the tests,
5 the 5-day..

6 DIRECTOR ENG: Yeah.

7 MEMBER GERBIG: I understand the department
8 has a 10-day test, is that a, or a, what's
9 the difference between what the department..

10 DIRECTOR ENG: Ok. Ok, let me explain to
11 you..

12 MEMBER GERBIG: Wants and ah..

13 DIRECTOR ENG: The rationale for the longer
14 test and, yeah, we're also working with a
15 developer who owns land in Waikapu aquifer,
16 Mike Atherton. We're in, have been having a
17 number meetings toward source development
18 there. And, and in that new aquifer he was,
19 he approved and we did conduct a 10-day pump
20 test.

21 MEMBER GERBIG: Question. The 10-day
22 prep(sic) test, is that..

23 VICE CHAIR ROBINSON: Pump.

24 MEMBER GERBIG: Department policy or is it

1 in law, ordinance?

2 DIRECTOR ENG: Well, the Water Commission
3 really only requires a minimal 4-day pump
4 test.

5 MEMBER GERBIG: Uh huh.

6 DIRECTOR ENG: And as long as nothing
7 unusual probably shows up maybe that is
8 satisfactory. Again, from my experience in,
9 in operating wells, 4 days really doesn't
10 give you the clear indication of what you're
11 gonna get in the long-term over a
12 sustainable period of time. Ideally, I like
13 run to end of the month would be really
14 ideal then you'd know your yield, water
15 quality. With the Piiholo South Well pump
16 test, I believe the yield is satisfactory.
17 I don't have really any questions but in
18 that pump test when I looked at some lab
19 data on the third day of the test a water
20 sample was taken. And the sample showed a
21 positive amount of trichloropropane and that
22 was one of the contaminants that we find in
23 pineapple operations, DBCP and TCP. And
24 also from my experience with TCP and DBCP

1 contaminated wells at Kaanapali I knew that
2 the level goes up over a period of time
3 until pretty much it stabilizes. And so 3
4 days of pump test doesn't reveal the true
5 extent. And so we gotta get a better idea
6 of what that level is. And therefore, we
7 would know if a treatment facility would be
8 required too. So that's the only reason for
9 in the basis for the longer period of time.
10 Ideally, I would like to go longer. But I
11 think that's a good compromise.

12 MEMBER GERBIG: Let me ask, if a treatment
13 plant is required who pays for it? Do the
14 chemical companies insurance pay for it? Is
15 that still in effect? Or is the county
16 stuck with the whole thing?

17 DIRECTOR ENG: We would, we would write to
18 the, the defendants of that settlement and
19 their attorney to find if that would come
20 under that settlement.

21 MEMBER GERBIG: That's, that's still in
22 effect?

23 DIRECTOR ENG: Yeah, it was like a 40-year...

24 VICE CHAIR ROBINSON: 40 years.

- 1 DIRECTOR ENG: Settlement. I forget what,
2 in the late 90's I believe it was, the late
3 90's.
- 4 MEMBER GERBIG: So it would pay for the
5 plant for...
- 6 DIRECTOR ENG: If, if, if they...
- 7 MEMBER GERBIG: So many years.
- 8 DIRECTOR ENG: Approve, if they approve
9 that site.
- 10 MEMBER GERBIG: Oh.
- 11 DIRECTOR ENG: You know it's up to them and
12 they will look at the location, probably the
13 well. I don't know really what their basis
14 is always but...
- 15 MEMBER GERBIG: Oh, you mean they have
16 certain...
- 17 DIRECTOR ENG: They ain't gonna pay if they
18 don't have to pay.
- 19 MEMBER GERBIG: Do they have certain
20 parameters?
- 21 DIRECTOR ENG: I would look, I would assume
22 they would assess the site based on risk of
23 having that contaminant. And I would think
24 that they assess it and felt that there was

1 a risk of that contaminant they wouldn't
2 approve that site to be included in the
3 settlement. We could still proceed but the
4 treatment facility and O & M expenses
5 related to operating it would be county,
6 developer, whatever, it would be their
7 nickel.

8 MEMBER GERBIG: So it's primarily because
9 of the chemicals found in the water in the,
10 in the 5-day test or whatever?

11 DIRECTOR ENG: It was a 4-day pump test, 3rd
12 day of pumping a sample was taken based my
13 interpretation of the lab test results, so.

14 MEMBER GERBIG: It did...

15 VICE CHAIR ROBINSON: I thought they did 5
16 days.

17 DIRECTOR ENG: You know they might have
18 done some other draw down tests but as far
19 as continuous pumping it was 4 days.

20 MEMBER GERBIG: 4 days.

21 DIRECTOR ENG: Again, just based on
22 information I received from the developer.

23 VICE CHAIR ROBINSON: Now, the \$300,000
24 that was quoted in the papers, the cost, is

1 that, is that 300,000 both the pump test and
2 the water quality test, or is it just for
3 the water quality?

4 DIRECTOR ENG: I don't know what that is.

5 VICE CHAIR ROBINSON: Ok. 'Cause that was
6 the figure that was thrown out in the Maui
7 News as...

8 MEMBER GERBIG: But they threw it out.

9 VICE CHAIR ROBINSON: A questionable amount.

10 MEMBER GERBIG: Yeah, the developer. I
11 didn't come up with that number.

12 VICE CHAIR ROBINSON: Ok.

13 MEMBER GERBIG: Thank you.

14 DIRECTOR ENG: Welcome.

15 CHAIR HOWDEN: Oh, Ed too, yeah.

16 MR. KUSHI: Mr. Chair, if I may be heard
17 about this Piiholo South Well. If the
18 department or if the county, whoever decides
19 to allocate funds to purchase such a well,
20 where would that show up in this budget?

21 VICE CHAIR ROBINSON: Yeah, good question.

22 MR. CHANG: Probably from the, maybe
23 Source, I would think the Source would be
24 one source of, the Water System Development

1 fee be a source component, would be one
2 option.

3 MR. KUSHI: Where would the expense be?

4 DIRECTOR ENG: Well, it would be under
5 Makawao-Pukalani-Kula. We'd probably have
6 to add another little thing under Makawao-
7 Pukalani-Kula Source.

8 MEMBER HOXIE: Would it be an out, offset
9 or would it be additional?

10 DIRECTOR ENG: Probably additional right
11 now, yeah.

12 MR. KUSHI: Or take-away.

13 DIRECTOR ENG: But you know, who knows
14 where they, they're going but yeah. We will
15 put it in as additional, then the Mayor, the
16 council might ask us to adjust something
17 else.

18 MR. KUSHI: But if, if, on the other hand,
19 if an arrangement can be made for public-
20 private dedication in exchange for
21 allocation credits, it costs nothing,
22 correct?

23 MR. CHANG: I, I not, yeah, if it was done
24 something like we had planned for Maui Land

1 & Pine's it would be turn-key with no costs...

2 MR. KUSHI: Yeah.

3 MR. CHANG: As far as the budget.

4 MEMBER YAMAMURA: I have a comment...

5 CHAIR HOWDEN: Please.

6 MEMBER YAMAMURA: Last comment since we
7 have Herb here. The reason I brought up the
8 issue about the engineering and the public
9 complaints is that if it truly is a matter
10 staffing shortages or, or if money and or
11 engineers would help then, I think we should
12 be bolder in our budgeting. And not be
13 flat-lined and that's primary the reason
14 that I brought it up because, you know, when
15 people find out I'm on the board the first
16 thing comes out of their mouth is, is "God,
17 can't you do anything about the permitting
18 process?" And so it must be some public
19 irritation out there but again if it's a
20 matter of staffing or monies then let's be
21 bolder and, and budget for it and throw it
22 on to the council to decide.

23 DIRECTOR ENG: If I may comment, I believe
24 the, like last year the Mayor would not

1 allow us any expansion, new expansion
2 positions. So, that's why as I mentioned
3 earlier, we're hoping we can re-create the
4 CIP section head position. And again, we're
5 hoping that the Mayor and the council will
6 go along with that. So, I think we get that
7 position that'll really help us a lot. But
8 you know as, as Herb pointed out, people go
9 through any kind of permitting, it's never
10 gonna go as fast as they want it to go. And
11 I think maybe in the past when we had
12 limited staffing, yeah, maybe more of those
13 complaints were legitimate 'cause there was
14 a much greater backlog in work. But I think
15 with the 4 dedicated engineers that Herb has
16 now, separating them to just solely
17 concentrate on the commercial building
18 permits, I don't see a problem. Again, what
19 we're hearing and I, I, I used to, until I
20 delved into the issue did I find in talking
21 to our engineers that, you should see when
22 they review like construction plans,
23 sometimes how terrible quality the products
24 come in. They're marking in the red all

1 over; they're re-designing the project for
2 the developer. I mean, it's kinda shameful
3 what we receive and our engineers generally
4 don't complain; they just take care of it.
5 It goes back to the consultant for
6 correction, resubmitted. Generally it
7 should be, usually there's at least maybe 2
8 to maybe up to 3 reviews. I've seen some
9 that we've done 7 reviews on the same plan
10 'cause the corrections were never made. So,
11 you don't hear that side of the story
12 either. Or sometimes they just don't wanna
13 put in improvements so they have adequate
14 fire protection. And it stalls right there
15 but they're blaming the Water Department.
16 If they don't wanna have adequate fire
17 protection and don't wanna put in the
18 improvements there's really nothing we can
19 do. We're not gonna sign off on it. I
20 mean, fire flow and fire protection will
21 always be something that comes up. It'll
22 run fair well. Gotta keep in mind again
23 that water systems, distribution systems are
24 basically design and sized for fire

1 protection. And that's the essence of it
2 and all we're trying to do is kinda assure
3 the public of their safety. But, but we're
4 gonna be the bad guys when we do, so. Or,
5 and they'll run to the council members, the
6 politicians and, so everyone's against us.
7 So, I don't know how my engineers put up
8 with that to tell the truth. I don't have
9 such a high tolerance for those type of
10 things. I give 'em a lot of credit.

11 VICE CHAIR ROBINSON: What, what's happened
12 to the, the movement toward having the Fire
13 Department make determinations, I thought
14 last year that we were...

15 DIRECTOR ENG: Kinda died right now. It
16 might be resurrected. Yeah, there's been a
17 couple of attempts in committee...

18 VICE CHAIR ROBINSON: To take it out of the
19 purview of the Water Department?

20 DIRECTOR ENG: Yeah. We have a little bit
21 concern too. It, it's beneficial in many
22 ways but I'll be honest, I think if we, if,
23 if the Fire Department staffs something,
24 get, can get a couple of civil engineers who

1 understand water systems onboard, I think we
2 can give it our full backing. Right now, we
3 have a few concerns...

4 VICE CHAIR ROBINSON: Concerns, ok.

5 DIRECTOR ENG: From engineering standpoint
6 and public safety standpoint.

7 (at this time Chair Howden left the room)

8 MR. KUSHI: You're in charge.

9 VICE CHAIR ROBINSON: I'm in charge.

10 MS. HAYASHIDA: I'm sorry. Michael had to
11 take an urgent call. Very sorry.

12 VICE CHAIR ROBINSON: Ok, so are, are there
13 other questions for Herb or...

14 MEMBER BOTEILHO: Herb, on your Upcountry
15 reservoir, what is the initial placement?
16 What, what location are you looking at?

