

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 16, 2011

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, SEPTEMBER 16, 2011, BEGINNING AT 9:05 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui, regular meeting of September 16, 2011 will come to order.

Mr. Clerk, may we have the roll call please.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, MICHAEL B. WHITE, VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: NONE.

COUNTY CLERK JEFFREY KUWADA: Mr. Chairman, all nine Members of the Council are present.

CHAIR MATEO: Thank you very much. Members, this morning our colleague from West Maui will be providing the opening remarks for us.

Ms. Cochran.

OPENING REMARKS

The opening remarks were offered by Councilmember Eleanora Cochran.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR MATEO: Thank you very much Ms. Cochran for your words reminding us of the importance of community. Thank you.

COUNCILMEMBER COCHRAN: You're welcome, Chair.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Mr. Chairman, proceeding with testimony on ceremonial resolutions. We have received two requests from individuals who wish to offer testimony.

CHAIR MATEO: Thank you. Just as a reminder for those providing testimony during the ceremonial, for the ceremonial resolution. You will be provided three minutes to provide your testimony. If you need a little more time, an additional minute will be provided for you to conclude your testimony.

Mr. Clerk, call up the first testifier.

COUNTY CLERK: The first person to offer testimony is Barbara Query. She will be followed by Mahina Martin.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. BARBARA QUERRY:

Good morning. My name is Barbara Query and I'm the President of Maui County Hawaiian Canoe Association. And I just want to say thank you very much for your support of the canoe paddling community here on Maui. Not only is your support recognized at the County level but also at the State level.

This year Maui hosted the canoe championships here on Maui so I just want to say thank you very much. Canoe paddling is such an integral part of our community and I hope that you can continue to support us in the future. Thank you.

CHAIR MATEO: Thank you very much. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Ms. Querry.

Mr. Clerk.

COUNTY CLERK: Mahina Martin.

MS. MAHINA MARTIN:

Good morning Councilmembers, Chair Mateo.

CHAIR MATEO: Good morning.

MS. MARTIN: I'm before you today with my favorite issue, canoe paddling. And I want to send our mahalo and aloha to you for the honor and the recognition that you are giving to Maui clubs, particularly the two Kahului canoe clubs. Hawaiian Canoe Club and Na Kai Ewalu, as you know, are based out of Kahului Harbor. And our nine canoe clubs on Maui have a long history with the County, a long history with the Council and a long history with the people of Maui.

But these two canoe clubs have shined above everybody at the State Championship. They brought home a recognition that over 6,000 paddlers could not bring home to their own counties, so they have demonstrated that Maui is no ka oi. They are here before you because you recognized the hard work they've done. And more importantly they enjoy, not just the ocean but just like you they just love being part of Maui, but you will hear from their coaches and their people. But I just wanted to share my own mahalo as Race Director for the Maui County Hawaiian Canoe Association.

And I do want to note that our word, our name, our acronym, MCHCA does not have "R". There's no racing. It is Maui County Hawaiian Canoe Association because that reminds us that what we do is very different from the sports around Hawaii. And what we do keeps us connected with not just the health and wellness of our community but it connects us to the culture.

And so this is our way of contributing to our community and you'll hear a little bit more about the different things that clubs do. But I want to mahalo you because it's always exciting to be a part of Maui no ka oi and even more exciting when the County Council puts itself forward and gives a recognition due to Hawaiian and Na Kai Ewalu. Mahalo.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Ms. Martin.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, we have no other requests to offer testimony on ceremonial resolutions.

CHAIR MATEO: Thank you. Ms. Martin was the last individual who had signed up to provide testimony for the ceremonial resolutions we're recognizing this morning. If there's anyone in the gallery wanting to provide additional testimony, you're welcome to do so at this time. Please advance to the podium.

Members, no one advanced at this time. With no objections we will close public testimony for the ceremonial resolutions. Any objections?

THE MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 11-91

CONGRATULATING THE HAWAIIAN CANOE CLUB
FOR CAPTURING THE 2011 HAWAIIAN CANOE
RACING ASSOCIATION STATE CHAMPIONSHIP,
AAAA DIVISION

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO ADOPT THE RESOLUTION.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Victorino to adopt the resolution.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. At this time if I could have the County Clerk read the resolution in its entirety.

CHAIR MATEO: Mr. Clerk, please.

(The resolution was read in its entirety.)

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. Members, this morning we are privileged to honor two Kahului Harbor based canoe clubs who brought home first place honors at the annual State Regatta held this year in the waters of their home island.

I would like to ask your support in adopting this resolution recognizing once again the outstanding efforts of the Hawaiian Canoe Club and their performance at the State Regatta. For well over 50 years, Hawaiian Canoe Club has perpetuated the art of Hawaiian canoe paddling and has established itself as a dynasty in competition, having claimed nine State titles in the past 11 years amongst large club competitors who enter twenty-one or more crews. Amongst the six teams in their division, Hawaiian Canoe Club surged to a quick lead maintaining dominance throughout the day, exceeding the nearest competitor by a comfortable 59 points to claim the title.

In addition to the club's dedication to the sport of canoe paddling and ocean safety, the club has an equally committed history of service to benefit our communities through its KamaH^oi Summer Programs, good leadership training and promotion of its members to participate in cultural education and community involvement and service.

Organizing and maintaining such a successful large club and pro, program is no easy measure. Recognition is deserving for the commitment of its leaders, team of coaches and staff, as well as the members themselves and parents of the youths and

keiki's whose joint efforts contribute to the success of the program year after year. Mahalo to the club, what you provide the community, and congratulations.

I urge Members to join me in congratulating the Hawaiian Canoe Club for their achievement through the adoption of this resolution. Thank you, Chairman.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to congratulate both clubs as well and as I've mentioned before on this floor that was one of the first things I was able to do when I came over here. That's how I learned about, a lot about the local culture here and I encourage everybody and anybody who wants to get steeped into Hawaiian culture to join a canoe club. It's a fantastic sport, and a, and a great way to get some exercise and a great way, a fantastic way to learn about the Hawaiian culture.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. I too would like to congratulate the participants and the winners from this year's Hawaiian Canoe Club. But the one thing I like about this program, it is encompassing our keiki all the way through our elders. I mean everyone involved, the entire community is involved. There is no better program to teach not only the traditional Hawaiian practices and the ways of life, but how to protect the ocean, to protect the shorelines. To make our youngsters understand that good exercise along with good competition leads to good citizens, good people and I think that's something that this and other clubs here on, in Maui County can be very proud of.

You know winning championships are one issue but teaching good young people, good citizenship and good upbringing, that's what this is all about. It's the village that makes the youngster and I think this is one of those examples that I can say we have encumbered all of our traditions, our values and as well as the ridgeway we live here in Hawaii. And many I don't, many of those who come from the outside can't understand why. It's very simple, it's a ohana and this is one of the main prices of our ohana. Mahalo, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion?

Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And just reflecting back once upon a time when I actually paddled too, you know I was always kind of a little scrawny kind of not very strong looking person, was never picked for any teams and things. But when I joined Lahaina Canoe Club it taught me it is a team effort and together you become the one strength, you pull together moving forward together.

And so year after year we made it to State. We got clobbered at State but that's okay. We made that effort and moved on. So for me it taught me that one person, so long you pull your own weight and then some, you can pull together as a team and be champions. So I, I completely appreciate the time, effort, and energy people put into their races and into their clubs. Mahalo, Chair.

CHAIR MATEO: Thank you, Ms. Cochran.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. I'll be very brief. I think that much has been said and there's very little to add to it and I'd like to say amen to all of it. It's all very good testimony. Just I want to add my congratulations to the clubs and to express my appreciation to people that are involved with making these things happen. You know unless you're out there dealing with kids, logistics, food, raising money, teaching everybody how to stay, you know stay safe and whatever, you really don't understand the amount of volunteered time and the dedication. I do and I'd like to express my aloha and thanks to everybody involved and congratulate you, Imua.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion? Seeing none, all those in favor of the motion to adopt the resolution, entitled "CONGRATULATING THE HAWAIIAN CANOE CLUB FOR CAPTURING THE 2011 HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP, AAAA DIVISION", please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. At this time, with your permission, I'd like to ask the members of the club to come to the podium to receive their resolution.

CHAIR MATEO: Thank you. Will the representatives of the canoe club please join us at the podium.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. At this time I'd like to introduce Ms. Diane Ho, the head coach of the Hawaiian Canoe Club. You know, she's a very good friend, plays tennis with my wife. Look how she's dressed, she's ready to go. So at this time I'd like to introduce Diane Ho.

MS. DIANE HO: Good morning, Chair. Good morning, County Council Members. Thank you very much for the resolution. And I wrote a whole bunch of things because some people don't know that I'm really kind of a shy person. But I also didn't want to forget anything in, in saying thank you for this recognition. This recognition's really about bringing the State Championship back to Maui. It's really about the Maui community and we thank this County Council for its support because the County Council has been supporting Hawaiian Canoe Club for many, many years.

We would not have the land that we're on without the support of the County Council. That was a deal that was made with A&B and was, we were able to get land. County Council gave us the money to build our facility and that, those two facilities in Kahului Harbor separate us from the rest of the canoe clubs on the island, we'd be, in the islands.

We are the model and so it also forced Honolulu to at least build storage facilities for their, for their canoes. But what you did by helping us is, is giving us a place to run program. And since then you have been supporting our programs and our programs are what help us to create the result we have. So from our 300 members, their families, all of our friends, we say thank you very much for your support.

We want to also congratulate our neighbors in Kahului Harbor cause I guess Kahului Harbor rocks and rules now. Na Kai Ewalu we're very, very proud of you winning the single A Division and we know that you're going to continue to carry on the work of, of teaching our kids in this community their traditional Hawaiian values and how to operate on an island because that's the most important thing.

Just to share with you, you the County Council the things that we were recognized for I think speak, you know, I don't have anything to say like Gladys said amen, ditto. But I want to explain a couple things. One is that behind me to the, first of all we have so few people with us, not because we don't think this is important, but I understand half of our, our club is in Las Vegas at the game and the other half is, for those of you who don't know, we're running the Pailolo Channel Race tomorrow which is a race from Maui to Molokai, it's the week before the women's race and therefore a lot of clubs are getting involved to take their canoes from Maui to Molokai. So we have 70 canoes entered tomorrow so as a benefit of that, we are trailering canoes to, our memberships are trailering canoes and setting up that race and so therefore you have only us.

But this, Kaimana Brummel is our Executive Director, is our only, not the only, but she's a paid full-time position and without her directing us it, it changes everything, without us having the facility to run program and to have a director sit in changes everything. Tim Lara coaches our novice division. He oversees our novice division, he's one of our coach's. And Barbara Querry is our money lady, she's a CPA and she, she's a treasurer, you're our treasurer right? She's on our Board of Directors but I wanted to make sure that you knew that.

And I just wanted to say one thing about the significant ways that your money impacts this community and that is that it allows groups like ours to run program that make a difference in people's lives, but not only for our own membership, but in all the partnering we do with other clubs. All the partnering we do with other non-profit organizations allows us to expand that base throughout the community.

I know that Joe and Gladys were at the 'Aha 'Aina that we had for our keiki this year and she's saying it's wonderful. It's what, what it is, is we've been with the hope of the, with the help of the Council we've been running our, our kids program for about 15 years. And what the kids do is they have a leadership group and they learn how to be leaders. Those leaders run the program during the summer.

The kids paddle over to Lanai and do community service. They paddle to Molokai and do community service, things like working in the cleaning fish ponds for people. They'd go to Kaho'olawe and they do community service, they're there four or five days. Right now they're in the process of building a pathway around the whole island, that they'd been doing it for three years.

And that kind of training does nothing but continue our island culture, strengthen our traditions, and provide that we're going to have youth leaders someday, hopefully sitting where you and I are, in terms, in our lives. And so we thank you for that. We thank you for that support.

I know I'm going on and on and about this. But I want, I told you all of that because I think the frosting and the biggest thing in my heart this year, in this State Championship that made a huge difference for me is people told, teased us and they said, oh you guys won by lunchtime already, it's all your kids, you know. And I looked out on kids, and our kids are puny, they're not necessarily bigger than anybody else or not. But I think that that their performance is a reflection of the programs and so forth and, and this year every kid's division that we entered except one came in first or second out of 54 clubs. If you think about that, something must be working right.

And I thank you from the bottom of my heart and from Hawaiian Canoe Club for the support that you have given us to make that happen, seriously. Thank you.

VICE-CHAIR PONTANILLA: Thank you, Chairman. As you can see, Ms. Ho is well spoken, she talks long. I don't know if she has Portuguese blood but you know again thank you very much, Diane. Thank you, Chairman.

CHAIR MATEO: Thank you, Mr. Pontanilla.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, for the record, RESOLUTION 11-91.

RESOLUTION
NO. 11-92

CONGRATULATING NA KAI EWALU CANOE CLUB
FOR CAPTURING THE 2011 HAWAIIAN CANOE
RACING ASSOCIATION STATE CHAMPIONSHIP,
A DIVISION

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO ADOPT THE RESOLUTION.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Victorino to adopt the resolution.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. At this time I'd like to have the County Clerk read the resolution in its entirety.

CHAIR MATEO: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. Members, I would like to ask, again, your support in adopting this resolution recognizing the outstanding efforts of Na Kai Ewalu in capturing the A Division State Title at the State Regatta. The A Division consists of teams that enter six crews or below. This division was represented by a massive 30 clubs in competition at the Regatta. Those small clubs don't assemble the quantity of crews as in larger divisions, their crews are often equal in athleticism, skill and spirit. Having 30 teams represented in the division, it makes for close competition and tighter margin of victory.

For Na Kai Ewalu anticipated last, lasted till late in the day when they deservedly clinched the title. This year's victory is a tribute and boost to the rendering spirit of the club who has unceasingly preserved forward even after a devastating fire in 1996.

Like the previously honored club, Na Kai Ewalu's commitment to Hawaiian canoe paddling and culture is equal by its commitment to bring the community and club together through its member's involvement in cultural and community education and service. Again, with accomplishments like these, we need to acknowledge the commitment of the clubs, leaders, team of coaches, as well as members and parents of the youth and keiki whose joined efforts contribute to the success of Na Kai Ewalu.

As we can see this morning, Ho^s aloha Park and Kahului Harbor is an active, surrounding, growing and nurturing our community as evidenced through the

successes and efforts of these two recognized organizations. Mahalo to Na Kai Ewalu for what you provide to the community and congratulations. I urge members to join me in congratulating the Na Kai Ewalu Canoe Club for their achievement through the adoption of this resolution.

But Chairman, on a more personal note, back in the 1970's, my previous life was working for the phone company. At that time GTE Hawaiian Tel and its employees at the base yard built the first hale for Na Kai Ewalu Canoe Club. In fact, there were probably 15 to 20 members of the phone company, employees at that time that were actually the, the founders of the club back in the 70's so you know it's a personal thing for me to congratulate the club. I know the club has dwindled from approximately 300 paddlers to what it is today. So again, Chairman thank you for this opportunity to recognize the Na Kai Ewalu Canoe Club. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion on the resolution?

Mr. Victorino, go ahead.

COUNCILMEMBER VICTORINO: Quickly, I will also echo my congratulations to Na Kai Ewalu. And, you know, there's a biblical saying that great things rise from ashes and obviously this you know has come to pass. So, you know I want to congratulate them and all what I said about Hawaiian Canoe Club is very applicable to Na Kai Ewalu. I wish them continued success and bring your pride back to Maui. Aloha.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And again, Mr. Pontanilla brought up memories cause that's when I paddled was in the 70's and Na Kai Ewalu was the big team to beat back then for us guys on the West Side. So congratulations to Na Kai Ewalu and all the paddlers. Thank you.

CHAIR MATEO: Thank you, Ms. Cochran. Further discussion, Members?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Since everybody wore themselves out on the first ceremonial resolution, I really am proud of both of them, but I am proud of this organization and I know many people in there and how far they've gone. They've suffered so much setbacks and they have strived for so many years to be where they're at today and I think we should all be very, very proud of them. Thank you.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion to adopt the resolution, entitled "CONGRATULATING NA KAI EWALU CANOE CLUB FOR CAPTURING THE 2011 HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP, A DIVISION", signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. At this time I'd like your permission to call up Mark Simonds and members of the canoe club to the podium to receive their resolution.

CHAIR MATEO: Thank you. Will Mr. Simonds and the canoe club please join us at the podium.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. As I was reading the resolution, I came across this name Kurt Adams and kind of bring back memories again, back in the 70's because Michael Adams as well as the late Richard Adams were actually very instrumental in creating this club that we have here today. So you know again, GTE Hawaiian Tel and, and their employees were actually founders of this club. So at this time I would like to call on Mr. Mike Simons on this, or Simonds to say a few words.

MR. MARK SIMONDS: Good morning, Mr. Mateo, the Chairman; Vice-Chair, Mr. Pontanilla, thank you very much for the honor and Honorable Members of this Council. You might know me, I'm a Deputy Prosecuting Attorney, I'm employed by the County of Maui. I'm on vacation today, okay. So I just want to put that on the record, I'm not here on County time.

You know, we are deeply, deeply honored by this resolution and you know I, I cannot stand up here and take any of the credit for it because I'm just a paddler. I was just a

board member, you know, in August when the State races were held on Maui. And I'd like to just call on a few people that I think were instrumental in this effort which began you know with the season in May through June and the regatta season and into July and August at the State race. The first person I'd like to call upon is the immediate Past President, Mr. Jake Freeman, I'd like him to say a few words.

Jake.

MR. JAKE FREEMAN: Honorable Members, my name is Jake Freeman. I'm the Past President of the Na Kai Ewalu Canoe Club. First of all I'd like to congratulate Hawaiian Canoe Club on their victory and for their lengthy list of achievements as described by Diane earlier.

We're so thankful to be here today representing our humble canoe club and, and a Hawaiian outrigger canoe. It's an honor to be here today and quite an honor to be recognized by the County and this Council in this manner. It is inspiring to see you support this achievement by passing this resolution as canoe and cultural clubs which exist in all corners of Maui Nui support many members of this intricate community. And as the sport grows and evolves we hope that the County continues to recognize the benefits of these clubs. Thank you, mahalo.

MR. SIMONDS: Next I'd like to introduce to the County Council, James "Jimbo" Eitel, Head Coach.

MR. JAMES "JIMBO" EITEL: Thank you. Aloha kakou. Three years ago, at a membership meeting, it was said that we are going to create a program. The foundation of this program will be strong work ethics, determination, mental focus, patience, confidence and humility. The purpose of this program would be to create, if not champions, but at least the champion mentality for the individuals involved.

We, Na Kai Ewalu, have made great strides in these last years and although our program is still incomplete, this State title of Single A Champions assures us that we are headed in the right direction. Now we still have a lot of work ahead of us and we must not lose sight of our goals. We must continue growing and making progress. We must strive for balance and continued fairness. We now need to make our cultural and educational side as great as our competitive side and we must continue until our strive for greatness spills into the community and beyond.

We are very grateful to receive this recognition as it helps us stay strong and true through the hard journey ahead. For as great as it is to be champs, it was a tiresome many years to get here filled with hardships and sacrifice. This resolution and the support we've received from the paddling community will keep us headed towards great things. Mahalo.

MR. SIMONDS: Lastly, I'd like to call upon lifetime member, Shalia Wainui.

MS. SHALIA WAINUI: I've been around the club for, from before I was born. My family has always been involved in it. My parents have met and got married at our old hale. I've seen our club, from the 300's down to you know barely scraping by. And I am very, very proud of the members who not only raced that day but who stood on the beach cheering, holding boats, carrying boats, you know making sure that everything was in line for the people who actually not only raced for our club, but to represent the entire of island of Maui. And thank you for doing this for both of our clubs.

VICE-CHAIR PONTANILLA: Thank you, Chairman for having both canoe clubs, the Hawaiian Canoe Club, here this morning as well as the Na Kai Ewalu Canoe Club. You know, they well deserve recognition because they bring, you, you know when I'm standing here talking about these two clubs, I'm so proud of their achievements and knowing that one of the clubs actually, you know the phone company employees, founded that club so it's pretty touching this morning for me, thank you. And thank you, Diane for leading Hawaiian Canoe Club to victory this year and to Mark Simonds, you and your club members are terrific. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, for the record, RESOLUTION 11-92.

(Councilmembers Baisa and Couch were excused from the meeting at 9:49 a.m.)

COUNTY CLERK: Mr. Chairman, proceeding with the presentation of testimony on agenda items. We have received requests from 38 individuals wishing to offer testimony on agenda items.

CHAIR MATEO: Thank you. Before the Clerk calls up our first testifier, the Chair would like to set the parameters for those providing testimony to the Council this morning. We welcome anyone wishing to provide your comments to the Council. You will be allowed to speak for three minutes on any of the items posted on the agenda for today.

When your name is called please advance to the podium, state your name for the record. If you represent a group or organization, please so state the name of that group or organization as well.

A lighting system on the podium is there to assist you with your testimony. At the start of your comments, the green light will be lit. At the two minute thirty second mark the yellow light will be lit, letting you know you have thirty seconds to conclude. At the three minute mark the red light will be lit letting you know you will need to stop. If additional time is needed, an additional minute will be provided to you in order for you to conclude your remarks.

(Councilmember Baisa returned to the meeting at 9:50 a.m.)

CHAIR MATEO: And for those of us with cell phones or other noise-making devices, this would be a good time to either turn them off or set them on the silent mode. Disruptions in this chamber will not be, it will not be accepted. Decorum of this chamber will be maintained.

Mr., Mr. Clerk, call up your first testifier, please.

COUNTY CLERK: Calling Simon Russell. Mr. Russell will be followed by Michael Spalding.

Unless otherwise noted, all testifiers will be offering testimony on Committee Report 11-105.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. SIMON RUSSELL (testifying on Committee Report No. 11-105):

Good morning, Chairman Mateo, Honorable Councilmembers. My name is Simon Russell. I am a member of the Hawaiian Canoe Club and also a resident of Maui County.

I am an organic farmer in Haiku. My wife and I grow our own food and we live off that, we buy very little at the store. We really care about the quality of the water we use. So, I've had a number of health problems and regard any toxins at all in my water, food or air as unacceptable. I held my father's hand as he died of cancer and I won't go out like that.

We deserve to have clean water, air, and food. It is our right as humans and as citizens. I oppose re-opening the poisoned wells of Hamakuapoko. All we need to do is look at West Molokai to see what happens when big business agriculture over pumps the aquifer. Nor do I believe taxpayers should pay for the filtering of chemicals from Hamakuapoko. If anyone should remediate this situation, it should be the people who put the chemicals in the water. Doesn't that make sense?

Why is big agri-business allowed to poison the soil, water, and air, and in the case of Monsanto, the gene pool? Why do you tolerate this? Now you ask us what we think about having these poisons sold to us in our water, in the strongest terms, I say no way.

There's other ways to get water on Maui. The first being to restore water as a common right of the people, nobody should own it. Please don't let big business continue to pollute it with impunity and leave the taxpayer holding the bag all in the name of green space and job creation. This is not agriculture to me, it's genocide.

Sugar is a worthless crop. Burning it pollutes the air. Harvesting it creates massive erosion, further damaging the reef and air. Fertilizing it pollutes the water. And eating it contributes to diabetes, cancer, obesity, heart disease and a whole host of other diseases. There's so many things we can grow on our wondrous aina. The destructive nature of the sugar industry boggles the mind. I watched it all my life and I've wondered why? The erosion and the fertilizer runoff have killed off most of our reefs and the ecosystems that need them.

The smoke gives people asthma. In 1996, I was very ill with mononucleosis and I couldn't get out of bed. There was cane burning in Makaweli next to my house on Kauai and I couldn't breathe, I very nearly died. Luckily for me, my roommate came home just after I passed out on the floor, unable to breathe, and took me to the emergency room at Waimea, where I had to be on oxygen for the rest of the day to recover.

It seems to me that the sugar industry is designed to give a few people control of the land and the water in our beautiful home and carte blanche to pollute as much as they like. They control our water supply and slowly rezone the land to keep the real estate prices where they would, where they want them.

Can I, can I have thirty seconds?

CHAIR MATEO: One minute to conclude.

MR. RUSSELL: When are we going to change our ways and begin to malama aina? If we as humans want to survive, we don't have a choice. From the mountains to the sea, the river must flow unpolluted and free, not consumed in its entirety and especially not by any one entity. The land does not belong to us, we belong to the land. Thank you very much.

CHAIR MATEO: Thank you, Mr. Russell. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Russell.

Mr. Clerk.

COUNTY CLERK: Michael Spalding.

CHAIR MATEO: Members, as Mr. Spalding advance to the podium, the Chair would just like to advise you, we do have an official delegation from Korea visiting our County and is currently en route to the chambers. The Chair would--

COUNTY CLERK: Michael Spalding. Excuse me.

CHAIR MATEO: The Chair will take a very short break at that point just to recognize the delegation. Thank you.

COUNTY CLERK: Karen Chun.

MS. KAREN CHUN (testifying on Committee Report No. 11-105):

Aloha Councilmembers. My name is Karen Chun and I'm here to urge you to satisfy both sides of the Hamakuapoko Well controversy by adopting Councilmember Cochran's suggestion that we take the Hamakuapoko Well water, filter it using the money from the settlement, put it in the ditches and trade for water Upcountry. I think it will be less expensive and it will also satisfy both needs, the needs of the developers for water and the needs of the residents not to take the risk of drinking these very, very minute trace quantities of endocrine disruptors which may damage their fetus's.

I saw today there was a Viewpoint in the Maui News by a chemical engineer from the mainland and he called those of us who were concerned about endocrine disruptors and their very, very tiny quantities, junk science. When you listen to people like that, and you will hear a couple of them today, would you please remember that these same chemical engineers told us when we said, "Don't put DBCP on the pineapple fields, you're going to pollute our water and our aina", would you please remember these same people said, "Oh no, it's completely safe. People talking against it are junk science".

I'm an engineer but I only know my own little part of engineering. When you're a chemical engineer, you don't know biological processes and these are very subtle biological processes. So I would urge you, as I say to satisfy both sides of this controversy and adopt Elle Cochran's proposal.

Additionally the idea of using this as emergency supply, that's just a no fly because, for one thing we almost always have an emergency Upcountry. For the second, we're approving more and more subdivisions so that will create more emergencies. And the third is that when you're operating the GAC filters, you can't just stop pumping and leave the water in the filters because it grows bacteria so we need to keep pumping the water. So once we commit to doing this, we're committing either to feed it into our domestic water system permanently every day. And the associated cost with that because the settlement doesn't pay the full cost and it only pays through 2038, I think, 9. And so, so this is a red herring to say that we're going to do it only emergency use. Thanks very much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Chun.

Mr. Clerk.

COUNTY CLERK: Dave Taylor. Mr. Taylor will be followed by Penny Humphries.

MR. DAVE TAYLOR, DIRECTOR OF WATER SUPPLY (testifying on Committee Report No. 11-105):

Good morning, Chairman Mateo and Councilmembers. My name is Dave Taylor; I'm the Director of the Department of Water Supply. The Department and the Administration fully supports passage of item 11-105 allowing use of the Hamakuapoko Wells.

Now I understand that some people are hesitant to use this water. But let's remember that all drinking water in this country has to be treated to meet EPA standards. And there is no water source in this country that can be used or, or can be, that you can drink without treatment.

Now I understand that DBCP, dibromochloropropane sounds really scary, long chemical name. And I certainly understand that exposure to this chemical can cause serious health effects. But let's remember that DBCP is easily removed with granulated activated charcoal to meet all EPA standards. And this method has been used for decades in exactly this way, it's not experimental, we know it works; it's been used reliably for decades.

Now I understand whether, that some people question whether the EPA standards are good enough. But let's also remember that EPA standards for water quality are the same for the entire country. So either all of the water in this country, including

bottled water is safe to drink, or all of it isn't because the same standards apply to all water in this country.

And the fact is the County of Maui is really in no position to try to recreate EPA's methodology to decide what's safe and what isn't. We're going to have to follow EPA standards in the same way that when we buy tires for our car we have to follow those National standards about what tires are safe. The Maui County Council does not have the resources or expertise to get into water standards, tire standards, standards for paint, and toys for our kids. So we're going to have to follow these National standards and there's really no other real option.

So, our community faces many difficult issues such as water, the environment, and energy. And we have no choice but to embrace science and technology to attack these problems. Failure to act based on fear alone, is not going to solve anything.

Use of these wells is safe, use of these wells is efficient, and use of these wells is the single most expedient step in addressing the needs of our Upcountry citizens. So we urge you to support this effort. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Taylor for being here.

One testifier mentioned about no funding from the companies that are funding the treatment portion to date in 2037, I believe it is. What's going to happen after that point? Do, I mean--

DIRECTOR OF WATER SUPPLY DAVE TAYLOR: Mr. Chair, I want to note that the, the Council asked me to be available as a resource when we get to questioning.

CHAIR MATEO: Correct.