17 MR. CHANG: We're looking at more towards,
18 from the existing 15 million gallon
19 reservoir, we're looking more into the
20 forest...

21 MEMBER BOTEILHO: Forest reserve area?

22 DIRECTOR ENG: I'll bring in a map, Kevin,
23 next time, next meeting, generally showing
24 that. I have something from before so.

1 VICE CHAIR ROBINSON: And you were
2 mentioning that that was not necessarily on
3 the list of federal help that the Mayor
4 would have to go after.

5 DIRECTOR ENG: Well, it is on the list but
6 it's, I don't think I've heard any action
7 toward assuring any federal funding. We're
8 always hoping.

9 MEMBER HOXIE: Follow up on Kevin's, ah,
10 location of the reservoir, would that be
11 fed, what would the source of it be? Would
12 it be Waikamoi or...?

13 MR. CHANG: Same source, Waikamoi.

14 VICE CHAIR ROBINSON: And there was some
15 discussion and I think that when Eric left
16 he was the representative from the Water
17 Department on the Maui Clean Energy Alliance
18 working groups about exploring the
19 possibility of using alternative energy to
20 pump water and I was just wondering, there's
21 no where in here that is reflective of those
22 explorations. Is that been pretty much
23 dropped? Where do we stand with the idea of
24 pumping, using alternative energy?

1 MR. CHANG: There's an item on the first
2 page, Energy Improvements Countywide, the
3 very first; although it's only \$50,000.
4 Just a little bit of money.

5 VICE CHAIR ROBINSON: Under the Countywide
6 Facility Improvements?

7 MR. CHANG: Yes.

8 VICE CHAIR ROBINSON: Uh huh. And which
9 one is it?

10 MR. CHANG: The very...

11 MEMBER BOTEILHO: The first one.

12 MR. CHANG: The very first...

13 DIRECTOR ENG: First item.

14 VICE CHAIR ROBINSON: Oh, right. First
15 one. And, and can you talk about what that
16 is?

17 MR. CHANG: It's generally just a, funds in
18 case we need to, if we decide to proceed
19 with studies to, that's just one option.
20 But...

21 DIRECTOR ENG: Yeah, we don't have any
22 thing specific at this time. But we did
23 wanna put some money as a place mark and get
24 it approved by council in case some project

1 does come up.

2 VICE CHAIR ROBINSON: But, but any idea of
3 that got, all the possibilities of that have
4 been exhausted, I mean, I, I, know there was
5 talk...

6 MR. CHANG: I think we just hit the...

7 VICE CHAIR ROBINSON: Of wind or...

8 MR. CHANG: Yeah, Hydro...

9 VICE CHAIR ROBINSON: Pump storage or...

10 MR. CHANG: We really haven't investigated
11 the, the more outer type of options. The
12 general stuff is like the wind energy,
13 hydroelectric. Other than that we haven't
14 really explored any other options but if the
15 board members have any type of areas that
16 you feel maybe an option we can surely look
17 at it. 'Cause engineers are kinda like,
18 we're kinda not that...

19 VICE CHAIR ROBINSON: Not that...

20 MR. CHANG: Innovative as far as...

21 VICE CHAIR ROBINSON: Oriented, uh huh.

22 MR. CHANG: So maybe if the board has
23 anybody, anything...

24 VICE CHAIR ROBINSON: Ok.

1 MR. CHANG: Suggestion.

2 VICE CHAIR ROBINSON: 'Cause I know Eric
3 was, like I said I think it was really Eric
4 that I would go to as a member of the county
5 Energy Alliance. I looked, I used to look
6 to Eric for that because he was on one of
7 the working groups and we wanted to explore
8 it. The last time I talked to him before he
9 left he wasn't showing that there was much
10 promise with the ideas that had been put out
11 there. One of them being wind at, at
12 Hāli'imaile...

13 MEMBER BOTEILHO: Kamole.

14 VICE CHAIR ROBINSON: In that area.

15 MEMBER BOTEILHO: Yeah.

16 VICE CHAIR ROBINSON: So, so who, if, if we
17 were to explore it, who in the department
18 would I talk to?

19 MR. CHANG: I think would maybe someone
20 from Engineering or probably Water Resources
21 would be my, or not, the contacts I think.

22 DIRECTOR ENG: As far as specific person,
23 we don't have anyone you can, I guess talk
24 to Herb and I can get involved at this time.

1 Again, we're kinda focusing on so many of
2 our immediate, even short-term needs.

3 VICE CHAIR ROBINSON: Right.

4 DIRECTOR ENG: That takes really almost a
5 special staff member to, to look at the more
6 long-term planning.

7 MEMBER GERBIG: Let me, excuse me. Go back
8 in history what your question, has the, has
9 the department ever received any proposals?
10 I'm just going back, your memory, any
11 proposals on, on energy, alternative energy
12 programs for various pumps or whatever?

13 DIRECTOR ENG: Well, we did meet with a...

14 MEMBER GERBIG: Have you had, do you have
15 any...?

16 DIRECTOR ENG: Contractor on hydro one
17 time. Remember, we don't have a lot of
18 suitable locations for hydro. You need a,
19 there's certain conditions that make, like...

20 MEMBER GERBIG: No, but I meant wind or any
21 of the other...

22 DIRECTOR ENG: Like the sustainable amount
23 of water dropping in elevation. We're,
24 we're more of sending water the other way,

1 not dropping water down. So, I did meet
2 with Maui Community College a couple years
3 ago and, and one of their consultants about
4 potentially doing some studies at our Kamole
5 facility for wind. And that didn't
6 materialize. But that was really relying
7 on, on Maui Community College. And that's
8 about the, all I've been involved with. I,
9 I have to be honest, I haven't made, kept in
10 touch with the county has a couple of energy
11 people. And I really don't know what
12 they're focusing on. Our focus has been on
13 replacing our pumps and motors. Premium,
14 premium efficiency motors and we've been
15 doing that over the past 2 or 3 years. And
16 the long-term stuff, no, I have to admit, we
17 just haven't had time in the course of our
18 day to really do things like that.

19 MEMBER BOTEILHO: Is there any benefit to
20 put reservoirs close to the Kamole Treatment
21 Plant?

22 DIRECTOR ENG: We've looked at sites, um,
23 yeah, it'd be easier..

24 MEMBER BOTEILHO: 'Cause it's the former

1 farming land?

2 DIRECTOR ENG: As far as accessibility but
3 there are a number areas I think that were
4 ruled out. I think basically it was more
5 hydraulics, you know, that I think could
6 locate something close to the Kamole, well,
7 Kamole, no, we did look at something.

8 MR. CHANG: Yeah, right next door to the,
9 in the Maui Land & Pine. I think we looked
10 in a couple sites.

11 DIRECTOR ENG: Yeah, there was a study some
12 years ago. I was thinking more about the
13 Piiholo..

14 MEMBER BOTEILHO: Yeah.

15 DIRECTOR ENG: Because our large reservoir
16 is of course the Piiholo Plant, our lower
17 Kula system. And there, we looked at closer
18 to the plant but then it could require then
19 some additional pumping into the plant.
20 Whereas, the site that our staff has kinda
21 determine as having good potential, has good
22 hydraulics and also the ability, time being
23 to use the existing transmission lines, so.
24 Yeah, there was something that, Kamole..

1 MEMBER HOXIE: There was quite an
2 extensive...

3 DIRECTOR ENG: Yeah, around the plant.

4 MEMBER HOXIE: (inaudible)

5 DIRECTOR ENG: Yeah, we kinda resurrected
6 it several months ago. Got together and we
7 didn't get very far on our analysis.

8 MR. CHANG: Yeah, I think we, we, we, we
9 even had an offer from, not an offer but
10 contact from Maui Land & Pine's realtor and
11 they wanted to, suggested a site next to
12 the, I think it was the Maliko, next to
13 that. They suggested a, instead of building
14 a dam to go sub, sub-grade which was I think
15 an innovative idea but we never got beyond
16 that. So maybe something that's we can look
17 into the future.

18 MEMBER HOXIE: Well, if you put reservoirs
19 there you're gonna have to pump the water
20 up. Whereas if you build a reservoir up,
21 off of Waikamoi then you just dropping the
22 water down.

23 DIRECTOR ENG: That, that was a benefit,
24 yeah, you had elevation already.

- 1 CHAIR HOWDEN: Ok? Any other questions?
- 2 MEMBER HOXIE: So what'll we do? I mean,
3 it's, is that the end of it? Do we have to
4 approve anything or...?
- 5 DIRECTOR ENG: What did we, how was it held
6 last year? Did they submit a...
- 7 MS. HAYASHIDA: I think...
- 8 DIRECTOR ENG: To the Mayor?
- 9 MS. HAYASHIDA: Yeah, they, you guys made
10 the motion to accept this budget...
- 11 MR. KUSHI: Recommend approval of the
12 budget.
- 13 MS. HAYASHIDA: Right. And then...
- 14 MEMBER HOXIE: I so move.
- 15 CHAIR HOWDEN: Do we have a second?
- 16 MEMBER GERBIG: Second.
- 17 CHAIR HOWDEN: Surprising, ok.
- 18 MS. HAYASHIDA: And then I will get a
19 letter out and, from the chair and we'll
20 submit it.
- 21 CHAIR HOWDEN: Those in favor?
22 (a chorus of ayes)
- 23 CHAIR HOWDEN: Thank you. Ok. Why don't
24 we try to finish up Davidge and then move

1 back to Lana'i. Is that ok with you guys?

2 I think Ted has to leave pretty soon.

3 MEMBER YAMAMURA: I emailed and I'm gonna
4 tell 'em I'm gonna be a little late.

5 CHAIR HOWDEN: Ok.

6 MEMBER YAMAMURA: So we'll try and finish
7 up.

8 (material for the appeal is handed out)

9 CHAIR HOWDEN: Do we wanna move into
10 executive session right away?

11 MR. KUSHI: No, if you, if the board feels
12 you need to ask me questions and based on
13 the questions I feel is confidential I'll
14 request that you go into executive session.
15 Otherwise what you have before is a draft of
16 the proposed, I mean, a draft of the final
17 Findings of Fact, Conclusions of Law,
18 Decision and Order, Certificate of Service
19 on the matter of the appeal of 09-04, Greg
20 Davidge. Public hearing was held, hearing
21 on this matter was held August sometime and
22 I believe the board in September..

23 CHAIR HOWDEN: August 26th.

24 MR. KUSHI: In executive session denied the

1 appeal and instructed my office draft up the
2 proposed findings. If the board wants to
3 take a minute to look at it? In essence the
4 board made a motion to adopt the
5 Department's Proposed Findings of Fact,
6 Conclusions of Law that had been submitted
7 prior, after the public hearing, after the
8 hearing in the contested case matter. I
9 looked it over. I cleaned it up but
10 basically in essence it contained the
11 reasons and the rationales of the board as I
12 looked at the minutes of your deliberations.
13 So, if you wanna take a moment as to look at
14 it and ask me any questions.