DIRECTOR OF WATER SUPPLY: At, at your discretion, I can either answer questions now or I will be available when, when the issue is discussed and I'll leave it up to your discretion.

CHAIR MATEO: Ms. Cochran.

COUNCILMEMBER COCHRAN: I, Chair, I.

CHAIR MATEO: Perhaps when the, go ahead.

COUNCILMEMBER COCHRAN: Yeah, Chair, I can wait till then.

CHAIR MATEO: Thank you.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. Taylor.

DIRECTOR OF WATER SUPPLY: Thank you.

CHAIR MATEO: Thank you. Members, is there additional needs with Mr. Taylor. Thank you very much.

Mr. Clerk.

COUNTY CLERK: Penny Humphries. Ms. Humphries will be followed by Edward Smith.

MS. PENNY HUMPHRIES (testifying on Committee Report No. 11-105):

My name is Penny Humphries. The H'poko Wells are severely contaminated with the agricultural chemicals, DBCP, TCP, EDP and nitrates. The 2006 Ordinance No. 3404, Bill 51, page 3, No. 14.01.050, states that "Hamakuapoko Wells 1 and 2 shall not be provided for human consumption".

Now we have a proposal before you to allow this contaminated water back into the water supply, giving the reason that using GAC filters to remove these toxins will make the water safe for human consumption. GAC does work effectively. However, if not closely monitored, the filters changed before reaching maximum capacity, contaminant breakthrough occurs, releasing the contaminants into the water, through to our faucets, without we, the consumers, knowledge. To further complicate matters, any nitrates in the water will clog the GAC medium.

Now, here's the rub. I do not have confidence in the County's ability to do its job correctly, diligently, and accurately. An example of that would be the 2010 Water Quality Monitoring Results of the Lower Kula system. None of the required samples for dioxin, inorganic chemicals, diquat, and endothall were even taken for two years, and that would be from 2008 to 2010. There are similar lapses for the Upper Kula and the Makawao systems as well.

In the article that I have provided you, past Chairman of the Maui County Board of Water Supply, Michael Howden, has provided you with an alternative. The County

has water rights to withdraw from the Wailoa Ditch and under certain circumstances, the plant at Kamole Weir.

In the second article I have provided you, Virginia Parsons, former Water Board Member has stated that to open H'poko back up would be dangerous to the public's health, safety, and welfare.

Please read these articles in their entirety. Both Ms. Parsons and Mr. Howden have the requisite knowledge and experience. I believe I can say with certainty that none of us are willing to put our health and the health of those we hold dear in jeopardy so that a public official can claim the right to say they solved the up water, the Upcountry water problem. The question becomes, "at whose expense"?

The second part of this issue, the source of the contamination needs to be addressed as well. I believe chemical farming should be phased out, leaving only organic methods used to grow our food. Thank you.

CHAIR MATEO: One minute to conclude, Ms. Humphries.

MS. HUMPHRIES: I'm, I'm done. Thank you.

CHAIR MATEO: Okay. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Humphries.

Mr. Clerk.

COUNTY CLERK: Edward Smith. Mr. Smith will be followed by Rosemary Robbins.

MR. EDWARD SMITH (testifying on Committee Report No. 11-105):

Good morning everybody.

CHAIR MATEO: Good morning.

MR. SMITH: It's Smitty from Pukalani, billy goat country. I like ask you folks all one question, especially the Council people that would have a, have a little, have knowledge on it. I'd like to ask, was that H'poko Well ever used after we closed it up during Charmaine Tavares' Administration? Did anybody open it and use it at any specific time or did it remain closed?

CHAIR MATEO: Just continue your testimony, Mr., Smitty.

MR. SMITH: Well that's part of my testimony, it's relevant that I get an answer. But if you cannot answer it then I'll change my, my position here. So if there's no answer? Okay, fine.

I, I been, we've been working on this problem for, since 1995, water, water problem especially specifically because of H'poko and other, other contaminated areas. But I believe this, this is our Councilwoman from Lahaina sitting, thank you very much. Thank you very much.

I see no reason why we cannot swap water with the plantation, it will keep our cost down. The chemicals came from the plantation to begin with, nitrates and everything else. Give it back to them, they will save their cost on their fertilizer. Then when they burn their cane they destroying all this chemicals and bacteria and everything else that's in, in the, in the ground. Why give it to us when we can draw the water before the, the treatment plant?

That's, that's very unusual for me to hear that you folks go against her proposal to swap water when the water's available, was to keep our cost down and protect our, protect the human health in general. Give you one example, because if . . . was going on the reason why I ask if the H'poko was open because on Wednesday, I and some of my neighbors couldn't, couldn't even drink a cup of coffee, the water was coming like rotten egg shells. That, now you talking about treating H'poko when you can't even, if you say it's not open now, you cannot even, we cannot even maintain the water we having now from wherever it's coming from and I found out that nobody had been opening our fire hydrants for over one year.

That's our biggest problem that has never been cured, never been resolved since we brought up this issue when the, the some of the new Council people came in. We kept complaining the fire hydrants, the . . . , the breeding ground for, especially during the summertime, it's a catalyst. You guys came here several times and flush it open, we never seen nobody come back on our street again. And from . . . Leolani Street all the way down to Aiolani to Foodland, people walking out and asking me why the water smells bad. You going a--

CHAIR MATEO: One minute.

MR. SMITH: You going open up H'poko? I say no. Give it back to the plantation. We don't need, we don't need it.

CHAIR MATEO: Thank you.

MR. SMITH: Thank you very much.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased?
Thank you, Mr. Smith.

MR. SMITH: Thank you very much.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Alan Kaufman. Mr. Kaufman will be followed by Mele Stokesberry.

MR. ALAN KAUFMAN (testifying on Committee Report No. 11-105):

Aloha. I'm Alan Kaufman; I live Upcountry. And I've said before, giving testimony when I open the spigot, I like to find water coming out of it. In December of 1976, I was staying at the Parker Ranch, Humu'ula Station on the Big Island just off of Saddle Road. Take Honi was the resident cowboy at Humu'ula. In fact, he was born there I think in the 1920's.

I was brand new to Hawaii and I was brand new to the cabin. I went over to the kitchen sink to get a drink of water and found a Bull Durham bag around the faucet. I wanted to get a drink of water. I started to take the Bull Durham bag off, Take was absolutely outraged. He very politely explained to me that the bag was supposed to be there and all you had to do was open it up and the water would come through it. He was probably thinking, poor haole, doesn't he know you got to filter water? What Mr. Honi didn't know is what I was thinking which is, poor Mr. Hori, doesn't he know that tobacco causes cancer? I share that reminiscence because people too often are worrying about the wrong thing and understanding and knowledge of very basic concepts like dose-response curves, relative risk, and zero tolerance would be very helpful to the conversation today.

In nature, pristine water does not exist. All water, when it falls from the sky or comes out of the ground is contaminated from the moment it condenses on a speck of dust or mixes with the natural or man-made contaminants present within the earth. When water is collected, stored and transmitted at every step of the way there's contamination. To have safe water, it must be treated. That's why we have water treatment systems. When we know what the contaminants are we have the advantage. We can use our knowledge and ensure that our water is safe.

There was a very sincerely written Maui News Viewpoint article, stating with certainty "that water from the H'poko Wells is dangerous to the public health, safety, and welfare". I agree one hundred percent with that statement but it only applies until the time before the water is treated and filtered. Afterwards there is nothing to fear about the water.

Sunlight is a potent carcinogen. If it were regulated as an industrial pollutant, the EPA would likely require the manufacturing plant to shut down. Thirty seconds, I'll finish.

CHAIR MATEO: One minute, one minute to conclude.

MR. [KAUFMAN: Those who respect cumulative exposure wear sunscreen or wide-brimmed hats. We do not try to live without or ask others to live without sunlight. Thank you very much.

CHAIR MATEO: Thank you, Mr. Kaufman. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Kaufman.

Mr. Clerk.

COUNTY CLERK: Mele Stokesberry.

Mr. Chairman, I inadvertently failed to call Rosemary Robbins. She will testify following Ms. Stokesberry.

CHAIR MATEO: Thank you.

MS. MELE STOKESBERRY (testifying on Committee Report No. 11-105):

Thank you, Chairman Mateo and Councilmembers for this opportunity to speak. Before I mention what I wanted to say, I'd just like to say something about the last testimony I heard. That may be true about the filtration but only if that perfect filtration can be sustained over time after the time when the money runs out for the corporations that sold the County to, sold the plantation DBCP. Only if there's enough money in the coffers to keep all that perfect filtration going and even then there's really no safe, we don't really know how much DBCP babies, families, people can be exposed to.

I would just like to say we passed a law in 2006 and I believe that law should not be overturned. And if there is an effort to overturn it, it should be done only after there are extensive public hearings held all over East Maui. And if you're going to mix the water in your plan with all of Maui's water on all of Maui, there needs to be public hearings and I'm personally asking for that now.

You know, back in the 1970's, my friend Dr. Janet Sherman who used to be a Maui resident and was a toxicologist in Alexandria, Virginia, the author of this book,

"Chemical Exposure and Disease", testified about DBCP contamination in workers, and I think they were fieldworkers in Molokai. But we know that DBCP causes testicular atroph, atrophy. It causes low to zero sperm counts that's in workers. What does it do in minute amounts to everybody?

DBCPC volatilizes too, in water. So if, even if you're filtering the water you drink and cook with and make your baby formula with, when you take a shower or running your bath water, there's volatilization. I got this fact from the Department of, a California Department of Public Health at Berkley.

And some other just things we might want to keep in mind, Councilmembers, T, TCP causes liver and kidney damage. EDB causes tumors and probable sperm production problems. And we know DBCP is also a carcinogen and causes testicular atrophy and low sperm count.

You know, if I may say a few more things. I think that this is putting financial concerns above people's health, above the health of everybody in the community and I ask you to please put our well-being and health at a foremost. So again, I call for public hearings on this issue. Thank you.

CHAIR MATEO: Thank you, Ms. Stokesberry. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Ms. Stokesberry.

Mr. Clerk.

COUNTY CLERK: Rosemary Robbins. Ms. Robbins will be followed by Bruce Oatway.

MS. ROSEMARY ROBBINS (testifying on Committee Report No. 11-105):

Good morning everybody. Glad to be back. Good news and bad news. In the 90's, in 1996, the U.S., good news, passed the Safe Drinking Water Act and authorized the EPA to award capitalization grants to the states. May 2, 1997, Hawaii's Governor signed legislation to be able to receive that Federal money into the State of Hawaii and then to distribute it among the people in the State of Hawaii who have applied; public and private people who have applied to be able to use that Federal money.

Today I'm just talking documents. This is not somebody from Michigan or anywhere else. These are documents that we're dealing with in the State, in the Fed and they're documents that need to be read. The Upcountry Oversight and Advisory Committee was established by the EPA for the half million dollar grant that concerned citizens went after, through Dan Inouye, and got. The Fed said yes, we'll give you half a million dollars but only if there is an Oversight and Advisory Committee. You

want the money, you get the committee. The County took the money. We were not a 501-C so we did not have anything to do with the expenditures. We did not agree with a hundred percent of the expenditures that were made with that.

Okay, one of the things that I particularly want to bring to mind today is the Federal Register from March 11, 2011, so that's super current. This is providing, this is from the Federal Register, the daily journey, journal of the United States government, revisions to the unregulated contaminant monitoring regulation. The government is required to monitor, not only known contaminants, but unknown contaminants. They are required to deal with, not only the financial, but with the health. That's the major goal for the EPA are health issues. That's the difference between a contaminant level and a goal. We don't want the Federal government to have more concern over our water and what the health effects are than we do ourselves here.

I have a, a gift for you. I wish the time were longer coming. But in terms of the Drinking Water Treatment Revolving Loan Fund that the State took from the Federal so that the folks and the counties could deal with that, we have, and these have been distributed before but we've done a lot of color-coding on the, anything in green is good news, thank god. The red ones--

CHAIR MATEO: One minute to conclude.

MS. ROBBINS: --bad news.

I know with the Sunshine Law, not supposed to be having communications without its being public so I'm asking, could these be left to be librated among the people who haven't, Councilman White and Councilman Cochran, who have not had this? Everybody else before me has had this in the past.

CHAIR MATEO: Sure.

MS. ROBBINS: So please do it. We've made it very, very clear what has been in these documents before. And I was interested in seeing, Mr. White, this morning that you want for axis deer to the, for the State and the Fed to join Maui. I live Upcountry, I understand that, would also like to see that happen in terms of water. Thank you.

CHAIR MATEO: Thank you, Ms. Robbins. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR MATEO: Ms. Robbins.

MS. ROBBINS: Gotcha.

COUNCILMEMBER COCHRAN: Thank, thanks, Ms. Robbins for being here. That Oversight Committee, I just, is that still in place? And or if not what happened and?

MS. ROBBINS: Made, made up of concerned citizen, the concerned citizens is still here.

COUNCILMEMBER COCHRAN: And, and active? And you're one of them?

MS. ROBBINS: One of, only one of. Yeah.

COUNCILMEMBER COCHRAN: Thank you

MS. ROBBINS: I'm the educator by background which is why I get to--

CHAIR MATEO: Thank you, Ms. Cochran.

MS. ROBBINS: -come before a microphone, okay.

CHAIR MATEO: Thank you very, thank you very much.

MS. ROBBINS: You're welcome.

CHAIR MATEO: Members, additional questions for Ms. Robbins? Thank you very much, Ms. Robbins.

Mr. Clerk.

COUNTY CLERK: Bruce Oatway. Mr. Oatway will be followed by Michael Spalding.

MR. BRUCE OATWAY (testifying on Committee Report No. 11-105):

Aloha. And I feel very privileged to be here today to have the freedom to talk to my representatives as an individual concerned about the quality of what I put into my body, my children's body.

I'm a teacher here on Maui, substitute teacher at the, at the moment. And I have to go into classrooms and explain to high school students why their environment is being polluted and how it's being polluted. And I have to really dig deep to explain to them that government cares.

I would like to see this Council support Councilman Cochran's proposal at, for the moment and address a bigger issue of how government oversees its responsibilities to the people.

We have the USDA, we have the EPA and we as simple human beings and individuals of this country really have to put our trust and faith in it because frankly we're really, most of us are out there working right now and can't be here and the children can't be here to voice their concerns. So you, our chiefs of this island, this beautiful pristine place that I adore, you have to come into your hearts and, and just look at the facts, the scientific facts and the options that we have that are economically feasible to implement what's best for our children and the future of this island.