15 VICE CHAIR ROBINSON: It says any, page 8
16 it says any party may appeal this decision
17 and, and order in accordance, does that
18 appeal go above our heads or does it really
19 come back to us if any one wanted to appeal
20 our decision.

21 MR. KUSHI: No. The law provides as well
22 as your rules, provide that they can appeal
23 this body's decision to the circuit court.

24 VICE CHAIR ROBINSON: To circuit court, ok.

1 And, and is there a time-frame for that?

2 MR. KUSHI: Yes, yes. 60 day, 30 days I
3 believe, from the date they receive it.

4 VICE CHAIR ROBINSON: 30 days. And has
5 this been delivered to Mr. Davidge yet?

6 MR. KUSHI: No, hasn't been signed yet.

7 VICE CHAIR ROBINSON: Ok, so this is what
8 we're doing right now.

9 MEMBER HOXIE: So what do we need? What
10 are we doing?

11 CHAIR HOWDEN: We need to vote, accept this
12 and then I'll sign it and Gaye, Gaye
13 delivers it.

14 MEMBER YAMAMURA: I'll move to accept the
15 Findings of Fact, Conclusions of Law,
16 Decision and Order.

17 VICE CHAIR ROBINSON: And I'll second that.

18 CHAIR HOWDEN: Ok, any discussion? Ok,
19 those in favor?

20 (several ayes)

21 CHAIR HOWDEN: Which one, oh, I sign that
22 one?

23 MR. KUSHI: So, Gaye, I have the original.
24 If you all will return the drafts.

- 1 CHAIR HOWDEN: I need to sign it?
- 2 MEMBER GERBIG: Will I have to turn it back
3 in?
- 4 MR. KUSHI: Yeah. So that there's only one
5 copy floating around.
- 6 MS. HAYASHIDA: And then today's...
- 7 CHAIR HOWDEN: October 28th?
- 8 MS. HAYASHIDA: Yes.
9 (silence, shuffling papers)
- 10 MR. KUSHI: For the board's information on
11 appeals, Gaye and I will be attending 2 pre-
12 hearing conferences this afternoon. One on
13 the Strini appeal; second one on the Molokai
14 Veterans appeal and one more tomorrow on the
15 Pollock, Pollock, Hui Johnson.
- 16 MS. HAYASHIDA: Yeah, the Noel Johnson Hui.
- 17 MR. KUSHI: So, we will set up those
18 procedures and those will be your next 3
19 appeals.
- 20 VICE CHAIR ROBINSON: So the Molokai
21 Veterans is not an appeal; it's a lawsuit,
22 is that correct?
- 23 MR. KUSHI: They've done both.
- 24 VICE CHAIR ROBINSON: Ok, so it's both.

1 MEMBER HOXIE: What, Ed. I didn't hear
2 you.

3 MR. KUSHI: They've filed a lawsuit in
4 federal district court against us.

5 MEMBER HOXIE: Yeah, right.

6 MR. KUSHI: They've also appealed the
7 decision of the director to this body.

8 VICE CHAIR ROBINSON: So, so we, we're not
9 necessarily gonna have to do anything about
10 the lawsuit but we would about the appeal.

11 MR. KUSHI: Right.

12 VICE CHAIR ROBINSON: And is the appeal
13 scheduled you said for November?

14 MS. HAYASHIDA: We haven't, gotta decide
15 that.

16 MEMBER LESTER: Haven't set it up yet.

17 VICE CHAIR ROBINSON: You haven't set it up
18 yet.

19 CHAIR HOWDEN: Ok. With the board's
20 agreement let's go back to Lana'i.
21 Discussion of the Water Use, Development and
22 Protection Plan. We've had extensive
23 commentary from Member Gerbig and also
24 comments from Ted Yamamura.

1 VICE CHAIR ROBINSON: I don't have the
2 comments from Don. I have Ted's but not
3 (inaudible).
4 MEMBER GERBIG: Pardon?
5 VICE CHAIR ROBINSON: You had comments?
6 MEMBER GERBIG: Yeah, they're in a...
7 CHAIR HOWDEN: They were emailed.
8 VICE CHAIR ROBINSON: Oh, emailed.
9 MEMBER GERBIG: She can, she passed it out
10 in the packet.
11 VICE CHAIR ROBINSON: Oh, thanks. I got a
12 virus in my computer.
13 CHAIR HOWDEN: And also Edna is here today
14 as well from Water Resources if have
15 questions for her.
16 (silence, shuffling papers)
17 CHAIR HOWDEN: So, perhaps Ed can give us
18 some guidelines on what our function is in
19 this. I noticed both Don and Ted want to
20 eliminate sections of the plan. I mean is
21 that really within our purview or...?
22 MR. KUSHI: No. Mr. Chair, for the board's
23 information, why don't we have some
24 housecleaning matters first. What is the

1 deadline that we need to get this out?

2 MS. HAYASHIDA: It has to be in council on
3 December 27th.

4 MR. KUSHI: So, how many more meetings do
5 we have?

6 MS. HAYASHIDA: November and then December
7 23rd.

8 MR. KUSHI: 2 more meetings.

9 MS. HAYASHIDA: Yeah. If the board wants
10 to they can hold special meetings in between
11 just to discuss this and I think we did that
12 with the Central?

13 VICE CHAIR ROBINSON: We, we did.

14 MS. HAYASHIDA: Yeah.

15 MR. KUSHI: As far as the board's
16 responsibilities with the plan, pursuant to
17 the ordinance is that the department
18 presented a plan. The plan that, the binder
19 is the department's update pursuant to 10
20 plus years of, of dealing with this LWAC
21 committee. Anyhow, pursuant to the
22 ordinance this is the plan that's presented
23 to the board. The board held public hearing
24 on Lana'i. Now, your job is to recommend,

1 to review the plan and recommend changes, if
2 any, to the council. Your job is not to
3 delete the plan as presented by the
4 department. You can recommend that the
5 council delete it. Your job is not to
6 delete it. The plan as is goes up to the
7 council. Together with the public hearing
8 minutes, together with any written comments
9 and together with your recommendations. As
10 you recall, when we were dealing with the
11 Central Maui, Central Maui plan, you came up
12 with the 2 or 3 page recommendation. And
13 you also came up with the, Planning staff
14 did a matrix. For whatever reason, the
15 council really didn't or hasn't really
16 looked at it yet. But it took time and
17 effort to come up with that matrix.

18 VICE CHAIR ROBINSON: Yeah, that was
19 actually Ellen...

20 MR. KUSHI: Right.

21 VICE CHAIR ROBINSON: Who did that matrix
22 for us and she's not here anymore, so.

23 MR. KUSHI: Right. But again, I think you
24 have, everybody has enough material in there

1 to come up with something but again, the
2 suggestions from public testifiers about
3 this board deleting this portion, I think is
4 beyond your authority. You can recommend
5 that but you have to send it up.

6 MEMBER YAMAMURA: What if the plan went
7 beyond its authority?

8 MR. KUSHI: Well, that's your
9 recommendation.

10 VICE CHAIR ROBINSON: Then we recommend...

11 MEMBER HOXIE: So and, so we do not have
12 the option of sending the plan back to the
13 department to have them re-do it?

14 MR. KUSHI: Nope.

15 CHAIR HOWDEN: Comes under cruel and
16 unusual.

17 (laughter)

18 MEMBER HOXIE: Well, they did a cruel and
19 unusual to us.

20 DIRECTOR ENG: 19 years.

21 MR. KUSHI: I mean, it's not provided for
22 in the ordinance. Once the process starts
23 you can't turn it back.

24 VICE CHAIR ROBINSON: So is it advisable

1 and I'm gonna use, use some of the letters
2 that we've gotten have gotten very specific
3 about what they want removed or changed and
4 Ted made some very specific, and Don,
5 everyone has made very specific
6 recommendations and having been the crafter
7 and the person that brought together all of
8 the board's recommendations last time for
9 the Central plan, I can say that if we're
10 going to get this specific again, I'm not
11 going to be the one to do it. Ok? So, if
12 there's else who wants to do that here on
13 the board, I am more than happy to guide
14 them on how I did it but I am not going to
15 be the one to do it this time. So, I just
16 want you to know that as we go into this
17 that it took a week of my time as a
18 volunteer to pull all of that together and I
19 can't even image how much of Ellen's time
20 went into creating this. So we're not gonna
21 have either of those unless someone else
22 wants to take it upon themselves. So, we do
23 have to come up with a methodology to how
24 we're gonna take all of these comments by

1 the public which I continue to feel is part
2 of our obligation, is to take those public
3 comments very seriously along with our own
4 comments and put them together as a series
5 of recommendations to the council.

6 CHAIR HOWDEN: Any volunteers?

7 MEMBER YAMAMURA: Well, I don't mind
8 serving with someone.

9 MEMBER HOXIE: I think we have a good start
10 with Don and Ted on some of their comments.

11 MEMBER GERBIG: The, what we recommend,
12 I'm, I wanna make sure what we're talking
13 about. I, I ask, well, one of the things
14 that I, I don't like the numbers that are in
15 here because one of 'em in particular that
16 really bothered me is her, her gathering of
17 the base, base numbers using meters. The
18 meter doesn't show what's going on. It only
19 shows what the meter read that day. And it
20 does not take into consideration, does not
21 take into consideration all the water that
22 has already, already been approved by the
23 Board of Water and everybody else. When we
24 talk about all the developments that are not

1 built out yet on Lana'i makes no difference.
2 The water's been allotted to them. So much
3 water in that meter was allotted for that
4 house. That's the number we should utilize
5 as a base, not some meter that was read on
6 2008 because only the people were there use
7 water. Half the people, I mean, it's not
8 save, but some people were probably not
9 present. Castle and Cooke makes a point it
10 was a recession year. There was a lot of,
11 hotel business was down and everything so
12 that meter reading is not really
13 representative of what's going on in Lana'i.
14 That's my big, big complaint, that it's not
15 representative.

16 CHAIR HOWDEN: Edna, can you come forward
17 for, because we, we, we will need your
18 expert commentary on this. Jeff, did you
19 wanna...?

20 DIRECTOR ENG: Well, if I may, yeah. I
21 mean, I'd just like to, because what Don
22 pointed out to. So, you're saying that it's
23 not a good baseline because...

24 MEMBER GERBIG: Yeah, the baseline is, is

1 wrong...

2 DIRECTOR ENG: We're not...

3 MEMBER GERBIG: That's my, my contention.

4 DIRECTOR ENG: Ellen did not use really a
5 normalized consumption.

6 MEMBER GERBIG: Yeah, it doesn't show, it
7 doesn't show what's really...

8 DIRECTOR ENG: Which you normally would do.
9 If you were to like present this information
10 before, let's say, the PUC as your baseline...

11 MEMBER GERBIG: That's the baseline...

12 DIRECTOR ENG: Consumption and work it off
13 projections...

14 MEMBER GERBIG: For projections.

15 DIRECTOR ENG: You would normalize the
16 numbers.

17 MEMBER GERBIG: That baseline, that base
18 number...

19 DIRECTOR ENG: Yeah.

20 MEMBER GERBIG: Is incorrect. It's not
21 representative.

22 DIRECTOR ENG: Ok. That's understandable.

23 MEMBER GERBIG: There's a big missing
24 amount of water that was approved for the,

1 for the development. Whether the house is
2 built or not makes no difference. That,
3 that, that's been approved even though the
4 house isn't built.

5 DIRECTOR ENG: Sure.

6 MEMBER GERBIG: And that..

7 DIRECTOR ENG: Yeah, you normally would
8 account for that.

9 MEMBER GERBIG: And if it wasn't approved,
10 well, I mean, it was approved, regardless of
11 what the water report says in one place, 4-2
12 or whatever, that there's not enough water
13 to build this, well, that's wrong.

14 Something's wrong with that number or that
15 statement. But the point is that that, that
16 measurement that she used for a base is not
17 reliable. It's not a reliable figure
18 because it doesn't take into consideration
19 the water was approved. So theoretically,
20 all the water that's approved is being
21 pumped. I mean, if it isn't whatever, it's
22 still approved so that's what the total
23 water is on, on Lana'i. That's my point and
24 we didn't, it's not, that's not it. When

1 you just take a meter reading and not
2 everybody had a meter and not everybody was
3 there running water that, that year or
4 whatever, that's not representative of
5 what's really going on.

6 CHAIR HOWDEN: Edna, do you want to comment
7 on that?

8 MS. MANZANO: Ok, I think that year, that
9 was the only year when Ellen was able to get
10 all the metered consumption and the, the
11 pumpage was, if you look at the 1997 final
12 report, the allocation for that area, like
13 for Manele is .68 and for, which is served
14 by Wells 2 and 4. So .68 is their
15 allocation and based on their 2008
16 consumption it's .68 already with no, with a
17 build out of only a few houses. And, I have
18 my notes here. Like in Manele, out of 282
19 single family homes only 16 were built. So
20 to use that much water when only 16 out of
21 282 was built in.

22 MEMBER GERBIG: But it makes no difference
23 from the standpoint, those were approved.
24 All those houses, those 469, 595...

1 MS. MANZANO: Yeah, uh huh.

2 MEMBER GERBIG: Houses, even though they
3 have not been built; some have, some
4 haven't. That, that's approved. Now
5 whether that, you have to assign a number to
6 that and that would give you a reliable
7 number; whether it's above the pumping rate
8 or the sustainable yield or whatever,
9 that'll give you an idea where it is. But I
10 mean, but to take a, a meter reading that
11 does not indicate, does not show you what,
12 what's really going on. All of these, the
13 people that weren't there didn't, didn't
14 pump any water, didn't use any water.

15 MS. MANZANO: Uh huh.

16 MEMBER GERBIG: So that's one fallacy. The
17 other thing is that these other meters that
18 are the houses or whatever that weren't
19 built, they have an amount of water assigned
20 to 'em that theoretically or on my
21 assumption is was approved for development
22 by the Board of Water Supply, so that should
23 be the number, the base number. That's my
24 point. A meter reading is, it's nothing. I

1 don't care if we compare it to 97, 96, 98,
2 it makes no difference what it's compared
3 to; a meter reading's a meter reading. And
4 that just, all you're doing is reading what,
5 how many people were there at that time and
6 they may not all been there. So it, that's
7 my, my point; that's the basis whether, you
8 know what you should do is take the number
9 of meters that were approved multiply it by
10 the amount of water that was approved for
11 that meter, for that, what, hotel rooms are
12 so much, houses are so much and so on.
13 That, and multiply those units, meters times
14 the water allotted and that, that's the base
15 you should have. Whether, I don't care what
16 it comes out to. What, what it comes out to
17 we'll at least we'll know if it's right or
18 wrong. You know where it is compared, then
19 you can compare it to other numbers. That's
20 my point.

21 MS. MANZANO: Ok. When they did the
22 forecast it was like, it's a 20-year
23 planning period, they did 3 scenarios, which
24 is the customers, consumers' will use the

1 same amount as what they're using right now.
2 And then the second scenario is they will
3 use 1.5 of the amount that they're using
4 right now, and the last one is they will
5 twice as much. So...

6 MEMBER GERBIG: Why, where does that number
7 come from? Where does this 1.5 come from?

8 MS. MANZANO: Those are the demand analysis
9 that they did.

10 MEMBER GERBIG: It's an analysis.

11 MS. MANZANO: In coordination with the
12 consultant.

13 MEMBER GERBIG: For, for Lana'i or is it
14 for the County of Maui?

15 MS. MANZANO: For Lana'i. I think also for
16 the County of Maui, I don't...

17 MEMBER GERBIG: What, is there a study, do
18 you have a, shows that study? Who comes up
19 with that? Do they have that data?

20 MS. MANZANO: I think our consultant has
21 it.

22 MEMBER GERBIG: Ok. Well, can you pull it
23 up for us because there's no reference in
24 there. Just like it came out of the, out

1 of the air.

2 MS. MANZANO: Yeah, yeah.

3 MEMBER GERBIG: But my, my point is it
4 doesn't, we're back to the same point.

5 Whatever, how can you say, how can you use a
6 base when you're not counting half the
7 houses? That's my point, is that we, we got
8 the count. What's there and what's been
9 approved for development. That's it. How
10 can you say, Oh, we'll use any, I can, I can
11 say the amount of rats times the gallons of
12 water and come up with a, some kind of
13 number but it's meaningless. That, that's
14 my point, it's not, there's, there's a big
15 gap in there. That theoretically, you know
16 water that was approved, where's that?
17 Did we..

18 MEMBER HOXIE: How much is it?

19 MEMBER GERBIG: Or where's the water that
20 the people weren't, we're not even count,
21 yeah, not even, didn't even count the
22 meters, just the ones that were pumping
23 water that, that year.

24 MS. MANZANO: No, we have a number of

1 meters which was like one, 1500 or seven;
2 no, not 1500, um, 1573. Based on those
3 metered...

4 MEMBER GERBIG: That's the number of meters
5 that were read?

6 MS. MANZANO: Yeah.

7 MEMBER GERBIG: But that isn't the number,
8 all the numbers that were pumping water or
9 not pumping...

10 MS. MANZANO: Those were all the...

11 MEMBER GERBIG: What about the ones that
12 weren't pumping water?

13 MS. MANZANO: That includes, it includes
14 everything. 1573 installed in Koele, Lanai,
15 Kaumalapau, Manele PD and the Palawai
16 Irrigation.

17 MEMBER GERBIG: But you're not counting the
18 500 that aren't installed.

19 MS. MANZANO: No.

20 MEMBER GERBIG: So, where, where's that
21 water? It's already been approved.

22 MS. MANZANO: So, where will we get the
23 water from?

24 MEMBER GERBIG: Huh?

1 MS. MANZANO: Where will, where do we get
2 water from?

3 MEMBER GERBIG: I, I don't care, let's see
4 what, I don't care where you get the water,
5 let it come out. But the point is, is the
6 base, the water that's been approved is the
7 water that should theoretically, should be
8 pumped, right? If everybody's there that
9 should be pumped. That's the maximum, I
10 know it's the maximum. But you can't say
11 well, I'm gonna take out this much or put
12 that much in. That's a real number. That's
13 what's been approved. That's all I'm
14 saying, is why, how can we, how can we count
15 what's, we're just taking numbers out of the
16 air; we have to, we have to use what's a
17 real number and the real number is the
18 number of meters and you assume the water
19 that's been approved, if it's 600 gallons a
20 day or whatever it happens to be, you
21 multiply it, that's, that's your maximum
22 potential that you'll be pump; if it exceeds
23 the sustainable yield that's another story.
24 I don't, whatever it shows up.

1 CHAIR HOWDEN: Yeah, well, I think that's
2 what...

3 MEMBER GERBIG: But you gotta take that
4 number.

5 CHAIR HOWDEN: Water Resources is concerned
6 with is if you had to .68 allocation and
7 you're already at that allocation...

8 MEMBER GERBIG: You don't know. Well, I'm
9 saying you got, well, you'll find out if you
10 ever do, if you measure the, multiply the
11 meters.

12 CHAIR HOWDEN: Ah, Mr. Rumbaoa, do you have
13 any comments on this? I mean, because we
14 seem to be in a little bit of deadlock here.

15 MEMBER GERBIG: You know how many meters
16 there are in Lana'i? Off hand?

17 MR. RUMBAOA: Yeah, in terms of what? Edna
18 mentioned this...

19 MEMBER GERBIG: 1500.

20 MR. RUMBAOA: It might be close.

21 MEMBER GERBIG: That's close to the total,
22 total meters.

23 MR. RUMBAOA: That's meters but again it
24 doesn't count our hotel rooms because we're

1 required to provide water to all these hotel
2 units which is about 250 units.

3 MEMBER GERBIG: Ok.

4 MR. RUMBAOA: And, and based on the county
5 standards each hotel has to have like..

6 MEMBER GERBIG: Yeah.

7 MR. RUMBAOA: 300 gallon per day and as you
8 know our hotels are maybe 50% occupied but
9 we still have to allocate as if they're
10 full.

11 MEMBER GERBIG: But the..

12 MR. RUMBAOA: So that's what's missing.

13 MEMBER GERBIG: Yeah, but am I correct in
14 my assumption that that, all of those meters
15 are allotted a certain amount of water.

16 MR. RUMBAOA: Correct.

17 MEMBER GERBIG: I mean, in the, in the, in
18 the permitting process.

19 MR. RUMBAOA: Right. When we did, when we
20 did the subdivision Show Me the Water
21 compliance with Director Eng, we had to show
22 our existing and we had to count our meters.
23 Again, whether they're vacant or not
24 they're allotted that water..

1 MEMBER GERBIG: The water allowance based
2 on how much per meter?

3 MR. RUMBAOA: Correct. And we, we have a
4 like a standard, very close to what the
5 county has in terms of standard, for single-
6 family, multi-family.

7 MEMBER GERBIG: Yeah.

8 CHAIR HOWDEN: So, so the Water Resources
9 Division, your, your point is that they're
10 already using that .68 allocation.

11 MS. MANZANO: Based on the 1997 allocation
12 for them.

13 CHAIR HOWDEN: Yeah.

14 MS. MANZANO: For the Manele people.

15 CHAIR HOWDEN: So what, what, what...

16 MEMBER GERBIG: Well, that's what she says
17 in her, that's what she says in her report.
18 But I, I question, I question that. Let's
19 put the real numbers together and then let's
20 take the pumps and go back and look at it
21 again.

22 CHAIR HOWDEN: But it, it...

23 MR. RUMBAOA: And again...

24 MEMBER GERBIG: And she made that

1 statement, oh it's over, I know it's over
2 but there's nothing to back it up that I saw
3 that I really felt confident in that's my
4 point.

5 CHAIR HOWDEN: Edna, did you wanna comment
6 on that?

7 MS. MANZANO: Ok, we'll try to look at
8 them, the numbers.

9 MEMBER GERBIG: Yeah.

10 MS. MANZANO: I'll ask help from our
11 consultant.

12 MEMBER GERBIG: But you know the problem
13 is, what I'm saying is, the real number
14 should be what we have in meters. Now if
15 they're pumping more than what they said in
16 they're, in, in they're, with the meters,
17 well they're in, they're in violation or
18 whatever the permit. But I say we gotta
19 look at, look at what's real.