So there's a lot of facts going around and counter-facts going around and I really ask you to take your time and that we the people will give you that time because this is water, the most precious thing on earth. We're surrounded by it, the planet is three-quarters water; water, water all around. Why can't we get clean water? And why can't we get rid of the culprits who pollute this water? We have to go to the source of things. And that's what I tell my students when they investigate problems, find the source, go to the source.

So I thank you very much for listening and please in, in your minds and in your prayers, ask for guidance and, and look to the children's eyes and see if you can tell them that you're doing the right thing. Thank you very much and I thank you for listening. Aloha.

CHAIR MATEO: Thank you. Yeah, Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Oatway.

Mr. Clerk.

COUNTY CLERK: The next person to, to offer testimony is Michael Spalding.

CHAIR MATEO: Members, immediately following Mr. Spalding's testimony we will be taking a very short break from public testimony at this time.

MR. MICHAEL SPALDING (testifying on Committee Report No. 11-105):

Morning, Mr. Chair, Councilmembers, staff. I, I'm in favor of opening the H'poko Wells for use for Upcountry and I've got five points that I want to make that relate to my testimony.

First of all, after filtration, the contaminants found in the pre-filtered water are undetectable in tests that measure up to one part per billion. The same contaminants found in the pre-tested H'poko water are found in these wells; Maunaolu, Kaanapali, Napali A, Mililani, Waipahu, Kunia, and Haleiwa. After filtration, water from these wells meet all County, State, Federal pure water standards, that's a fact.

Two, by adding the H'poko Wells to the Upcountry system, it gives protection against drought conditions that will affect all service water systems, including the EMI Ditch.

Three, maintenance of the GAC filters, the charcoal activated filters is paid for by Shell Oil through 2039. County workers are all licensed and fully capable of maintaining and monitoring the system.

Four, up to 500 additional meters could be issued to those on the water waiting list once the H'poko Wells put back into service. And those aren't developers, those are mom and pop operators, mostly.

Now, the fifth thing I think is worth focusing on, by drawing down the water from the H'poko aquifer and removing the contaminants by the GAC filters, the long-term result could be the eventual reduction of these contaminants from this aquifer. I think that's an important future possibility that could be a benefit to you know my, my grandchildren. Thank you very much for allowing me to testify.

CHAIR MATEO: Thank you, Mr. Spalding. Members, is there a need to have any part of the testimony rephrased? Mr. Spalding, if you can wait please.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair and good morning, Mr. Spalding. Thank you for being here. I just want a little more clarification on that Kunia Well that you mentioned. It is still active and up and going on Oahu?

MR. SPALDING: That's my understanding. I was told that it is still active, active and up and going, being filtered and the water coming from it is, is, meets all the standards.

COUNCILMEMBER COCHRAN: And you heard this when?

MR. SPALDING: I heard this two days ago.

COUNCILMEMBER COCHRAN: And, Chair one more follow up.

CHAIR MATEO: Go ahead.

COUNCILMEMBER COCHRAN: Thank you. As in, in relation to that filter you mention that it will be paid through to 2039? After that, it will fall on taxpayers, our mom and pops and people to be now funding it?

MR. SPALDING: That's correct.

COUNCILMEMBER COCHRAN: That's what I was going to--

MR. SPALDING: That, that's my understanding. But maybe there'll be no more contaminants by then.

CHAIR MATEO: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Mr. Spalding. Thank you, Chair.

MR. MICHAEL SPALDING: Thank you very much.

CHAIR MATEO: Thank you. Members, additional questions from Mr. Spalding? Thank you. Members, at this time we're going to hold on testimony for a few minutes.

Members, with us this morning is a official delegation from the City of Goyang, Korea. During the Sister City Summit, this last Wednesday, a memorandum of intent was signed. Mayor Choi Seong is unable to be with us on this visit and we, he wants to let us know that the Goyang city's motto is a city where people are more beautiful than its flowers.

Goyang is a very progressive city whose Mayor has a focus on education, culture and arts. They are becoming the hub of the film industry in South Korea and they host international sporting events and an international flower festival among other things.

With us this morning, Members, is the official delegation from the City of Goyang, Korea. And we welcome with us: Mr. Park Hee Jung, Chief of Secretary and Mr. Kim Chin Sol, Policy and Planning. We welcome you to Maui, gentlemen.

Go ahead.

DEPUTY DIRECTOR OF FINANCE JEREMIAH SAVAGE: Councilmembers, I'm not from Goyang, I'm actually from Maui.

CHAIR MATEO: Mr. Savage, go ahead.

DEPUTY DIRECTOR OF FINANCE: I just wanted to say very briefly that a couple months ago a very small delegation actually traveled over to South Korea because we were actually looking for a city that is most similar to ours. And to make a long story short, we found Goyang to be very, very beneficial to us because similar to us, they are developing but in the same way its people are very, very important, their culture and all those kind of things. So they're developing so fast but yet at the same time they hold back a little bit because they don't want to lose the culture of its people. And we found from all of the cities that we visited, Goyang is the most similar to us in that nature so I am very honored to have them here right now.

CHAIR MATEO: Yeah. Thank you very much, Mr. Savage. And on behalf of the Council of the County of Maui, gentlemen, again we wish you welcome and we hope that you enjoy your travels throughout our County.

We'd like to ask Ms. Balsa and Ms. Cochran.

Members, thank you very much for that, that short break. Again, we had the opportunity of visiting Korea about a month, a month ago and this delegation has, is participating in the Sister City Summit that took, that occurred on Oahu.

Mr. Clerk, proceed please.

COUNTY CLERK: Mr. Chairman, resuming with public testimony. Calling Letisha Isabella. Ms. Isabella will be followed by Robynne Riley.

MS. LETISHA ISABELLA (testifying on Committee Report No. 11-105):

Hello.

CHAIR MATEO: Good morning.

MS. ISABELLA: Here I am again. I was here for the GMO labeling. I'm just an average citizen. I'm an artist, I'm a poet, I'm a mother, I'm a grandmother. And ever since I was 18 years old I protested against nuclear, you know, development. There were safer alternatives and we just all got ignored, obviously.

We all don't need to be reminded about what a disaster that is. We haven't even received the, the plume of, of water that's heading down here from Fukushima. And anyways, now I'm here about the water.

No, I don't want my food poisoned so we need GMO labeling, we need Monsanto off of the island, off of the planet, personally as far as I can see and many others.

And I'm just standing here telling you that this, this water proposal, H'popo, opening these H'poko Wells or whatever. I'm upset right now, I can't even pronounce it correctly. But you know what I'm talking about. It cannot happen. There, there, we don't have the science to, to clean out this water so it's safe to, to absorb in our skin, even if you don't drink it. I, I personally don't drink tap water, we buy bottled water. But you can't play around with people's lives like this and I'm very concerned.

So I, I'm here just to, to put this out here. And I also feel that more people need to vote on this. More people need to be aware of, of what you Councilmembers are about to do. I, I understand that you are going to vote on whether or not to open this today and there should be hundreds of people here. And anyways, that's all I have to say. I am very upset about this and it just cannot happen.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Isabella.

Mr. Clerk.

COUNTY CLERK: Robynne Riley. Robynne Riley. Ms. Riley will be followed by Christina Hemming.

MS. ROBYNNE RILEY (testifying on Committee Report No. 11-105):

This is a logo here. My name is Robynne Riley and I created this logo in 2006 and along with it was a flyer contacting people in the community to notify them about the meeting involved with this same well. And it was a bit of a creative project because I took a photograph of a bottle and then I rewrote as if people could relate to it, what might be in this water if they were to drink it. And it actually--

CHAIR MATEO: Ms. Riley, address the Chair, please.

MS. RILEY: Yes.

CHAIR MATEO: Thank you.

MS. RILEY: Hello, my name is Robynne Riley. Thank you for hearing me today. How do I properly address them?

CHAIR MATEO: You, you, you, you're talking to me.

MS. RILEY: Oh okay.

CHAIR MATEO: Thank you.

MS. RILEY: Sorry. Okay. And so anyways, basically this is a long battle. We've already had a law passed to not use this well anymore. And the reason I wanted to remind you that I said in previous testimony was because this particular well contains five chemicals. In particular, the unique chemical cocktail that is not found in any other well that we know and basically is a combination of DCP; DBCP; EDB, a banned chemical now; atrazine and bromicile and we just don't know, there's not enough testing to know how these chemicals work together.

The testing done is for one . . . isolation and so I wanted to read to you what I sent out in this flyer and this was about the water. And I wanted to point out that when you drink this water, actu, it's actually more hazardous. Skin is the largest organ on your body, it's actually bathing in the wather, water that's more toxic to you than drinking it but I'm just making a point with this flyer.

So I said "Drink at your own risk. Bottled from the contaminated Hamakuapoko Wells located beneath the sugar and pineapple plantation fields in Paia, Maui. This water can cause cancer, blue baby syndrome, mutations, testicular toxicity and kidney damage from the poisonous chemicals that have leached into the wells. Many believe this water is not safe for bathing or drinking, even after filtering. We do not recommend this for car washing, water ballooning," I tried to have a sense of humor, "plants or animals and, especially not for infants or developing children. Ingredients. Contaminated water for the Hamakuapoko Wells that contains TCP, DBCP, and EDB."

I'm going to stop right there before I read the other chemicals because I wanted to point out that while I was making this flyer, just by coincidence, I met someone who worked at the Water Company, which I will not disclose their name to protect them, that told me in confidence the danger of this chemical, EDB. And they had a huge book about it. They said look we haven't done enough testing. I'm not allowed to say anything. I work for the Water Company, if I say anything, I'll be fired.

This really happened and so I'd already read my flyer, they told me this in confidence and so I wanted to do more examination. Since then, I have a copy here I'd like to give to you from the testimony from February 15, that listed the chemicals that were in the well and they made no mention of atrazine and bromicile to the public. They also made no mention of the synchronicity of these chemicals.

CHAIR MATEO: One minute to conclude.

MS. RILEY: Okay. So it's on line 22 on page 7, which r^ye highlighted. And they also say which I think ex, deserves more examination, that other chemicals that are used in pineapple fields that are now found in the wells including EDB, TCP and you, you usually see these three chemicals together and I believe that's incorrect. This was stated, I believe it's incorrect, it deserves more examination.

They also mention the nitrates and they, they claimed to be that they can filter these out but they also admitted on, on line 23 of page 8, that the DBCP, EDB and TCP are removed to non-detectable levels. Okay note that current science doesn't allow measurements to zero. The closest to zero is non-detectable, and that's what comes out of the filters. So if I go back to my flyer here, this is the campaign for zero contaminants in our local water supply. I have thirty more seconds.

CHAIR MATEO: No. You need to conclude, you need to conclude.

MS. RILEY: Okay and so.

CHAIR MATEO: You, what you can do is you can submit, if you hadn't already--

MS. RILEY: Okay.

CHAIR MATEO: --your written testimony.

MS. RILEY: Okay. I wanted to leave with one statement, that true wealth is impeccable health. And I also wanted to mention that water is our life support system, it defines the quality of life in our community, being also directly related to our health.

CHAIR MATEO: Thank you very —

MS. RILEY: This is a health issue.

CHAIR MATEO: Thank you very much. That was more than one statement. We'll go ahead and collect your materials so we can make copies to disseminate to all of the Councilmembers. Thank you very much, Ms. Riley.

MS. RILEY: Thank you. Thank you very much.

CHAIR MATEO: Thank you. Mr., Mr. Clerk.

COUNTY CLERK: Christina Hemming. Ms. Hemming will be followed by Teya Penniman.

MS. CHRISTINA HEMMING (testifying on Committee Report No. 11-105):

Good morning Council. My name is Christina Hemming and you haven't seen me here for a while but I'm back. I just wanted to open up by saying hello, and obviously I'm here, I have a child now and I'm, I, I just, I am deeply concerned.

I'm so concerned that I'm not going to argue with you about the TCP and the EDP and the DBCP, mixing it with chlorine, filtering it out with filters that you have to back wash once a month according to the County Quality Control. When you back wash those filters, where does the nitrates and the chemicals go? They go back in and they get pushed back into the filters. The filters get sent to Dow Chemical, the Water Department made a lousy thing in '99, four million dollars, 40 years of filters. I testified years ago, should have been four hundred million dollars. They made a bad deal for the County.

I'm not going to talk about David Craddick's plan of building a four foot water pipe from Wailua to Makena, Hamakuapoko Well just being part of that puzzle. I'm not going to talk about the fact that HC&S won't take the H'poko Well water to put on their fields because they're not allowed to. I'm not talking about the different people who work for A&B who are now on the Planning Commission who've cost the County millions of dollars in bad deals. Many people of you are here. I'm not going to talk about the issues of the importance of Upcountry water meters, some Councilmembers who are here who have their name on the list who should not vote. I'm not going to talk about the quality control and the downgrading of budgets.

What I'm going to talk about is how the State Water Code needs to be enacted and I plan on filing a petition to the State Water Commission to designate East Maui stream water because right now that stream water is being taken out of East Maui and being put into Central Maui and you're not allowed to do that unless the stream use is designated and it's not.

Streams have been properly identified and quality controlled throughout the years. There's plenty of lawsuits to get the stream, to get the increase in the streams. But no one talks about the millions of gallons that get taken to Central Maui so, in its way, the people of Upcountry can get all their meters satisfied by the ditch water.

CHAIR MATEO: One minute to conclude.

MS. HEMMING: No problem. According to State Water Code 143C-13, 143C-31, 174C-41, 174C-54, 174-84, those are all the things that I can petition the State Water Commission for regulating the streams. I just wanted to leave, I got a little message from my dead father this morning in a dream. He said, "look up nitroglycerine." So I

did. As you all know it's really good for hearts and I know no one here takes Viagra, Levitra or Cialis right? No one here. If you look on the medical forms, big contraindication, nitrates. Who's going to filter out the nitrates? Fetuses, pregnant women, senior citizens, what you're going to have to do when your quality control reports from the Maui Water Department, you're going to have to say, terrible for people who are pregnant, elderly or in utero. Good luck.

CHAIR MATEO: Thank you, Ms. Hemming. Members, is there a need to have part of the testimony rephrased? Thank you.

Mr. Clerk, proceed, please.

COUNTY CLERK: Teya Penniman. Ms. Penniman will offer testimony on County Communication No. 11-235. She will be followed by Harold Keyser.

MS. TEYA PENNIMAN (testifying on County Communication No. 11-235):

Good morning, Chair Mateo.

CHAIR MATEO: Morning.