20 MS. MANZANO: Ok.

21 MEMBER GERBIG: Not what's, what's done on
22 February 2nd, 2008.

23 MEMBER MYERS: I want to comment. I think
24 you could argue that being that those are

1 actual pump figures that they're real
2 numbers, maybe, are you looking for a
3 comparison?

4 MEMBER GERBIG: No, I'm, I'm saying that
5 the number, that the basis for this whole
6 study of how much water you need and how
7 much water you've got and how much is
8 sustainable, you've got to say the number,
9 the water that you've been approved for is
10 how many meters you have times the allotted
11 water per meter by the Department of Water.
12 This is how much you can pump up, take in
13 that meter, no more than that and you
14 multiply that, you take that figure, even
15 though it's the maximum figure, that's what
16 you're allowed and it could happen if
17 everybody's there and watering their grass
18 and doing everything they want to do that
19 day and then all the meters are built out,
20 have a home then that would be the maximum.
21 So you gotta take a look at that's, that's
22 what the maximum, and it's approved by the
23 department so I can't say it's not a real
24 number, oh, I'm gonna use 80% of that. You

1 gonna, we use 80% of what we've approved? I
2 don't think that's right. You've gotta
3 take, if you didn't think that much water
4 could be pumped then don't approve that
5 much. That's my point, ok.

6 VICE CHAIR ROBINSON: But this is a, this
7 is a plan and a plan means that you're
8 projecting into the future not just what's
9 happening now but you're projecting into the
10 future and if we have an actual amount that
11 at .68 or point sixty-eight, whatever that
12 figure is and that is, and there are 400 un-
13 built homes then, then that is why we have a
14 planning document because we're trying to
15 project into the future if we're using this
16 much now and we do not have those homes, I
17 think that, you know...

18 MS. MANZANO: Yeah, that's my...

19 VICE CHAIR ROBINSON: Where...

20 MS. MANZANO: Plus...

21 VICE CHAIR ROBINSON: What you're...

22 MS. MANZANO: Plus you have to remember
23 that the, most of the wells are in the
24 leeward area, which, in the leeward aquifer

1 which is, has only 3 million gallons per day
2 and if they use more than 2.7 it will be
3 designated. So, as much as possible we
4 don't want it, that to happen. So..

5 MEMBER GERBIG: I agree with you. But I'm
6 not talking about how much water being
7 pumped and what, I, I..

8 MS. MANZANO: Yeah, I..

9 MEMBER GERBIG: I left that part out. I
10 didn't get into that. All I got into to say
11 the base numbers that we start with, that
12 Ellen started with using a meter is
13 incorrect. It's way off. I mean, unless..

14 DIRECTOR ENG: Ok, so maybe..

15 MEMBER GERBIG: We, unless you, we wanna
16 disprove..

17 DIRECTOR ENG: Ok, ok. I'm just looking at
18 it from a purveyor's standpoint.

19 MEMBER GERBIG: Yeah.

20 DIRECTOR ENG: And I was a purveyor of a
21 private system and you know, do we wanna get
22 this deep, the board? You could maybe bring
23 this out as a concern but it's really the
24 purveyor's real concern. They, they will,

1 they will hopefully, they want to stay to a
2 point, below a point that they're not
3 designated. But even if they choose to pump
4 into, over the 4.3 and it's designated and
5 the Water Commission steps in, that's their
6 kuleana really. I, like even as far as
7 meter rations, we never approved any meter.
8 If it wasn't for the Show Me the Water
9 ordinance, we're not involved with any thing
10 over there. With that ordinance now, they
11 have to submit whatever, proof that they
12 have a sustainable source, but.

13 MEMBER GERBIG: You're talking about
14 pumping. You don't care what...

15 DIRECTOR ENG: Well, it's just an overall,
16 how much...

17 MEMBER GERBIG: Well, I don't think that's...

18 DIRECTOR ENG: Jurisdiction do we want over
19 this private system. I mean we have to
20 realize they're going to do their best
21 management practices; it's in their best
22 interest.

23 MEMBER GERBIG: Yeah, I agree, I agree.

24 DIRECTOR ENG: I don't know how much we

1 need to, again, if you have some concerns...

2 MEMBER GERBIG: Yeah, all I'm saying is
3 that if we're gonna...

4 DIRECTOR ENG: You can express it.

5 MEMBER GERBIG: Project it out, let's
6 project it out with real numbers that have
7 been approved. I mean whether that was...

8 DIRECTOR ENG: Yeah.

9 MEMBER GERBIG: B.S. approval or not, I
10 don't know but I assume you guys or somebody
11 knows what they're doing, they approved this
12 amount of water to be pumped to supply all
13 of that development.

14 DIRECTOR ENG: Again, we don't have
15 anything about approving meters...

16 MEMBER GERBIG: Ok, yeah.

17 DIRECTOR ENG: At all. Again, only the
18 Show Me the Water ordinance, when they come
19 in for...

20 MEMBER GERBIG: Oh, ok.

21 DIRECTOR ENG: Subdivision approval...

22 MEMBER GERBIG: Well, I'm just saying that,
23 yeah.

24 DIRECTOR ENG: They, they have to submit

1 some, some proof they have water
2 availability. But it's a private system.
3 I...

4 MEMBER GERBIG: No, I, I...

5 DIRECTOR ENG: If I was them...

6 MEMBER GERBIG: Yeah, I not worried about...

7 DIRECTOR ENG: And I was...

8 MEMBER GERBIG: Them...

9 DIRECTOR ENG: I'd let them do their thing.
10 I'd be annoyed being here today.

11 VICE CHAIR ROBINSON: Yeah, but you, you
12 also, Jeff, did not sit there and, and
13 listen to the, the way the public feels
14 about this.

15 DIRECTOR ENG: Well, I know there's been
16 contention over there and, and yes, the
17 whole committee and...

18 MEMBER GERBIG: Well, I think yeah, as far
19 as the hearings and what I got out of it,
20 they just said blank shot this thing and
21 submit it and they're all for it.

22 VICE CHAIR ROBINSON: Well, yeah...

23 MEMBER GERBIG: They, they're not, nobody's
24 read this thing I don't think. I mean

1 they're, they're all looking at, oh, it's
2 wonderful, it's glorious, and we're gonna
3 conserve all this thing, which brings up the
4 other point we have all this conservation
5 thing in here but it's not required under
6 the Water Use and Development Plan. So, are
7 we gonna use the Water Use and Development
8 Plan law as the guideline or are we gonna
9 make our own as we go? Conservation is not
10 part of this program.

11 MS. MANZANO: Have you read this? Hawaii...

12 MEMBER GERBIG: That's your 1997?

13 MS. MANZANO: No, this is the, from the
14 Commission on Water Resource Management...

15 MEMBER GERBIG: Yeah.

16 MS. MANZANO: They, what, they have this,
17 of...

18 (silence)

19 DIRECTOR ENG: Is that the Working Plan

20 MEMBER BOTEILHO: Hawaii Water Plan.

21 MS. MANZANO: The statewide, yeah, the
22 statewide framework.

23 DIRECTOR ENG: When they had, when they,

24 ok.

1 MS. MANZANO: With a, um, integrated
2 resource planning of um, flow chart. It
3 starts with Public Participation and Public
4 Information thing and they can, if these are
5 the things included here; Supply Side and
6 Demand Source Management, Resource
7 Development Strategies and Other
8 Conservation stuff. So to say that
9 Protection is not part and Conservation is
10 not part of the, of the plan I think...

11 MEMBER YAMAMURA: It is, it is. But in the
12 Central Maui, this is Central Maui.

13 (Member Yamamura holds up the Central Maui
14 Water Use and Development Plan document)

15 MS. MANZANO: Uh huh.

16 MEMBER YAMAMURA: And this is Lana'i.

17 (Member Yamamura holds up the Lana'i Water
18 Use, Development and Protection Plan binder)

19 MS. MANZANO: Yeah.

20 MEMBER YAMAMURA: Yeah. They talked about
21 conservation, they talked about protection
22 but not in the magnitude of this document
23 where you lose...

24 MS. MANZANO: I, I agree.

1 MEMBER YAMAMURA: I mean, even for myself I
2 had a hard time going through it. So.
3 MS. MANZANO: Yeah, but the thing is when
4 they did a public, the, when the, the
5 commission, the LWAC discussed everything,
6 they followed this thing and then they came
7 up with objectives. And these are the
8 things important to them and um, 'cause
9 that's what it says in the framework. You
10 have to have public participation and these
11 are the important things to them; the
12 issues, water allocation, watershed
13 management and protection. You have to
14 realize that Lana'i is different. They rely
15 on fog drip for recharge. So they have
16 aquifer protection and monitoring, venue for
17 continued community involvement, improvement
18 to system, monitoring and maintenance,
19 conservation measures and milestones, and
20 sharing long-term source availability. So
21 these are the issues that they want included
22 in the plan.
23 MEMBER GERBIG: I know what they want.
24 MS. MANZANO: Yeah.

1 MEMBER GERBIG: I, I, I see that. But the
2 point is the law doesn't include that in the
3 Water Use and Development Plan. That's used
4 in the Preservation Conservation Plan put
5 out by commission.

6 MS. MANZANO: Yeah.

7 MEMBER GERBIG: That's their, yeah, that's
8 the commission plan not the Water Use and
9 Development Plan.

10 MS. MANZANO: This is the guideline.

11 MEMBER GERBIG: They're taking it into the
12 wrong area. It's not precluded in that.

13 MS. MANZANO: This is the guideline.

14 MEMBER GERBIG: It's the guideline for
15 what?

16 MS. MANZANO: For developing the Water Use
17 and Development Plan.

18 MEMBER GERBIG: Does it say Water Use and
19 Development Plan on there?

20 MS. MANZANO: Yeah.

21 MEMBER GERBIG: Huh.

22 MS. MANZANO: This is the Hawaii Water Plan
23 but there are guidelines on how to..

24 MEMBER GERBIG: On each one? Oh, ok. I

1 haven't seen it.

2 DIRECTOR ENG: Don, yes. The water code
3 and the Water Commission, yes there are
4 preferred guidelines to developing a
5 county's Water Use and Development Plan.
6 The way we've been developing it we've been
7 going by the letter of the law. I mean,
8 took it to the extreme in fact. Just
9 recently I was kinda looking at what the
10 other counties have done. They deviated
11 from this RFP process. For instance,
12 Honolulu Board of Water Supply, they, I was
13 talking to their head of Water Resources
14 last month and kinda gave me a brief
15 history, They attempted to do this process,
16 brought it out to the community some years
17 ago. It failed. So they went to a
18 different process but it does, does include
19 conservation and things like that but
20 they've done it by watershed, like we're
21 water systems in our, in our county, at
22 least Maui County. Honolulu does it by
23 ahupua'a or watershed areas. Little bit
24 different approach. More acceptable to the

1 community and they're working their way now
2 through the Water Commission to get the
3 first 2 of 8 plans adopted. And then I
4 recently went to the Big Island's website
5 and looked at their plan. And they have
6 like kinda (inaudible) plan, broken out into
7 kinda districts. Totally deviation (sic)
8 from this. But looks like the Big Island
9 and Kauai are using a totally different
10 methodology. Very simple and I'm kinda
11 curious whether or not the Water Commission
12 will even approve their plans. Just so...

13 CHAIR HOWDEN: His, historically in the
14 90's I believe every plan was denied by the
15 water, State Water Commission.

16 DIRECTOR ENG: Oh, 90's they were all
17 adopted but in 92 they were not...

18 CHAIR HOWDEN: Yeah.

19 DIRECTOR ENG: Approved by the commission.
20 So the current plan for all the counties is
21 the 1990 plan.

22 CHAIR HOWDEN: So, so there, there are
23 standards and the standards are inclusive
24 rather than saying no, you can't address

1 this. And it's an, I think as Edna says,
2 especially on Lana'i 'cause you are dealing
3 with one aquifer that's supported by a
4 remnant native forest, mesic native forest,
5 etcetera. It's a precarious situation. And
6 you, you have, I think a more integrated
7 plan is useful. I think there are aspects
8 of it, like you know, remember at the
9 hearing, I, I forget who it was, we were
10 talking about the fences, yeah. And how
11 high the deer fences need to be, well,
12 typically, you know axis deer, and I've
13 studied axis deer extensively, believe me,
14 you know, won't go over about a 5 to 6 foot
15 fence, a 6 foot barrier. You don't need 8
16 or 9 foot fences. But those are details and
17 you know as Ron was you, you get, you, you
18 can get into details, you don't have to
19 eradicate all the rodents but, but you know,
20 you wanna reduce the population. And you
21 wanna be aware of things that the creatures
22 that really help make up the watershed. And
23 that's I think a lot what we dealt with at
24 that hearing is, is really a sustainable

1 plan. You know a long-term vision that,
2 that will permit continued inhabitation of
3 that island. And it's not a question of
4 like private property or this or that, it's
5 a question what our fiduciary is in terms
6 of, of, of waters throughout the state.
7 And, and we do have an oversight function.
8 And, and in no sense are we trying to tell
9 Castle & Cooke how to run their business
10 but, but, but our function is to point out
11 vulnerabilities and, and where areas that
12 they need to look at, which I'm sure they're
13 well aware of.

14 MEMBER GERBIG: No, I, I, I agree Lana'i is
15 different. There's no doubt. I mean, of
16 course it's owned by a private company and
17 if you look at, I look at this and looks
18 like somebody's trying to stick it to the
19 company because we're not, Maui County's
20 not, Maui County doesn't have to do this.
21 Now if we go from here, we go to Kaanapali
22 Water, the next time they wanna drill a well
23 they're gonna have to rebuild the forest
24 too? And if we adopt this as an ordinance

1 where does that all end? I mean it sets a
2 precedent, I'm worried it sets a precedent
3 for all private water companies in the
4 state.

5 (at this time Chair Howden and Member Gerbig
6 speaking at the same time)

7 CHAIR HOWDEN: Well, I mean there's no such
8 thing under the public trust, trust
9 doctrine...

10 MEMBER GERBIG: What's to stop, if it's an
11 ordinance, yeah and if it's an ordinance
12 this...

13 CHAIR HOWDEN: As, as, as private water.

14 MEMBER GERBIG: These people are gonna have
15 to build this fence 'cause that's what it
16 says in here.

17 CHAIR HOWDEN: Yeah.

18 MEMBER GERBIG: And they're gonna have to
19 shoot the deer and whatever else they got
20 and get rid of this, and all. I agree that
21 it, that we should conserve. I agree that
22 something like Mr. Hobdy said, he's
23 absolutely, I do not disagree. There is a
24 problem. But I say it shouldn't be handled

1 in the Water Use and Development Plan. It
2 should be referred to what you call, what do
3 they call it, Water Resources Protection
4 Plan, under that area. That's the other
5 part of the law. In the fact, the water,
6 the, the Water Resource Protection Plan, the
7 Water Use and Development Plan, the State
8 Water Projects Plan, the Water Quality Plan;
9 how do we put all of this protection under
10 the development and use plan. That's what I
11 say. It's not applicable. I mean it should
12 be a reasonable amount of conservation but
13 this is beyond belief what's in here.

14 CHAIR HOWDEN: I mean the documents that
15 Edna's quoting from are basically our
16 mandate and it is a more inclusive mandate.

17 MEMBER GERBIG: You say it's mandated?

18 CHAIR HOWDEN: It's mandated.

19 MEMBER GERBIG: Yeah, well, once it's law
20 that's it. They gonna go out and get their
21 money together and go build a fence or
22 whatever it says.

23 CHAIR HOWDEN: I mean, I would think, Don,
24 that everyone on earth including Ellen

- 1 agrees that this document is oversized.
- 2 MEMBER GERBIG: Yeah. Alright, I agree.
- 3 CHAIR HOWDEN: You know, and if there's
- 4 considerable...
- 5 MEMBER GERBIG: Minimum.
- 6 CHAIR HOWDEN: Re, re, redundancy...
- 7 MS. MANZANO: Seriously.
- 8 DIRECTOR ENG: That's just a start, you
- 9 should see the other volume.
- 10 MEMBER GERBIG: We can see that.
- 11 CHAIR HOWDEN: You know, but, but I, I
- 12 think that, that we need, you know, our
- 13 function as a board is to work with it in a
- 14 way where we make useful suggestions to the
- 15 council and...
- 16 MEMBER GERBIG: She's had how many years to
- 17 do this? And we got what, 3 weeks?
- 18 (laughter)
- 19 MEMBER GERBIG: I mean, I just touched on
- 20 the tip of the iceberg. I didn't get it, I
- 21 mean there's tons more in here that I
- 22 disagree with and I'm sorry about that but I
- 23 do.
- 24 MS. MANZANO: I just want to let you know

1 that the commission, the Commission on Water
2 Resource Management staff was there when
3 they were developing this, so, I don't know
4 what to say.

5 DIRECTOR ENG: Yeah, the commission did
6 approve...

7 MEMBER GERBIG: Pardon?

8 DIRECTOR ENG: They, they approved this
9 work plan.

10 MEMBER GERBIG: Who did?

11 DIRECTOR ENG: The Water Commission.

12 MS. MANZANO: Charley Ice.

13 DIRECTOR ENG: Go ahead, Clay. I'm sorry.

14 MR. RUMBAOA: I don't think so. I have to
15 disagree with that. They were there but
16 they stopped coming and this work plan was
17 never approved by LWAC and especially not by
18 Charley Ice, so.

19 DIRECTOR ENG: Oh really? Ok, I'm sorry.

20 (at this time Ms. Manzano, Mr. Rumbaoa and
21 Director Eng speaking at the same time)

22 DIRECTOR ENG: I correct myself.

23 MS. MANZANO: Yeah, the thing is they
24 couldn't, couldn't agree, they couldn't

1 agree, they couldn't come to a consensus.

2 DIRECTOR ENG: I thought initially all the
3 counties would have to go before the
4 commission. I know for our other Water Use
5 and Development Plans, that was back in
6 George Tengan's days, I think they went over
7 with the consultant and had the work plan
8 approved.

9 MEMBER BOTEILHO: How do we get copies of
10 the, that water...?

11 MS. MANZANO: Oh, I can give you copies, I
12 can give it to...

13 MEMBER GERBIG: Yeah, me too.

14 MS. MANZANO: To her.

15 MEMBER BOTEILHO: Is there a Part 3 in that
16 plan?

17 MS. MANZANO: Ah, this one?

18 MEMBER BOTEILHO: Under the Hawaii Water
19 Plan?

20 MEMBER GERBIG: Is it on, is it on the net?
21 Well...

22 (several people speaking at the same time)

23 MS. MANZANO: It should be there.

24 DIRECTOR ENG: You know, I may, I'll send

1 you some references as far as where you can
2 find it in the HRS, huh.

3 MEMBER GERBIG: Yeah. But my, my other
4 point, I know I'm nit-picking a lot of it
5 but to have copies of all these laws in here
6 is ridiculous. It's just paper fluff and I
7 mean it's not, I mean, everybody knows the
8 drinking, anybody that's producing drinking
9 water has a copy of the drinking water act.
10 They don't have, doesn't have to be in this
11 report. The Endangered Species Act doesn't
12 have to be in here. I mean it can be
13 referred to if that's whatever, but half the
14 stuff in here that's not necessary, not
15 required by the Water Use and Development
16 Plan is in here that I, that I object to it;
17 it just confuses the whole issue. That's..

18 VICE CHAIR ROBINSON: So..

19 MEMBER GERBIG: Couple of other items.

20 VICE CHAIR ROBINSON: Can I just ask a
21 question? We as a board do have to come up
22 with recommendations for the county council.
23 And every single one of us are going to have
24 maybe an individual opinion about what we

1 think should be in these recommendations.
2 So, what I wanna find out and we went
3 through this with the Central plan is, are
4 we going to follow how we did it for the
5 Central plan which is that each board member
6 has an opportunity to on, with a certain
7 timeframe to get their comments in to either
8 myself or Michael, and my understanding is
9 that Michael's not going to be here at the
10 November meeting, correct? So, I'm gonna be
11 chairing and I am gonna have to ask that
12 each of you submit comments before that
13 November meeting either through email and
14 that all of you try to get a chance to read
15 those comments from everyone else and some
16 of you are already ahead of the game because
17 you've already made your comments, if you
18 wanna re-do any of your comments, I think
19 that you should..

20 MEMBER GERBIG: Yeah but, yeah, I'm just
21 thinking out loud for you, on this comment.
22 I'm not objecting but I think we..

23 VICE CHAIR ROBINSON: Can I finish my
24 sentence?

1 MEMBER GERBIG: Do it maybe we should have
2 a, the same format. We should all follow
3 the same however you can do that. I mean
4 follow it by chapter or comments on the
5 chapter or whatever. That might be a way
6 to, they all, we're all in the same order.