MS. PENNIMAN: Councilmembers. I'm going to shift the focus a little bit. I'm talking about the resolution on axis deer which actually still relates to water in some ways and in quite a few ways. I am Teya Penniman, Manager of the Maui Invasive Species Committee and I want to make clear that axis deer is not one of our target species. It's probably not likely to become one because I think that solutions for this problem really, really exists in the broader community.

Ten years ago or so there was a group of people who gathered together and formed the Maui Axis Deer Working Group. And the, I wasn't part of it at the time, there were as I understand it they met for two years, had many community meetings, hundreds of people were involved and as a result of that there was a draft management plan that was developed. Unfortunately for whatever reasons, that was never implemented and since that time, it's estimated that the axis deer population has probably grown at 20 to 30 percent. And without any, any effective control other than, of course the hunting, what we've seen since that time is herds of up to 1,500 animals in Upcountry.

They are impacting our native forests. Resource managers have been, with your support, have been busy building fences, retrofitting fences to try to keep the deer out of the watersheds. But it has not really been enough. We're still seeing the deer

trampling, browsing, damaging native plants, causing increased erosion in our native forests, our forested watersheds.

What's really brought it to a head is the fact that our farmers and our ranchers are really getting hammered by the deer. Our, our vineyards; our, our lettuce crops; our greens; our and our, and our ranches where there's not enough forage there for the cattle. And we say that we want local agriculture, we say that we want local beef grown on Maui grass, but unless we address the growing deer population, we're not going to have that. It really is a very serious and significant problem.

I want to acknowledge Councilmember White for taking the lead, having the leadership to introduce this resolution to address the issue. The resolution urges the State and relevant Federal agencies to join with the County in seeking solutions to the problem, including the development of a, development and implementation of a long term management plan. I also want to acknowledge Mayor Arakawa's interest and commitment to addressing this issue as well.

I do want to point out, in concluding that everyone I know who's concerned about the issue recognizes that hunting is a part of our local culture. They recognize that, that venison, deer meat, is a food source for Maui families. Also recognize that axis deer will not be eradicated from the island. That eradication is not a goal of any kind of management plan and that any management plan should make use of the meat products as well as the fact that hunters should be part of any solution. So adoption--

CHAIR MATEO: One minute to conclude.

MS. PENNIMAN: --adoption of this resolution is an important first step and I urge the Council to move forward with that. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have a question please.

CHAIR MATEO: Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: Although the, I believe the resolution proposed is for the County, Maui County to be involved and I won't speak for Molokai, we have Mr. Mateo, is there something about you, you know our three sister islands all have axis deer issues, we have it on Lanai too. So should this be expanded to encompass

all of our islands within our County or should we just, do you feel more importantly at this time we should just focus on Maui island?

MS. PENNIMAN: I, that's an excellent question and, and I think it's important that it be understood that there's not any intent to exclude Molokai or Lanai from any benefits that might accrue from a management plan including whether that's development of a venison marketing program. But it's, but it's also understood that, that the Lanai community, the Molokai community should be very directly involved in development of any kind of management plan for the, for each island. So right now it's contemplated, what is being contemplated is a management plan for Maui island but if the Council so wishes, it certainly could be included, expanded to include Molokai and Lanai with the understanding that that would have to involve a lot of community involvement.

COUNCILMEMBER HOKAMA: Well we deal with it on a daily basis. You, you, you spent time on our islands so you're well aware of our unique situations and our community involvement with this issue, particularly with our one watershed and one aquifer. So thank you very much for your comments this morning.

MS. PENNIMAN: Thank you.

CHAIR MATEO: Thank you. Members, additional needs or questions for Ms. Penniman. Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, resuming with testimony on Committee Report No. 11-105, calling Harold Keyser. Mr. Keyser will be followed by Bill Kamai.

MR. HAROLD KEYSER (testifying on Committee Report No. 11-105):

Good morning, Chair Mateo.

CHAIR MATEO: Good morning.

MR. KEYSER: Vice-Chair Pontanilla and Councilmembers. My name is Harold Keyser and I'm pleased to provide personal testimony this morning in support of the Committee Report No. 11-105 on permitting use of the H'poko Wells. Again, this is personal testimony. I'm a soil scientist and a County Administrator for the College of Tropical Agriculture. but I'm presenting my own views this morning.

I, in 1975, the University obtained a 30 year lease from the County for the Old Maui High School campus at Hamakuapoko after it had closed. And in the early, and this, for an international agricultural program, nif, the NifTAL Center. And in the early 80's, we were informed by the County that there was DBCP in the well there at H'poko and that this clearly was going to threaten the continued employment of over 20 people at the project. We had resident graduate students, visiting scientists.

And so we needed to do something and it, we quickly were able to figure out, our research director did, that simple activated carbon would be the solution. We mounted this in the old cafeteria where the water source came in, measured it, showed the County that the levels after filtration of about an eight foot column was, it was detectable but it was well below the levels set by EPA. And we met this challenge using standard technology and it's a very similar technology to those that ex, exist in the Wells 1 and 2, of course this was on a much smaller scale.

I know all of you have seen the water quality data. In 2006, the Water Department shared with me that data and from over 17 sampling dates of the three organic residues in question, the DBCP, EDP, and TCP, all of it showed that after, from all those sampling dates, after treatment they were all well below the EPA health standard limits and in almost all cases, they were non-detectable. And in all cases, the nitrate levels were below the levels set by EPA.

So, Upcountry Maui, as you know is one of the most productive agricultural areas in the State, however it periodically lacks adequate irrigation water supply. And being, permitting this water to be used, especially for agriculture, is, is justified by the evidence and good public policy. And this Council's passage of this bill would certainly be welcomed by the commercial farmers, ranchers, and the increasing number of home gardeners. And I want to acknowledge the Water Resources Committee and Mike Victorino for this action to improve our ever challenging conditions with water.

Okay. If I can make just one quick statement, finally.

CHAIR MATEO: One minute to conclude.

MR. KEYSER: Just real briefly. On Mike Spalding's point about the finite amount of these chemicals, that's, that's absolutely true. I'm, they haven't been applied for a couple decades now and certainly continuing to filter them is going to eventually reduce that finite amount so that they won't be there. Thank you for this opportunity.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Good morning, Mr. Keyser, thank you. As a soil scientist, maybe you know if every single chemical ever used in that area has been identified or acknowledged to being used there? I mean everyone just talks about DBCP and all these typical, TCP's and what have you. There was one chemical being brought up earlier, EDP, so I was just curious, as a soil scientist like yourself.

MR. KEYSER: If every chemical has been identified that's been used.

COUNCILMEMBER COCHRAN: Yeah. Thereby knowing exactly.

MR. KEYSER. I, I don't know but I would doubt it. Un, unless there, unless there was a problem brought to light it probably hasn't been.

COUNCILMEMBER COCHRAN: Would--

CHAIR MATEO: Go ahead.

COUNCILMEMBER COCHRAN: Would you have a concern about just the not knowing the combination of chemicals reaction, combined and mixed and then you know.

MR. KEYSER: You mean as a synergistic--

COUNCILMEMBER COCHRAN: As a scientist.

MR. KEYSER: As a synergistic effect of DCP and mixed together.

COUNCILMEMBER COCHRAN: Whatever.

MR. KEYSER: I, I have to go on the levels set by EPA for safe standard drinkings water. I mean, certainly they would think of this.

COUNCILMEMBER COCHRAN: Thank you, Mr. Keyser. Thank you, Chair.

CHAIR MATEO: Thank you. Members, additional questions to Mr. Keyser? Thank you, Mr. Keyser.

MR. KEYSER: Thank you.

CHAIR MATEO: Members, the Chair is aware of the time. Following the next testifier, we will take a very short five minute break to take care of personal needs.

MR. BILL KAMAI (testifying on Committee Report No. 11-105):

Aloha and good morning, Chairman Mateo, Members of the County Council.

CHAIR MATEO: Good morning.

MR. KAMAI: My name is Bill Kamai. I'm here to testify as an individual for your approval to support the use of H'poko Wells for the Upcountry water system. From, the needs are obvious. The benefits would be tremendous, not just from a, a planning perspective from the department but for the people on the Upcountry water meter list. They can plan their children's future, their grandchildren's future. It would mean the creation of jobs with the building of homes, schools, parks.

The bottom line being that there's contaminants being treated right now in wells that's being used by Maui County, same chemicals, right now. The people who come up testify against this measure, ask them if they on the Upcountry water meter list, if they have a meter or if they are waiting. So I ask for your support.

In closing I'd like to thank you for funding the Kamali'i Program for Hawaiian Canoe Club. As a member I, I didn't know that the funding came from you folks. I've seen the benefits of it. I've seen the kids who graduate from the program. They give back to the community, they in turn mentor the, the younger kids. So thank you and congratulations to Na Kai Ewalu. Mahalo.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Kamai.

Members, for your information we have a total of 45 individuals who had signed up to testify this morning. We, Mr. Kamai was number 16. We will take a ten minute break, recess at this point and we will return, *well* let's make, let's return at 11:10. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:57 A.M., AND WAS RECONVENED AT 11:19 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER COUCH, EXCUSED.)

CHAIR MATEO: Council of the County of Maui regular meeting of September 16, 2011 will reconvene.

Mr. Clerk, proceed please.

COUNTY CLERK: Calling Ivan Lay. Mr. Lay will be followed by Warren Watanabe.

Members, Mr. Lay will offer testimony on Committee Report No. 11-105.

MR. IVAN LAY (testifying on Committee Report No. 11-105):

Good morning, Councilmembers and Chairman Mateo.

CHAIR MATEO: Morning.

MR. LAY: I thank you very much for giving me the opportunity to speak on behalf of the H'poko Wells. What does this have to do with me? I'm from the Upcountry area and have been on that water meter list for the last nine years.

What did this do to hamper my development on my project? Luckily, my property that I was going to, that I built my house, had my mom living next door so I was able to tie into her water meter and build my house. But it makes me think about all these other people who don't have that opportunity, who have to wait, didn't get their house. In my house I got three grand, three grandchildren, three sons, daughter in-law and my son's girlfriend, it's a full house.

But I'm very happy that I'm able to help them. It would, to give them some chance to save up their money to build their own home. But it makes me wonder how long do they have to wait to build their own home? Will the water meters be available to them? Opening up this well will give them a chance to building a new house Upcountry, maybe on our property.

When I first went to get a water meter, they took me, I went to the Water Department, I went into this room where there's a lot of paperwork, maps and everything and I told them I wanted a water meter. He went to the map, pulled it out and he showed me where I was located and all you could see was all these red lines. These red lines indicated low water pressure in the area. In other words, we can't give you one right now.

I am here to help, in hopes that we can get this going, give other people a chance to get their water meters, build homes for their families. It's not just individuals, you're talking about families that need homes. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to, for clarification of, of the testimony? Thank you very much, Mr. Lay.

Mr. Clerk, proceed.

COUNTY CLERK: Warren Watanabe. Warren Watanabe. Calling Michael Silva. Mr. Silva will be followed by Bob Lake.

MR. MICHAEL SILVA (testifying on Committee Report No. 11-105):

Good morning, Chair Mateo and Councilmembers. My name is Michael Silva, I am with the Hawaii Society of Professional Engineers, Maui Chapter. And we have provided written testimony in support of opening the Hamakuapoko Wells for domestic use. And to add to that, I would like to thank you, as a Council and the committee before you, that has been open enough to, to relook at this issue.

Over the recent years, Hawaii Society of Professional Engineers has been fortunate, had the pleasure to tour a couple of the Upcountry water treatment facilities. We toured as a group, the Kamole water treatment facility and we also, for a few times, went to the Piihola water treatment facility as part of our career shadowing event with high school students.

And I can tell you from being there, from my personal experience, no one in their right mind would want to drink the water that's going into those facilities. But what you have is the Department of Water Supply doing a great job of cleaning that up with their processes, their procedures. And in the end, you have a great quality drinking water. I'm not going to go into a lot of details on how they do that or what would be needed for the Hamakuapoko Wells.

Just knowing that in the end, the water does need to meet the requirements that you've heard all today, the, the Federal EPA and the State Department of Health. We feel that how they get there and what they end up with should be the responsibility of the Department of Water Supply. They are the experts. They have all the experience and understanding of the principles that go along with how to treat the water and why those requirements are put forth.

In closing, I'd just like to say that organization Hawaii Society of Professional Engineers do see these existing Hamakuapoko Wells as a, an excellent opportunity, an existing resource to help alleviate the Upcountry water shortage situation. Thank you again for looking at this issue.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you.

COUNCILMEMBER COCHRAN: Chair, Chair.

CHAIR MATEO: Go ahead. Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, Chair. Just a quick question. Hi, Mr. Silva, nice to see you again. You live Upcountry?

MR. SILVA: Yes. Kula.

COUNCILMEMBER COCHRAN: Right on. Thank you.

CHAIR MATEO: Thank you, Ms. Cochran. Thank you, Mr. Silva.

Mr. Clerk.

COUNTY CLERK: Bob Lake. Mr. Lake will be followed by Ruth DePonte.

MR. BOB LAKE (testifying on Committee Report No. 11-105):

Good morning Council. Thank you for taking the time to hear us. My name is Bob Lake. This is my first time here. I've been hearing quite a bit of what's going. I'm actually from Honolulu, my family is from Oahu, way, way, way, way back.

I just wanted to express a concern of a lot of things I've been hearing today, a lot of fear what's in that water. We have a valuable resource. Obviously we don't want to take this contaminated water, be it contaminated and, and give to our kids. Obviously we want to clean it up. There's ways to clean it up, there's many ways, it's proven to be cleaned up. I'm no expert. I am in the business. I see it, I see the process.

As a source, if we're not able to understand the process in cleaning this water for potable water, we're going to have to be set back quite a bit with the reuse water situation that we have also. You'd be surprised on what they can do with wastewater. They've been doing it for years. They continue to do it, other countries. I don't want to get into it because it is gross, I'm telling you. But it's life, water is life.

The State isn't going to put any water out there, potable water for human consumptions without doing the due diligence. And in your opening statement this morning, about community, I think there are two sides to this. Remember two sides,

not just one side about we're not sure, we're not sure, we hear this, we hear that. Sure we have to investigate that. But we're not going to do anything to put it into our bodies, our, our kids, our future generations to destroy that, yet we're not going to close down or eliminate the opportunity for this new resource to be utilized properly to further what has been done by our ancestors.

My interest is, in this is that we have property up there. This gentleman been on the meter for the past nine years. We've been on the meter for the past 14, and it's for family. My ancestors that, from both sides, funny story, I'm Medeiros from Makawao. My wife is Medeiros from Kula, our kids are fine, there's, there's no, I didn't marry, I didn't marry my cousin. My ancestors have built St. Joe's Church. Her ancestors have built Holy Ghost.