7 VICE CHAIR ROBINSON: Well, if you 2 have
8 volunteered to...

9 MEMBER GERBIG: I didn't volunteer.

10 VICE CHAIR ROBINSON: Take all this
11 information then if you wanna make...

12 MEMBER GERBIG: I volunteer with your help.

13 VICE CHAIR ROBINSON: The suggestion about
14 guidelines I, I would welcome...

15 MEMBER YAMAMURA: Send it to Gaye, right?
16 And Gaye can disseminate it out.

17 MS. HAYASHIDA: The information, yeah.

18 MEMBER YAMAMURA: Yeah.

19 MEMBER GERBIG: But I'm just thinking,
20 wouldn't that be better...

21 VICE CHAIR ROBINSON: But what you're
22 saying a template...

23 MEMBER GERBIG: If we follow, yeah that's
24 right, a template.

1 VICE CHAIR ROBINSON: A template for how we
2 give those comments to...

3 MEMBER GERBIG: That might, yeah.

4 VICE CHAIR ROBINSON: Each other.

5 CHAIR HOWDEN: We, we can then make the
6 format of the report by chapter and...

7 MEMBER GERBIG: You don't comment on it
8 don't, yeah, just leave it blank.

9 CHAIR HOWDEN: Yeah, then it's simple.
10 It'll be a lot simpler.

11 VICE CHAIR ROBINSON: So, comment by
12 chapters?

13 MEMBER GERBIG: Yeah.

14 CHAIR HOWDEN: And of course appendices.

15 MEMBER YAMAMURA: And appendices.

16 VICE CHAIR ROBINSON: And the appendices.

17 MEMBER GERBIG: And by what?

18 MEMBER YAMAMURA: Appendix.

19 MEMBER GERBIG: Yeah, the appendix, well
20 the appendix is chapters, yeah. Oh, the
21 appendix, excuse me, I'm sorry.

22 CHAIR HOWDEN: So, you got your
23 assignments? Ok. Try your best. Try to at
24 least look at what you really need to look

1 at. I recommend Chapter 6, of course.
2 MR. KUSHI: Ok, I gotta say something.
3 MEMBER GERBIG: Can we put...
4 MR. KUSHI: Gaye...
5 CHAIR HOWDEN: Yes.
6 MEMBER GERBIG: We should, let me ask you
7 though...
8 MR. KUSHI: Wait, wait, wait, wait, I gotta
9 say something. If you gonna do it by email,
10 remember your email is discoverable, it's
11 public records, ok? I don't want you guys
12 interacting through email. Send it, that's
13 it.
14 VICE CHAIR ROBINSON: Right.
15 MEMBER GERBIG: Hard cover.
16 VICE CHAIR ROBINSON: So, no...
17 (at this time several people speaking at the
18 same time)
19 MR. KUSHI: No interactions.
20 VICE CHAIR ROBINSON: No back and forth in
21 the email...
22 MEMBER GERBIG: Oh no.
23 MR. KUSHI: No agreements about oh, what
24 you think about this, ok, I agree.

1 MEMBER GERBIG: Hard cover.
2 CHAIR HOWDEN: No tutorials.
3 MEMBER GERBIG: Can we send an email to
4 Gaye?
5 CHAIR HOWDEN: Yeah, just straight to Gaye.
6 MEMBER GERBIG: To my complete..
7 MR. KUSHI: To other members, fine but no
8 interaction.
9 MEMBER GERBIG: No, no, no, no. I don't
10 send this..
11 MR. KUSHI: And, and if push comes to shove
12 your emails are discoverable.
13 MEMBER GERBIG: Yeah.
14 MEMBER HOXIE: Yeah.
15 MEMBER GERBIG: Let me, let me ask, if, if
16 this, let me ask this dumb question. If in
17 the appendix here, there's several
18 recommended laws or ordinances, if this goes
19 in with those appendix (sic), one of 'em is
20 a wellhead protection, one of 'em is a, a..
21 MEMBER HOXIE: Water conservation.
22 MEMBER GERBIG: Conservation, one's a,
23 anyway, there's 3 different, there's 3
24 different suggested laws. If that goes in

1 and is accepted by the council, does that
2 mean those are laws now?

3 MR. KUSHI: I, I, I, I kinda...

4 MEMBER GERBIG: If it's codified does that
5 mean...

6 MR. KUSHI: No ah...

7 MEMBER GERBIG: That we now have a county
8 wellhead protection program?

9 MR. KUSHI: Let's say this. Let's say this
10 document as is with the recommendation goes
11 up to council, notwithstanding your comments
12 and they pass it as is. This becomes a(sic)
13 ordinance in itself but the ordinance in,
14 the plan itself serves as a primary guide,
15 ok, to the council, the departments, all
16 other agencies of the county, in, now, I'm
17 just quoting, "in approving or recommending
18 to other agencies the use or commitment of
19 water resources in the county." So this
20 plan will be used as a primary guide for the
21 department, for the council, for everyone.
22 The second part is using public funds to
23 develop water resources for the public
24 system that doesn't apply here.

1 VICE CHAIR ROBINSON: It's a private
2 system.

3 MR. KUSHI: But I can see this plan being
4 used when they come up before the Commission
5 on Water Resources, the State Land Use
6 Commission, the Public Utilities Commission,
7 where the county is a party to these
8 proceedings, say "hey, this is the plan.
9 Where's your water wellhead protection
10 ordinance? Where's your completion report
11 on the fence?"

12 MEMBER GERBIG: That Castle and Cooke would
13 be asked to provide that?

14 MR. KUSHI: It's part of the plan.

15 MEMBER GERBIG: Yeah.

16 MR. KUSHI: But these, like this separate
17 ordinance set up the LWAC on a permanent
18 basis, the Wellhead Protection Plan
19 ordinance, and I don't know what else, they
20 need to be separately enacted. Not just
21 through this plan.

22 MEMBER GERBIG: Yeah, that's what I
23 thought.

24 MR. KUSHI: They have to go through 2

1 readings...

2 MEMBER GERBIG: They shouldn't, they should
3 be introduced. So theoretically...

4 MR. KUSHI: But, but because it's in the
5 plan, because it's in the plan I can see a
6 county agency, Planning Department, Planning
7 Commission say "you gotta comply with this,
8 water use plan before I give you a permit."

9 MEMBER GERBIG: Yeah, so they could go back
10 into the appendix and say, well, you don't
11 have a wellhead protection plan.

12 MR. KUSHI: Exactly.

13 MEMBER GERBIG: Is that correct?

14 MR. KUSHI: And again it says as a primary
15 guide.

16 MEMBER GERBIG: Guide. So, they could
17 utilize that if they wanted to in the, in
18 the permitting process.

19 MEMBER YAMAMURA: And therein lies the
20 danger of getting down to so much specifics
21 in here versus what Carl did.

22 MR. KUSHI: Well, I mean there's...

23 MEMBER YAMAMURA: Which is, which is what
24 makes this plan...

1 MR. KUSHI: 2 points of looking at it,
2 yeah.
3 MEMBER YAMAMURA: I guess so.
4 CHAIR HOWDEN: Ok, anything else.
5 VICE CHAIR ROBINSON: Alright. Well, yeah,
6 we have to, so, I just wanna be clear
7 because we're gonna be in the same position
8 next month and then we have one more meeting
9 before we have to, and we only have 5 days
10 between the end of whenever our, 'cause it's
11 the 27th, which is 2 days after Christmas.
12 MS. HAYASHIDA: But like I said you...
13 VICE CHAIR ROBINSON: No one wants to work
14 during Christmas.
15 MS. HAYASHIDA: If you want to you can
16 meeting in between the November 18th and the
17 December 23rd.
18 VICE CHAIR ROBINSON: Right, so that's
19 right. We could call, which we did for the
20 Central.
21 MS. HAYASHIDA: You could, special
22 meetings. I just need to make one, one
23 clarification. I think, I'm not sure if the
24 ordinance passed but there was an ordinance

1 going before the council and it passed it's
2 first reading, that instead of the board
3 submitting their recommendations to the
4 council that the board submits their
5 recommendations to the director. And I
6 don't know if that ordinance passed.

7 MR. KUSHI: It passed first reading.

8 MS. HAYASHIDA: It passed first reading.

9 MR. KUSHI: It'll probably pass end of the
10 month.

11 MS. HAYASHIDA: Yeah, so instead of
12 reporting your recommendations to council
13 it's now to the director.

14 CHAIR HOWDEN: Do we have to gift wrap it
15 too?

16 DIRECTOR ENG: Yes, please.

17 MEMBER GERBIG: He's sitting next to you.
18 Ask him.

19 VICE CHAIR ROBINSON: And so...

20 MEMBER HOXIE: What does he do with it?

21 VICE CHAIR ROBINSON: Yeah, and then what
22 do you do with it?

23 MS. HAYASHIDA: Then he, then it's up to
24 him from my understanding to...

1 CHAIR HOWDEN: Place it under his Christmas
2 tree.

3 MS. HAYASHIDA: Send it to the council.

4 MR. KUSHI: And then the director..

5 DIRECTOR ENG: Yeah, it's more, yeah,
6 forwarding it to the council with probably
7 my comments.

8 MR. KUSHI: Right, then the director and
9 the department have 60 days thereafter to
10 send it to the council.

11 MS. HAYASHIDA: Yeah, council, yeah. So,
12 yeah.

13 MR. KUSHI: Then the council can extend
14 this, their deliberations...

15 MS. HAYASHIDA: Another...

16 MR. KUSHI: To infinity.

17 DIRECTOR ENG: Indefinitely.

18 MR. KUSHI: Before they only had 2
19 extensions.

20 MEMBER GERBIG: So the director has to
21 submit it to the council on the 27th.

22 MR. KUSHI: No.

23 MS. HAYASHIDA: No, you submit it to the
24 director on the 27th. That's my

1 understanding.

2 MEMBER GERBIG: Oh, the director, oh ok.

3 MEMBER YAMAMURA: 60 days.

4 MS. HAYASHIDA: The 180 days is still..

5 MEMBER GERBIG: So when does he submit it

6 to the council?

7 MS. HAYASHIDA: 60.

8 DIRECTOR ENG: And I have 60 days.

9 MS. HAYASHIDA: From then.

10 MEMBER GERBIG: How many?

11 DIRECTOR ENG/MS. HAYASHIDA: 60!

12 VICE CHAIR ROBINSON: So, let me ask you

13 this, Jeff. If, if our recommendations are

14 addressed to you instead of the county

15 council, then what obligation do you have to

16 us and to public to reflect in those

17 recommendations to the county council the

18 flavor of what it is that we put forward?

19 Do, do you have any obligations?

20 DIRECTOR ENG: Well, I, I, I'll definitely

21 take your recommendations seriously.

22 VICE CHAIR ROBINSON: Ok. I wanted hear

23 that.

24 DIRECTOR ENG: My comments would be,

1 hopefully I can pass it on as it is, is my
2 biggest hope. But, if I find something
3 outrageous I might make a comment or
4 recommendation and let, and read to get into
5 council's hands because it's gonna be a big
6 public process once it gets there.

7 MEMBER GERBIG: So we can, we can
8 individually comment and all of those
9 comments will go on through.

10 DIRECTOR ENG: Well, how should it be as
11 far as the format?

12 VICE CHAIR ROBINSON: Yeah, I, I...

13 DIRECTOR ENG: Or is gonna be lot like
14 Phyllis suggested, maybe it can be organized
15 in by chapters?

16 MEMBER GERBIG: Yeah, by chapters.

17 VICE CHAIR ROBINSON: Well, let me, let me
18 explain how we did it...

19 DIRECTOR ENG: 'Cause if you're forwarding
20 it to council?

21 VICE CHAIR ROBINSON: How we did it before
22 was I read through everybody's
23 recommendations. I saw where there was
24 overlap between individuals where if 10 of

1 us all said the same thing then that gave
2 weight to that particular recommendation.
3 If there was just a few of us who were
4 making that recommendation then it had to be
5 a matter of discussion in our meeting as to
6 whether or not we all go along with your
7 opinion. If we don't then we put it out
8 there as an individual opinion, not the
9 reflection of the overall board's
10 recommendations. So we have some
11 deliberating to do about individual opinions
12 that are not reflected by the majority of
13 the board, ok? It's a, it's a, it's tedious
14 process but it's the one that's going to
15 make us feel the most satisfied that our own
16 opinion is being heard and that it's shared
17 and if it's not then it's an individual
18 opinion and we state it as such. It doesn't
19 mean you don't get heard. It doesn't mean
20 that any one of us is, opinion isn't gonna
21 get heard and reflected in the
22 recommendations but it, it's not that it's
23 the whole board in agreement that this and
24 we, and, and you have to understand that the

1 public's testimony is also a factor in the
2 recommendations.

3 MEMBER GERBIG: Do we have to summarize
4 that too?

5 VICE CHAIR ROBINSON: Well, of course.
6 Yeah, I mean, I mean that...

7 MEMBER GERBIG: You do.

8 VICE CHAIR ROBINSON: That becomes part of
9 our job. They testified to us.

10 MS. HAYASHIDA: Yeah, I think at the last,
11 the last, the Central, I think Ellen put it
12 in the matrix, the public testimony.

13 VICE CHAIR ROBINSON: That's correct.

14 MS. HAYASHIDA: So, I, I'm not sure if
15 that's what you want.

16 CHAIR HOWDEN: Edna's looking forward to
17 drafting...

18 VICE CHAIR ROBINSON: Edna, are you going
19 to give us a matrix, so, of public comments?

20 MEMBER GERBIG: New job.

21 DIRECTOR ENG: Can we just attach the
22 minutes and, and, and the written testimony?

23 MEMBER GERBIG: Testimony?

24 VICE CHAIR ROBINSON: Well, one of the, one

1 of the things that I had to do even with the
2 matrix is I had to go through that matrix
3 and be able to summarize what the public
4 comments were so that we as a board could,
5 could put it into our recommendations
6 because we wanted it, we wanted this, this
7 public hearing and so what you're saying is
8 let's just give that to Jeff as the
9 transcript and all of these letters, just
10 give those as is, is that...?

11 DIRECTOR ENG: Well, you might think that's
12 more appropriate because this is
13 unadulterated. I mean, by our summarizing
14 and trying to clarify we may muddle the
15 whole information.

16 MEMBER GERBIG: Translation may not be
17 correct.

18 DIRECTOR ENG: Yeah, and, and...

19 CHAIR HOWDEN: Yeah, I, I don't think
20 there's any thing that prevents you from
21 inculcating comments that, that are made in
22 the public hearing but, but our foundational
23 responsibility is our own, what, what we
24 each see in this and where that comes

1 together. Don?

2 MEMBER GERBIG: I guess my question is, is,
3 are we obligated to summarize the public
4 testimony?

5 CHAIR HOWDEN: No.

6 MEMBER GERBIG: I mean that's like..

7 CHAIR HOWDEN: Edna.

8 MEMBER GERBIG: Guess that, that, that gets
9 us into, yeah.

10 CHAIR HOWDEN: Yeah, no, that..

11 MEMBER GERBIG: That's in, so in other
12 words we can submit the public testimony.
13 It's on record here. We can submit also the
14 correspondence that goes with it and we've
15 done our job as far as the..

16 CHAIR HOWDEN: It, it's just understanding
17 the actuality of the council. That the
18 simpler you can make it, you can pre-digest
19 it if you will, so they can look at it and
20 go ok, these people were concerned with
21 this, Castle and Cooke was concerned with
22 this, if we can make it simple for them so
23 they actually take the time to look at it
24 for once. I think that would be useful in

1 terms of this process but we would be..

2 MEMBER BOTEILHO: I think we've passed the
3 point of simplicity.

4 MEMBER GERBIG: Go ahead, be my guest.

5 CHAIR HOWDEN: No, no, Edna. Clay, do you
6 have something to say before we close.

7 MR. RUMBAOA: Can I say, I just want to say
8 that during this process myself and John
9 Stubbart sit on LWAC and during this process
10 we did provide comments to Ellen in terms of
11 the contents of the plan and unfortunately
12 it fell on deaf ears. It didn't get
13 implemented because we could've avoided a
14 lot of this. Unfortunately, this is where
15 we are now and based on what Mr. Kushi said
16 that if the plan stays as is you may have
17 recommendations and if you go through a
18 subdivision or permit process, LUC, say
19 State Land Use or County and they look at
20 this thing and they, they hang their hat on
21 to deny, I mean , we may have to take, or be
22 proactive in terms of how we can somehow
23 change that because it does, it is a very
24 dangerous and potentially damaging document

1 for, for Castle and Cooke at this point.
2 So, and so my, my other follow up question
3 was if the, your recommendation goes to
4 Director Eng for 60 days, can the director
5 recommend deletion, re-write or what have
6 you and if, if for somehow you agree or what
7 have you before it goes to council.
8 MEMBER YAMAMURA: That's gonna be my
9 question as well.
10 MEMBER HOXIE: Yeah.
11 DIRECTOR ENG: I think that's the same as
12 what you discussed regarding the duties of
13 the board. I don't think I can actually..
14 MR. KUSHI: I think you can.
15 DIRECTOR ENG: Can delete it?
16 MR. KUSHI: I mean you can add on your..
17 VICE CHAIR ROBINSON: You can add but not
18 delete the whole..
19 MR. KUSHI: Or you can revise, revise the
20 plan based on the board's recommendations.
21 CHAIR HOWDEN: It's only 800 pages, Jeff.
22 VICE CHAIR ROBINSON: Well, I personally do
23 not have strong opinions of my own because I
24 consider myself a public servant and I, I

1 take very seriously the testimony that came
2 from the public. So, what you're gonna get
3 in my, my recommendations, my comments are
4 going to be a reflection of my digesting
5 these, these minutes from those public
6 meetings and the letters that have come and
7 the public testimony that took place today,
8 so I personally am gonna take these
9 seriously. Because I feel that that was the
10 role I played. I gave up a day of my busy
11 life to go to Lana'i. It was wonderful to
12 be there and I sat there and listened to the
13 public. And I have a wonderful document
14 that tells me exactly what happened there
15 but I, I'm personally gonna give my opinions
16 based upon the what I heard the public say
17 and write. And not just offer my own
18 opinions of this.

19 CHAIR HOWDEN: Ok. John?

20 MEMBER HOXIE: One minute summary. I have
21 gone over this document in detail and I have
22 the same basic concerns I think that Ted and
23 Don have shared with us. I think that the,
24 for example, Chapter 8 which talks about

1 Watershed Protection which was a big part of
2 the public testimony over there was about
3 watershed protection and I, you know it's
4 like motherhood as far as I'm concerned.
5 The question is should it be part of this
6 plan? I think that's the real question as
7 well as some other parts. All the parts
8 that talk about what the laws are, the
9 appendixes (sic). It gets into detail about
10 how the flow rate is gonna be in kitchen
11 sinks. That should not be part of the Water
12 Use Development Plan in my opinion, so, I
13 think that there's a lot of this stuff that
14 should be removed from the plan and my
15 comments will be focused on that.

16 CHAIR HOWDEN: Good. We have to close in a
17 little bit. Ah, Receipt of board member
18 requests for agenda items for our November
19 meeting.

20 VICE CHAIR ROBINSON: Well, obviously this
21 is one of them.

22 CHAIR HOWDEN: Yeah, the Lana'i plan.
23 Any...?

24 MEMBER GERBIG: I think this will probably

1 be the focus. Put it on.

2 CHAIR HOWDEN: And I'm sorry to miss it. I
3 apologize. I have a yearly commitment.

4 MEMBER GERBIG: We have a very, very
5 capable replacement, no names.

6 CHAIR HOWDEN: Oh, absolutely, more capable
7 and lot more even handed. Ok.

8 MR. KUSHI: Ah, Mr. Chair, before you
9 leave, for the board's, ah, Gaye and I will
10 be meeting with these people in a pre-
11 hearing conferences. For the next board
12 meeting would you wanna entertain one or two
13 appeals? I think we should have, I'm not
14 sure...

15 MEMBER HOXIE: At least one.

16 MR. KUSHI: If the Molokai Veterans case
17 will be ready but then possibly the other 2.

18 VICE CHAIR ROBINSON: I say put both of
19 them on because that's what we committed
20 ourselves to do when we got so much flak
21 about not putting, just a lot of times
22 something happens and then they're not on
23 there. And then nobody gets heard..

24 MR. KUSHI: So, why don't we say one for

1 sure, maybe two.

2 MEMBER HOXIE: Good.

3 MS. HAYASHIDA: Also on November 18th we do
4 have pre-hearing conferences for Michael
5 Perry which probably will be a withdrawal.
6 And the Keauhou which may be a withdrawal.

7 MR. KUSHI: Ah, regarding those 2, why
8 don't we schedule it outside of the board
9 meeting.

10 MS. HAYASHIDA: Ok.

11 MR. KUSHI: After the board meeting.

12 MS. HAYASHIDA: Ok, ok.

13 CHAIR HOWDEN: Ok, we done?

14 MEMBER YAMAMURA: So, quick question. So
15 all the comments will be going to Gaye?

16 CHAIR HOWDEN: Yes.

17 MEMBER HOXIE: Yeah.

18 CHAIR HOWDEN: Yeah.

19 MS. HAYASHIDA: It can come to me and then
20 I can give it to Ted. Would that be better?

21 It's just that I will be on vacation. I
22 won't be here November 7th through the 11th.

23 So maybe better to forward it to Ted.

24 CHAIR HOWDEN: You'll miss out.

- 1 MEMBER LESTER: Just forward it to Ted.
- 2 CHAIR HOWDEN: Ok.
- 3 VICE CHAIR ROBINSON: So we're forwarding,
4 let's get this clear. We're forwarding our
5 comments...
- 6 MEMBER GERBIG: To the director. No?
- 7 MS. HAYASHIDA: No.
- 8 VICE CHAIR ROBINSON: To, to Ted.
- 9 MEMBER GERBIG: Oh ok.
- 10 VICE CHAIR ROBINSON: And I am going to be
11 looking to Ted to be able to share what
12 those public, what those comments by the
13 board and our recommendations are. Correct?
- 14 MS. HAYASHIDA: Yeah. If you, also may I
15 suggest to cc me.
- 16 VICE CHAIR ROBINSON: And cc Gaye.
- 17 CHAIR HOWDEN: Yeah, so there's a record.
- 18 VICE CHAIR ROBINSON: So to Ted and cc
19 Gaye.
- 20 MS. HAYASHIDA: It's just that I won't be
21 here November 2nd to the 11th.
- 22 VICE CHAIR ROBINSON: Ok, so to Ted, cc
23 Gaye and what date, deadline? Our next
24 meeting's the 18th.

1 MEMBER YAMAMURA: At least a couple days
2 prior.

3 VICE CHAIR ROBINSON: So, by the 16th?

4 MEMBER YAMAMURA: By the 16th.

5 VICE CHAIR ROBINSON: That gonna give you,
6 that's gonna give you a couple days to
7 compile them. Ok, so, so our deadline for
8 comments is the 16th.

9 CHAIR HOWDEN: Ok.

10 (gavel)

11 MS. HAYASHIDA: Meeting adjourned.

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14 (The meeting adjourned at 12:30 p.m.)

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Prepared and submitted by:

Gaye Hayashida
Commission Support Clerk

Approved on: _____