There's a lot that's there behind there and, and, and it's important enough we flew in from Honolulu to talk about this, to get educated about it. But when we start talking about all these terrible things that are in that water, fine. There's terrible things out there. I'm afraid to get in my car, drive back to the airport and catch an airplane home.

CHAIR MATEO: One minute to conclude.

MR. LAKE: But, but it's something we need to get educated about. It's something that we don't throw out the baby with the bathwater. We have the technology to do it, we do it now. The GAC system's on Honolulu, there's tons of them. It can be done.

Wastewater, if we want to go that far, wastewater, look what they're doing in Japan with wastewater. You build a facility over a hundred thousand square feet, no water could go back into the system, you have to reuse that.

Our resorts, what are they doing with wastewater? And Maui is on the list to do big and great things with wastewater. A very valuable resource, reuse water. Same process as cleaning up what's coming out of the ground. Should not get there in the first place, we agree with that, we've learned from that. Asbestos should not be there in the first place, we're cleaning it up but let's not throw out the baby with the bathwater.

Let's come together, let's understand the process, understand what it takes, show us where it's done before and give everybody the opportunity to sustain what our ancestors have brought here and allowed, allow for us to do.

CHAIR MATEO: Thank you.

MR. LAKE: Thank you for your time.

CHAIR MATEO: Thank you, Mr. Lake. Members.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, Mr. Lake.

CHAIR MATEO: Mr. Lake, can you return to the podium?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Lake for the clarification on the two Medeiros families, I was really concerned.

MR. LAKE: I felt that I had to make that--

COUNCILMEMBER VICTORINO: I happen to be on one side, not the other so that was what my concern was. And my father had always told me don't go out with Portuguese girls, they probably related to you so I never did.

MR. LAKE: Yes.

COUNCILMEMBER VICTORINO: What do you do, Mr. Lake? You came from Oahu, what, what, what kind of work do you do? What kind of occupation?

MR. LAKE: I'm educated engineer, graduated with an engineering degree and I am a salesman.

COUNCILMEMBER VICTORINO: Sales. Okay. Nothing wrong with that.

MR. LAKE: I'm the salesman in the water and wastewater industries and the product I sell helps do exactly what I talked about.

COUNCILMEMBER VICTORINO: Okay. The other question I had, your family, the property you have up in Kula, you said you bought, you've been on the meter list for 14 years?

MR. LAKE: I, I believe that's correct. I could be off a year or two.

COUNCILMEMBER VICTORINO: Okay, okay and that, that's fine. And the intent is to what? Subdivide and build family for the family, like for your children or--

MR. LAKE: The intent is for me to retire there and have something for my children. Yes, personal, personal use and, and to be able to come back home to where our roots are from and, and to be where our ancestors have, have brought us.

COUNCILMEMBER VICTORINO: --because I know there's a lot of testifiers.

MR. LAKE: Yes.

COUNCILMEMBER VICTORINO: You know of the various systems that, and the wells in Oahu like Kunia, Mililani, VVaipahu--

MR. LAKE: Correct, I have equipment on those systems.

COUNCILMEMBER VICTORINO: And, and as bad and, and, and has the same sign of toxicity as--

MR. LAKE: Exactly, the sugar companies were there too.

COUNCILMEMBER VICTORINO: Right. Okay. And have you had any testing that showed these systems were not effective?

MR. LAKE: No.

COUNCILMEMBER VICTORINO: Okay, thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Sir.

CHAIR MATEO: Mr. Lake.

COUNCILMEMBER COCHRAN: Mr. Lake.

CHAIR MATEO: Mr. Lake. Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

MR. LAKE: I'm sorry.

COUNCILMEMBER COCHRAN: Yeah, thank you, Mr. Lake from coming all the way over here and being a, you know, treatment engineering guy, knowledgeable.

The, one of the testifiers brought up the point that, that our government wants to put more restrictions and regulations on contaminants and monitoring, you know, the regulations and monitoring it. Do you feel that, that's going to put additional, you know, is there something to be concerned about? Because we have identified select chemicals that are present in your wells, our wells, but EPA is coming down and I do have the actual report which in Committee our state water, safe drinking water person was not aware of this at the time. But then he said thank you for pointing that out, yes you're correct, he standed corrected at that time. But just with, as your engineering background, how do you see this more restrictive regulations coming down on all of us and our treatment facilities?

MR. LAKE: I don't think it's our choice. It, it's, I, I don't understand the question as far as my opinion is--

COUNCILMEMBER COCHRAN: No.

MR. LAKE: The tighter we get, the more restriction we have, I think the better for everybody. But you have to understand the restriction and abide by the restriction. I, I want to make sure that my children's lives continue on with no issues.

And as EPA comes up or, or the Feds come up with more restrictions and testing, the Sand Island fiasco, you know, they've tightened that up yet we had the exemption to dump this waste outfall for, for many, many years. How many lives did it cost? We don't know. Nobody has tied that back to that exact thing because now we dumped into the Ala Wai and they found a fish out there that had a carcinogen in it at the outfall at Sand Island and we said, you know what, we need to tight up regulations. So we are spending billions of dollars as you know to clean that up.

CHAIR MATEO: Okay. Ms. Cochran, thank you.

MR. LAKE: It's a, it's a matter of the process. It's a matter of if we get tighter restrictions, let's follow those restrictions. I don't think anybody here is denying the fact that we want clean drinking water.

CHAIR MATEO: Thank you, Mr. Lake. Ms. Cochran, further questions? Thank you very much. Members, additional questions for Mr. Lake? Mr., thank you, Mr. Lake.

MR. LAKE: Yeah, thank you for your time.

CHAIR MATEO: Mr. Clerk, proceed please.

COUNTY CLERK: Ruth DePonte. Ms. DePonte will be followed by Jennifer Warren.

MS. RUTH DEPONTE (testifying on Committee Report No. 11-105):

Good morning. Thank you for having this wonderful meeting. I am more of a person that's always bringing up history. And I did a little homework and I found that in 1949, we had a dock strike and that dock strike was for 171 days. That came out to 56 weeks or less. But remember all the people from Upcountry, I was a product that dug potatoes and brought it down to the docks. The people from Hana brought all of their taro, the fishermen went out and they fished. We lived, we were able to feed the 53,000 people that were on this island. We had water.

History repeats itself. I have heard a lot of testifiers today. How many of them have water meters? How many of them took a bath this morning? Give us back that water, let us have a chance to have our water meter so I can have cattle on my eight acres. I can plant, I am a flower grower, I'm now not planting flowers. I'm planting kabocha pumpkins, something to eat. Do not take this water issue lightly. Give us water.

We have an excellent County, we have beautiful communities but what makes up the communities? Lanai, Molokai, we are a County, we are one. We help one another. We need our water. Help us, open up Hamakuapoko. The County regulates, they study, there are scientists, the water will be alright. Thank you.

How did, I did good.

CHAIR MATEO: Wait, Aunty Ruthie. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Ms. DePonte.

Mr. Clerk.

COUNTY CLERK: Jennifer Warren. Jennifer Warren. Colette Evans. Colette Evans. Kenneth Yamamura. **Mr. Yamamura will offer testimony on County Communication 11-235. He will be followed by Scott Hopkins.**

MR. KENNETH YAMAMURA (testifying on County Communication No. 11-235):

Good morning, Chair Mateo, Members of the Council. I'd like to first of all say thank you to Councilmember White for finally introducing something and help, helping us start on a process of controlling the ax, axis deer population on Maui.

I'm here to testify in favor of this. We need all of these three agencies working together or we won't be able to in fact start a management plan. You know someone asked me, oh are you still farming? And I, I did farm for like 32 years. And, and my answer to them is, lately right in my neighborhood I have a herd of like 40 to 50 deer. And if I chose to plant something, I guarantee they will be in there eating it up because I don't have the fencing in place.

Just to let you know, I talked to like two farmers. Their option of deer control was using fencing. One of the farmer's was in Haiku. Now the Haiku area has a deep soil profile so digging a fence hole is very easy. But that individual spent over \$20,000 to fence four acres.

Now, recently, Ulupalakua Ranch, they had extensive deer damage to their vineyard. This year they spent over \$100,000 just to fence their vineyards, just so that they can produce wine. They are producing the pineapple wine. But even pineapple can be a, a food for the deer because I used to raise pineapple. It started out like they would eat the leaves. Then they discovered, hey this fruit is pretty sweet. They were after the pineapple and it was a major problem. It's not as big a problem for Haliimaile Pineapple Company as yet, but it's only a matter of time. They will, because I don't believe their fields are fenced.

But you know, it's, it's high time. We, we need to control deer because my concern is we won't have a farming industry down the road. I participate with the watershed partnerships on different islands. I recently went to Lanai. The only major farmer on Lanai, Riki, is, she fenced her property and, and yet she still has deer coming in because it's not high enough. But that's going to be a limiting factor, all of the islands. And if the control measure is put in, let's do it for everyone, Lanai, Molokai and Maui. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. Just one quick question and thank you, Mr. Yamamura for being here. You almost answered my question about the fence not being high enough. You know, knowing deer and how they can leap, how high does the fence have to be?

MR. YAMAMURA: There is one company in Kula that actually, they have a hunting reserve, 800 acres were fenced. Their fence is like ten feet. Most of the deer fences that I've

seen are at minimum eight feet. Deer generally, you know, just follow the fence if they're not spooked. But if they're spooked, I don't think there's any fence. They can go right through the fence, if it's a big buck. So it, it's a big problem.

We, we just, you know, the University of Hawaii Maui College is trying to develop a program to encourage people to go into farming and we're not going to get support if, if, you know, they're faced with oh wow, you got to spend you know several thousand dollars just to fence, just to farm? This is not going to work. We, we need to start reducing our deer population. And you know it may be distasteful for members of the public, whatever plan they choose, but you know, if we don't bring down the numbers, we won't have ag.

COUNCILMEMBER BAISA: Thank, thank you very much. I was just curious. I had the bad experience one morning when I was up on Kimo Drive, of having a whole herd right about six in the morning, still dark during the winter, just cross the road right in front of me. For the grace of God I was going slow around the curve, otherwise I would've had a horrible accident. So I'm very aware of what you're talking about. Thank you.

MR. YAMAMURA: You know, last October at that time I was still working for a company in Kahului.

CHAIR MATEO: Real briefly, Mr. Yamamura.

MR. YAMAMURA: Yeah.

CHAIR MATEO: Real briefly.

MR. YAMAMURA. I had an accident. I, I hit a deer and it was about 4:30 in the morning. And I have a deductible so it's like \$100, you know, that I had to pay out of pocket so I know what you're talking about. It's very difficult to drive at night without, you know, looking out for deer.

CHAIR MATEO: Okay. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Yamamura.

Mr. Clerk.

COUNTY CLERK: Scott Hopkins. Mr. Hopkins will offer testimony on County Communication 11-235. He'll be followed by Dave DeLeon.

MR. SCOTT HOPKINS (testifying on County Communication No. 11-235):

Good morning, Chair Mateo--

CHAIR MATEO: Good morning.

MR. HOPKINS: --and the Board. I represent Feed My Sheep, a local non-profit who's a partner agency with the Maui Food Bank. Our goal is to bring the community together in finding creative ways to feed people who are in need. And the proposal to manage the deer population has just recently been brought to our attention and it brings up another creative opportunity I believe.

We represent a number of local residences, residents, businesses, local farmers, churches, a large number of people who believe that it's important to take care of our family and the island and so we have always welcomed the donations of local farmers. And to know that a lot of their crops are being negatively affected by deer is a concern to us.

We want to make sure that proper measures are taken so that the needs that they have, the, the ways that they can produce an, an abundant amount of food, and some of it coming of course to us and going in turn to people in need, well that's a welcome idea to manage that deer population.

So in addition to that, we are in efforts to be prepared for a surplus of food in any variety. We have prepared for ourselves freezer container space and refrigerator container space so that things such as last year's County Fair brought in a pig that was processed and then given to the poor.

We see this as an opportunity to do something very similar with this deer and so we do encourage the, the Council to consider that there are many opportunities that can be made good of with the use of this, this deer that is being considered for processing, considered for harvesting. And I'd just like to encourage you guys to consider this, as you examine this, how it might very positively affect organizations like us.

For example, we serve in the vicinity of 9,500 residents of Maui per year. We give out 140,000 half pound meals every month. And one of the main concerns that we have is always procuring protein items for people, something that is acceptable to them. There's a lot of people who have concerns about high sodium levels or different, different sorts of preservatives that are in their food. Well, deer meat is an excellent source of protein that does bypass a lot of those concerns. It also, considering the relative inexpense of harvesting deer locally and not having to ship it,

not having to go through some of our more expensive avenues of procuring food, we would really welcome the idea of this being considered how it might be brought here, perhaps directly donated or sent through the market. But I thank you for your time and I thank you for your consideration of this.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Victorino.

COUNCILMEMBER VICTORINO: It's not only rephrase, I have a real quick question, if I may. I was told that if something like that was to occur, that you have to have an FDA inspector at the site saying you can shoot this one, you can shoot this one. They'd have to clear each animal for the purpose of consumption like what you're saying. Am I correct in saying that? Cause I was told that by somebody who's real knowledgeable in this area.

MR. HOPKINS: Okay. Well my understanding is that, for the purpose of food that you're going to be taking to the store--

COUNCILMEMBER VICTORINO: Yeah.

MR. HOPKINS: --that's true. However, without being an expert myself, my understanding is that things like the Good Samaritan Law provide a little bit more leeway in terms of, as long as due effort is made to make sure it's safe meat, then it wouldn't be necessary. I'm sure that selecting an unhealthy deer would not be allowable.

COUNCILMEMBER VICTORINO: Okay, thank you. Thank you, Chair for that clarification.

CHAIR MATEO: Thank you, Mr. Victorino. Members, additional questions? Thank you very much, Mr. Hopkins.

MR. HOPKINS: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: David DeLeon. Mr. DeLeon will offer testimony on Committee Report 11-105. He will be followed by Bruce Douglas.

MR. DAVID DELEON (testifying on Committee Report No. 11-105):

Aloha and good morning. I'm David DeLeon, representing Maui's 1,300 licensed Realtors and speaking in favor of the plan to allow the use of Hamakuapoko Wells for domestic consumption.

(Councilmember Pontanilla was excused from the meeting at 11:45 a.m.)

MR. DELEON: One of our members asked me to read her statement into the record because she's traveling out of state. As with follows.

I am Bernice Lu. My family has been waiting for decades for water meters. After waiting 20 years for our water, for water availability, we were advised that if we paid for the water improvements, we could get meters. Not having the money, we made the difficult decision of selling property that had been in our family for three generations.

Maui is home for us, our children and grandchildren, and we were trying to provide homes for all of us. We made the commitment to throw our lot in this direction.

In the middle of the process we were made to sign documents that stated, even if we put in the improvements, we were not insured, assured of water meters. Since we had already sold the family land, we made the difficult decision to go ahead and spend close to \$200,000 to build our three lot subdivision.

Our subdivision is completed, the Water Department has accepted our improvements, but we still cannot get our meters until those of you who make the decisions are brave enough to make the hard decisions. Please have the guts to do so.

Sincerely, Bernice and Wayne Lu.

The Realtors Association on Maui asks that this Council simply do the right thing. All the true science by the properly trained folks who are empowered to protect the public health says that the domestic use of treated Hamakuapoko water is perfectly safe. Despite all the internet sides to the contrary, this is not an Erin Brockovich moment. There is no irresponsible act being proposed.

Rather, let's make this the moment when Bernice and Wayne Lu get their meters and realize their family's dreams. Mahalo.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Bruce Douglas. Mr. Douglas will be followed by David McMullen.

MR. BRUCE DOUGLAS (testifying on Committee Report No. 11-105):

Hello. My name is Bruce Douglas and I represent Western Wastewater Treatment and Greenwave Technologies. My undergraduate is in Engineering and my graduate training is in Medicine.

Only a few months ago I would've been one of those concerned environmentalists, very worried about our water quality because I'm well aware of the limitations of our current carbon filtration technologies. But today I stand before you with good news. I'm happy to say that we have a viable and total solution to the water contamination problem, a revolutionary new water treatment system called the ECO-H2O.

This system was developed by a genius inventor in Finland and has been operational for the past 10 years in Europe, is now being marketed in America by Western Wastewater Treatment Systems of Colorado. This machine can take out any contaminated water including sewer water, contaminated oil field production water, chemical plant wastewater, brackish water, ocean water, and yes, even pesticide contaminated well water, and turn it into pure drinking water.

This system uses a new nano filtration process called the Molecular Sieve Technique that filters out most all pesticides, fertilizers, bacteria's, viruses, nitrates, phosphates, heavy metals, organic and inorganic chemicals to non-detectable levels, and even removes excess salinity to produce a drinking water quality, water that far surpasses all EPA standards. Only pure water molecules can pass through this molecular sieve filter system.

When an environmentalist friend of me introduced this cutting edge technology, I was so impressed and enthusiastic, as I understood it was really able to completely clean the water that I decided to represent it here on Maui.

The system treats water in real time, as it's delivered to the treatment plants, so it utilizes a small land footprint. No chemicals are used in the treatment process. The treatment plants are easily expandable to meet any future water flow requirements. And it operates on a low energy, low pressure system with minimal electrical requirements.

The ECO-H2O system is available to the municipalities on a pay-per-use basis without upfront costs. The company will finance the design, construction and operation of the treatment plant, and will only be paid on a per gallon treatment rate for the water actually treated. The company will operate the treatment plant, provide all management, maintenance and testing functions. It takes only eight months to have a plant operational from the time it gets ordered. This treatment system is totally risk free to the County and if the system does not perform to the specified standards, the company doesn't get paid. Simple. Plus the cost of the ECO-H2O system is very competitive with traditional water treatment systems.

We are currently working with the Grand Wailea, the Four Seasons and other resorts to turn their sewer water back into pure water for irrigation, laundry, and cool tower uses. We are currently working with the Maalaea Community Association to provide sewer water collection treatment system for the Maalaea condos to eliminate their injection wells and the environmental damage they cause.

CHAIR MATEO: One minute to conclude.

MR. DOUGLAS: We have met with the Maui Wastewater Department to use it for the Lahaina injection well problems. And we've met with the County about using it for the Kahului Treatment Plant, to move it away from tsunami danger and eliminate the ocean side injection well problems.

Recently met with Water Department Director, Dave Taylor, to discuss the ECO-H2O system as the solution to the contaminated Hamakuapoko Well problem. He explained to me that the carbon system is already in place, are installed by the companies and been accepted by the County, and to change the agreement, the lawsuit would have to be re-negotiated. This would require the political motivation and will of the County to re-open the suit and the demand that an upgraded system be used to remove all pesticides as well as nitrates and excess salinity.

It is highly likely that the nitrates from the sugar cane and chemicals will show up in the well water some months after pumping. The current system will not remove nitrates. The County will have to spend millions in additional treatment to remove nitrates. It is also highly likely that brackish water will show up as saltwater infusion happens. Again, carbon filters won't remove it, this system will.

It's far wiser to start with a system that will treat the inevitable future requirements of nitrate and salt removal. It's far wiser to remove all contaminants, not just those currently specified.

CHAIR MATEO: Mr. Douglas, thank you. I'm going to have to stop you at that point. Have you submitted your testimony?

MR. DOUGLAS: I'm going to and I have the packets of information for each one of the Council people and I've met with--

CHAIR MATEO: Thank, thank you very much, Mr., Mr. Douglas

MR. DOUGLAS: --Elle Cochran about it as well. Thank you.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased? Thank you very much, Mr. Douglas.

Mr. Clerk.

COUNTY CLERK: Calling David McMullen. Mr. McMullen will be followed by Jocelyn Perreira.

MR. DAVID MCMULLEN (testifying on Committee Report No. 11-105):

Aloha. My name is David McMullen. I've been a resident of Kula for six years and a resident of Maui, 41 years. I just wanted to share with you that I have some medical situations I'm dealing with and it's been directly related to chemicals and water poisoning, bacteria, mainly. . . mycobacterium and legionnaires. Which six of us in a five mile radius in Kula have been, been affected and half of us have had brain surgery and radiation treatments. And I'm now going for my third round of brain surgery and radiation treatments are going to up three times as much. I've got all the paperwork from UCLA Medical Center, St. John's Medical Center and John Wayne's Cancer Institute in Los An, in Santa Monica, California.

And I just hope that we can, as the previous gentleman shared with us, that there is hope. And if we really do care about our children and our elders and, and being that three of these people that are in that radius that gotten the same brain tumor, the meningioma brain tumor I have. I'm just hoping that this gentleman, what he shared with us a moment ago, that sounds to me like something we should be real serious about doing because we all, none of us want to end up with brain cancer or any other kind of cancer and, and lose motor skills like I have, being vision and smell and taste and hearing and memory and pituitary gland. You know, so I'm just hoping and that, that was a wonderful thing that actually shortened my time here immensely.

I know everybody wants to get pure clean water and, and we all work together and be one ohana. So I guess I'll, I'll just keep praying for things like this to come along

and hopefully this will help us all provide a better place for our children and for the elders and for residents and all and, and guests. Mahalo.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Mr. McMullen.

MR. MCMULLEN: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Jocelyn Perreira. Ms. Perreira will be followed by Sherman DePonte.

MS. JOCELYN PERREIRA (testifying on Committee Report No. 11-105):

Good morning, Chair Mateo, Councilmembers. My name is Jocelyn Perreira. Today I'm representing our Tr-Isle Main Street towns, the Tr-Isle Main Street Resource Center.

We are here today to support the Council's decision to bring this water source online. As professional resources and grassroots advocates, we wish to join our voices to the concern for, of our County's number one resource which is water. Time and time again we have heard the calls of our people who have clearly made known their top priority. This has also been validated through many public processes. We have advocated support for water policies and actions in our upcoming Maui Island Plan.

Our families have been waiting, not only for decades but for generations for the water meters that promised, were promised to their families, the right to live on their land with the true reality of affordable housing. We cannot dishonor the promises that have been put forth time and time again. Water is our future. Surely none of us would compromise our health and, in supporting additional water sources. We love our families, they need water. Water is their source of life, an opportunity for upward mobility. Some of our families have literally died waiting for the water meters. I hope we don't have to say to them again they, they too will die before they realize the, the dream for their families.

The fact is, we have not had new water sources for many years now. The promise of the Pookela Wells was not fully realized. Our families need homes, schools, parks, and jobs. We need to achieve self-sustainability and so we must come together as a community with a united voice to support doing what is necessary to provide for our people.

This should not be an issue to divide us, nor should it be an issue that obscures the facts and decisions made out of fear or by an un-enlightened public. Who, who wouldn't be confused? Look at the differing viewpoints. We know and live among the people who are expressing opinions. They are good people with good intentions. Although we can respect the right of everyone, we can agree to disagree on an issue. In the end, a decision must be made. So it should be made with the best facts available. Many of the facts we have heard are backed up by credible sources with an array of credentials that should give the members of our public the reassurances needed to move forward to resolve this issue.

So here we are today, after scrutinizing the facts, listening to all options and to stand up for what we believe to be right actions to address the needs of the majority of our citizenry. We have confidence that the necessary safeguards are in place, that the wells have met EPA standards for potable water as a backup. We are reassured by Alan Kaufman's testimony and support the use of the Hamakuapoko Well as a stand for emergency purposes in order to re, replace Pookela on active status.

CHAIR MATEO: One minute to conclude.

MS. PERREIRA: In Conclusion, in conclusion. Thank you. This should not prevent other suggestions to seek a variety of alterna, additional alternatives concurrently in order to meet the demands of our growing communities. And to at last honor our elders and our ancestors who purchased the land in good faith, secure in the knowledge that when their families needed to access the land for their families and their livelihoods, the years of paying taxes into the County coffers would assure them the water that they deserve. Mahalo for your kind attention.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And good morning, Ms. Perreira, thank you for being here. Just curious if any family or ohana's in the Hamakuapoko area from the camps over there are part of your Tr-Isle Main Street?

MS. PERREIRA: Absolutely a vast majority of them. In fact, besides my personal connections, which my family has come from Hamakuapoko, but also many of these families has moved from Hamakuapoko down to Kahului, Dream City. And many of these people who are and in that particular area, either migrated also Upcountry to Kapakalua area, Makawao area or they have gone to upper Paia and then eventually migrated to Makawao and even to Kula. But that's the connection.

And the reason why I know this personally as well as professionally is because it is part of our family heritage. There's a lot of Portuguese, Portuguese people who live in these areas and they, they've waited a long, long time, as well as others.

COUNCILMEMBER COCHRAN: Thank you. I only ask, Chair, I only ask because the Okinawan generations, actually there was about five aunties that actually approached me and these are, you know, the generation that doesn't like to make waves and doesn't like to stick their neck out for things. But they literally describe how many fellow people have died because of contaminants, because of the, the soil and what have you, contaminants from that area, the camps they live in and on a daily basis practically have family and best friends dying by their side. So you know I've heard those concerns also.

MS. PERREIRA: Yeah. And, and I, I'm sorry for those losses. I guess our families were fortunate that that did not happen with them.

CHAIR MATEO: Thank you, Ms., Ms. Perreira.

MS. PERREIRA: Thank you.

CHAIR MATEO: Additional questions, Members? Thank you very much, Ms. Perreira.

Mr. Clerk, proceed.

MS. PERREIRA: Mahalo.

COUNTY CLERK: Sherman DePonte.

MR. SHERMAN DEPONTE (testifying on Committee Report No. 11-105):

My name is Sherman Dudley DePonte. I'm from Upcountry. I'm a land surveyor and I'm also on the list. I'm like 76, 79, I don't know where we're at.

I'm sporting today the Holy Ghost Church shirt. At, it was founded in, in 1894, so we're about 117 years later. One of the prayers that they had up in Upcountry was for water and we're still praying.

The Upcountry people put out the lot on, and especially the churches, we put up at times they do the, well every year, it's the Holy Ghost Feast that gives free food to all of the island to share and hopefully we get goodwill and we get water that reaches us.

H'poko Well, I, I have mixed feelings on it but it's, it's for a backup. We have it, we have it for a backup. Let's test it and, and make sure that it's tested if it's going to be as a backup. It will solve, you know, four, five hundred meters in Upcountry list and that's good. But again, it's a backup, we need to look at alternatives.

And I've got to say, I met with, I met with our Deputy Director in the Water Department a couple days ago, and he assured me on a lot of stuff that I, I was way out there on, on things I'm worried about what was going on. And the testing, my, my gut feeling is I don't trust the Water Department and I think a lot of people around here have the same problem.

I, I have a hard time trusting our, our Health Department and reason, reason that, that is is because we, we've been served notices like months after the fact that we had the cleaning, and the cleaning I'm saying personally, you know. We had bad water two months ago, sorry. In fact, I don't think there was a sorry in there. But we had that. So we need better testings.

We pick up this, I look at it as, we pick up this well, there's other wells out there that, that can be drawn to. This well can be dropped cause at 39 or 2039 or whenever it is that's going to be dropped, we can drop it and move on to something else.

The next thing is cost. If we talking about 1.9 million, we have another well 2.5 million. What's the cost of bringing on, bring it online and bring in good water that's Upcountry and I'm talking about the Piiholo South Well. I, I like it because it's closer to home. And the County went in and had a thousand feet above that, they put their efforts on getting, you know, a well there. Why not this one? You know, buy it out, we've got water also. We need alternatives. And I'm, I'm going to say, for it but with restrictions that is, it's only for a backup and we're going to get better testing. We don't, we need better testing on those wells. Thank you.

CHAIR MATEO: Thank you, Mr. DePonte. Members, is there a need to have any part of Mr. DePonte's testimony rephrased? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Pamela Tumpap. Ms. Tumpap will offer testimony on Committee Report 11-105 and County Communication 11-235. She'll be followed by Ernest Rezents.

CHAIR MATEO: Members, while Ms. Tumpap approach the podium, for your information we have 17 more individuals signed up to testimony. At the close of this testimony, the Chair will return to the Members to ask regarding your, your afternoon break. Ms. Tumpap, thank you for waiting.

MS. PAMELA TUMPAP (testifying on Committee Report No. 11-105 and County Communication No. 11-235):

Thank you. Aloha Council Chair Mateo and Councilmembers. I am Pamela Tumpap, President of the Maui Chamber of Commerce and I'm here today to thank the Council's Water Resource Committee for recommending approval to reopen the H'poko Wells. We support this action.

Water is a critical necessity here in Maui and unfortunately for many years we have not been developing new water sources. And in doing that, it's going to come at an additional cost and we have to look at additional policy decisions.

Yet the County has already made a significant investment in these two wells, estimated at over \$14 million. And these wells can quickly be put online with minimal cost and help address water that's needed now.

So why have we not been using the wells? Well, it's a question that the Chamber of Commerce has repeatedly asked. And in fact, we've asked it of many of you during our candidate endorsement process, because all regulatory agencies have said the water can be made safe with treatment on a County level, on a State level and on a Federal level with the EPA. So if we don't trust these agencies, where do we go? And we've asked that question and we've had no good answers other than the issue of political will.

Therefore, we feel it is important to bring this water online now. It will aid farmers, particularly during drought conditions. It will help the, its 1,312 individuals on the Upcountry water meter list seeking a total of 2,600 meters. And we understand that maybe as many as 500 meters can be made available by bringing the source online. It will create an economic boost through increased agricultural production and construction activities and even generate more tax revenue for the County of Maui.

We still have and will continue to have many central policy questions that must be addressed on sources of water development, financing and appropriate water rates for all. And we support the work of our Mayor, Dave Taylor and the Water Department, and the Council's Water Resource Committee for addressing these issues as quickly as possible. However, we also ask that you make a positive difference today and vote for reopening the H'poko Wells to assist Upcountry agricultural users, homeowners, to provide desperately needed water meters, spur construction that has long been held up, and support economic development.

Mahalo for your consideration.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Ms. Tumpap.

MS. TUMPAP: Thank you.

CHAIR MATEO: Members, it's 12:10 at this point.

MS. TUMPAP: Oh, I'm sorry. Chair, am I able to testify on the second issue?

CHAIR MATEO: On 235? Okay. Thank you. Go ahead, Ms. Tumpap.

MS. TUMPAP: I'm sorry. Just for the record again, I'm Pamela Tumpap, President of the Maui Chamber of Commerce and I'm here today to talk on the issue of axis deer.

In May, the Maui News reported that the deer problem was very serious and far reaching, expanding to both our economic and environmental concerns and that our, we've had a deer population that has grown six fold over the last decade to about 12,000 deer.

I can tell you, being on acreage of late, I have personally seen huge herds of deer. Sometimes in Kula I've seen 12 deer just scampering around. I've seen as, as many as over a hundred running across upper Kula. And I live near the Pukalani Golf Course and we see them all the time and I've almost hit one, so thankfully not.

But axis deer right now are devastating many crops on Maui: vegetables; avocado trees; the sugarcane; landscape plants; pineapple, which will surprise many; and certainly grapes and that's been talked about today.

Tedeschi Vineyard lost six tons of grapes that they estimate would've brought in \$150,000 in revenue. They expect to lose more again next year and part of this is due to the deer's saliva which creates a bacteria that is hurting their vines. So there, it's not just the deer eating crops, it's other elements that the deer affect.

They're also harming our livestock here because they are foraging. And Haleakala Ranch reports significant losses from supplemental feed, destocking, death and premature sales.

In addition, axis deer were responsible for more than a dozen accidents this past year and DLNR is inundated with wildlife control requests. They are now also impacting the visitor industry. And I've even heard a report of a deer in a pool. Further, they have had negative impacts on public health as reported earlier on the watersheds and the natural eco-systems and species here in Hawaii.

We believe that something has to be done and done urgently. Many are saying that deer eradication is no longer possible on Maui but we feel far more must be done as axis deer are impacting many Maui industries.

I sit on the Feed My Sheep Board of Directors and I agree that hunting is also a recognized part of our culture here. And you heard Scott testify earlier today that they could use this quality meat to help support the families that are in need. They have a, a storage container that's 20 feet for freezer space and one for 24 feet of refrigeration space and this would provide needed proteins and diets. So there are options for us and we need to act now.

We thank Councilmember White for this resolution and urge Councilmembers to please support this. This is a huge and growing problem.

CHAIR MATEO: Thank you.

MS. TUMPAP: Thank you.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased? Thank you and again I apologize for that break in between.

MS. TUMPAP: Oh no. Thank you very much. Aloha.

CHAIR MATEO: Thank you. Members, once again if it's the preference of the body, we can go ahead and take our lunch break at this point. If not, we have 17 more testifiers that we could, you know, take at this point. What is the preference of the body?

COUNCILMEMBER BAISA: Lunch.

COUNCILMEMBER WHITE: Keep going.

COUNCILMEMBER COCHRAN: I don't care.

COUNCILMEMBER VICTORINO: I can keep going but I don't know.

COUNCILMEMBER BAISA: Break.

CHAIR MATEO: Go ahead and let's, you know it's up to the body. Before, you know, and if the body doesn't want to make a decision, I'm ready to call it. Members, we're going to stand in, we're going to stand for our lunch recess. We'll be returning at 1:30. Council stands in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:13 P.M., AND WAS RECONVENED AT 1:35 P.M., WITH ALL MEMBERS PRESENT EXCEPT FOR VICE-CHAIR PONTANILLA, EXCUSED.)

CHAIR MATEO: Council of the County of Maui regular meeting of September 16, 2011 will now come to order, 2011. Members, prior to our, our recess for lunch we were going through testimonies. At the break, Chair announced we have 17 more individuals to provide testimony to the body. Chair recognize the Clerk to please call up the next testifier.

COUNTY CLERK: Calling Ernest Rezens. Mr. Rezens will offer testimony on Committee Report 11-105. He will be followed by Carol Reimann.

(Vice-Chairman Pontanilla returned to the meeting at 1:36 p.m.)

MR. ERNEST REZENTS (testifying on Committee Report No. 11-105):

Good afternoon, Mr. Chairman and Councilmen. Thank you for taking my testimony today. This is, I live in Makawao first off, and I'm in line, I hope, to receive two water meters, but I'm number nine hundred and something for both of them. So I do not expect to gain anything by today's testimony except maybe moving up closer.

I cannot see wasting this water source when there are so many people waiting to receive water meters, especially because the water can be treated to meet EPA requirements. By having said that, there are two proposals on the table to my knowledge, at least two or maybe more. And because it depends upon the human element to make sure that the filters are changed on time and the water quality is maintained, I tend to prefer Elle Cochran's idea.

I am for purifying the water with the carbon activated filters and getting it to HC&S for irrigation purposes and in exchange, getting water from the river for human consumption after purification. And that way you have no contaminants from these wells, putting into your existing system and so you're clean.

Now when it comes time for the money to run out, be it 2039 or whatever it is, by that time, maybe the, the contaminants are so miniscule that filtration may not be necessary. Or you've had time to bring on more water systems online and this water may not be necessary and then the well can be capped. But if it is miniscule, it could be used without any further filtration. So it gives you a time to develop more water sources to meet the demands that you have. But right now we are hurting for water so filter the sys, filter the water, use . . . carbon and give it to HC&S and take an

equal amount in exchange and that way it is clean. And nothing is being added to our system to contaminate, maybe, our drinking water system.

Now, I don't like the human element, it is very easy for you to receive after two months, oh the water, the filter wasn't changed in time so a very small amount went into your drinking supply and people become uptight. So you should look at how you could minimize your liability. So put them online but do as I had recommended and I think you, it's a win-win situation. Thank you very, very much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Rezents.

MR. REZENTS: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Carol Reimann. Ms. Reimann will offer testimony on County Communication 11-235. She will be followed by Bill Greenleaf.

MS. CAROL REIMANN (Testifying on Committee Report No. 11-235):

Good afternoon. My name is Carol Reimann and I represent the Maui Hotel and Lodging Association. We'd like to commend Councilmember Mike White on his efforts to help us grapple with our axis deer population on Maui.

There's no doubt from the visitor industry standpoint that there's a severe deer problem on Maui. I recently polled some of the Hotel and Lodging Association members on the South Maui area and they all concurred that the deer problem is out of control.

There are nightly sightings of herds consisting of upwards of 500 or more deer above the road and on our golf courses. These deer create major and costly damage to the landscaped areas and to the courses. On a daily basis, maintenance crews must deal with some of the following issues: strong odor and dead circles on grass from urination; feces all over the courses and landscaped areas; bark and branches rubbed off trees; greens, fairways and tees are constantly trampled by herds leaving hoof marks needing to be repaired; and also the landscaped areas around the courses and along reservoirs are damaged.

One course reported that in 2010, they did a tee box renovation project that required them to purchase and install fencing on numerous tee boxes in order to keep the deer away from the newly groomed tees and to prevent them from eating the new

grass. For that project alone, the deer cost several thousand dollars. It is estimated that each year our golf courses in South Maui incur at least \$10,000 a piece in maintaining repair cost as a result of the axis deer impacts.

While daily sightings mostly occur above the road in South Maui, there have been incidents at our properties along the shoreline. Here are some examples. A deer was pulled from the ocean after it was seen in distress. A deer was captured by hotel staff in an outdoor restaurant and returned to the wild. A deer was on hotel property, possibly after being hit by a vehicle and wandered onto the property where it succumbed to its injuries and passed. There are also several cases of deer in hotel lobbies, restaurants and in their ponds.

These have already, there have also been numerous vehicular accidents involving deer. In the Wailea area alone, 19 vehicle accidents were reported last year. We are certain that there are actually more accidents but they are not all being reported. We also believe that there are a minimum of two accidents each month involving deer. This is a serious safety issue for our employees, residents, and as well as visitors, it's just a matter of time.

Also there's a huge poaching problem. On a fairly regular basis, gunshots are heard from illegal hunting activity. One of our properties who prefer to remain anonymous has reported that a stray bullet actually flew into a guest room. Luckily no one was hurt.

The deer population has grown to a point where they are starting to migrate. There have been sightings in Kahului and the Dunes Golf Course at Mauna [sic] Lani has seen deer activity. They are multiplying at an exponential rate. The many issues arising from their force migration into our populated areas will only increase as drought conditions intensify. If nothing is done and the deer will continue to multiply, the related costs--

CHAIR MATEO: A minute to conclude.

MS. REIMANN: --from their impacts will multiply and health issues will compound. I urge you to please move forward with the resolution. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Reimann.

MS. REIMANN: Thank you.

CHAIR MATEO: Mr. Clerk, proceed.

COUNTY CLERK: Bill Greenleaf. Bill Greenleaf. Dick Mayer. Mr. Mayer will be followed by Susan Jenson.

MR. DICK MAYER (testifying on Committee Report No. 11-105):

Good afternoon, Councilmembers and Chair Mateo. My motivation and I've spoken to you very often, several times this week on these particular issue is that the fact that I had cancer 14 years ago. It was on my kidney, a large tumor was taken out, I lost my kidney and an adjoining gland and I'm very concerned about the water supply as it may go Upcountry. That's my motivation. And although it was not caused by this particular well, it was, the type of cancer that I had most likely came from some kind of a herbicide.

The agreement that the County has, as far as I understand it, is only on DBCP and only that chemical, not nitrates, not TCP and not any of the other items. And so one of the issues you're going to want to look at is the cost to the County of cleaning up the other items if that agreement doesn't cover it.

Number three. The deep, several statements were made earlier today that all DOH and EPA standards have been met and will be met. The problem comes that the State of Hawaii has not kept up to date with the latest standards, nationally. The standard that Hawaii uses for T, TCP for example is a one that was set in the early 90's. California has recently done a very comprehensive study of TCP and they have set standards and goals that are 1/1000 of what Hawaii's present standard is. And so I would urge you, please get the safe water drinking people in from the State to see whether their standards are up to date. I did call them, talked to the director, and he was aware that California has stricter standards but he said Hawaii had not yet adopted those standards.

Mr. Taylor had gave you a presentation where he discussed many, many options for getting water, both down country and Upcountry. He came to our Kula Association, listed a whole group of, he didn't actually list the, the sources, but he said they have multiple potential sites that they're investigating now. I think it would be premature to pass this resolution at this time until you have before you the, the shopping list that may be available of other sources: the ditch, the Waikamoi Flume, other wells, etc., that do not necessarily put potentially poisoned water into the system. And I, he will be giving you the cost estimates for pumping, the capital cost, the, and all the other testing costs etc. And I think when you have that list of things, and he, he said he would do this sometime in I think October, November, you will have a much better chance to make a good decision than prematurely going ahead and doing this.

We also have something called the Water Use and Development Plan that was supposed to have been prepared. And really this type of a resolution that you're passing, bill that you're passing, really is something that should be part of the Water Use and Development Plan for Upcountry which was started five, six years ago which was mandated by the State. And it should be a part, the decision should be really part of that Water Use and Development Plan so we know the whole picture of costs, where it's coming from, where it's going, etc.

I am concerned that there is two items on the agenda with, relating to this. One is the Water Resource Committee and then there's a second item indicating an amendment and--

CHAIR MATEO: Minute to conclude.

MR. MAYER: I will conclude. That, that amendment is not available. I checked 4:30 yesterday afternoon because I wanted to testify, I wanted to see what else is on there and I'm just wondering, your attorney may have to make an opinion whether that amendment can be brought forth today because it was not available to the public to comment on. Thank you very much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Mr. Mayer for being here. Just to, just a question, in regards to you talking to some EPA personnel, as Department of Health of Hawaii continue to approve water resources and what you say is that the Department of Health in Hawaii is not following the new standards or whatever. So is EPA telling the Department of Health here in Hawaii that, you know, they got to get up to speed?

MR. MAYER: My understanding is that the EPA, nationally, did not regulate as, I'll use TCP as the example, did not regulate TCP and still does not have a fixed regulation. But because TCP was used heavily in both Hawaii and in California, both states had regulations. They were done in the 90's, at an earlier time and Hawaii still has that old standard and has not updated it.

California prob, because they had wide spread use also of TCP, just as we did, went ahead and did a very thorough analysis with hearings, the environmental agencies, the health agencies, all got involved. And in 2009, I can send you all a copy of that, that the both the medical study as well as the standards they've, they've, they've set, have changed the standards and Hawaii has not yet adopted that new standard

which is much more thoroughly based on medical fact rather than you know some EPA site, which may say you know, some conspiracy theories out there. This was done very comprehensively.

And I suspect at some point, Hawaii will adopt that standard and maybe even nationally it will go that way. But certainly California took the lead. They have the money to do those types of studies etc.

VICE-CHAIR PONTANILLA: Thank you. And, and the reason why I ask you this question is that the Department of Health here in Hawaii is governed by the EPA.

MR. MAYER: Right.

VICE-CHAIR PONTANILLA: So if Department of Health is not following any regulations then you know EPA are the ones that should administer some kind of a action against the Department of Health here in Hawaii so.

MR. MAYER: And what, what I'll do is I'll send you the documents and I know this is the first reading and between now and your second reading of the documents you'll have those things and you could, if you think it desirable and I think it is, to get somebody from safe water branch at the State level to come here and explain what Hawaii is doing with regard. I can give you the name of the gentleman who is, who I talked to and, and get him and ask those kind of questions. Will, isn't Hawaii required to have those standards or not? And what is the EPA saying about that? I think those are the types of very important questions you have to ask before you do second reading.

VICE-CHAIR PONTANILLA: Thank you. And I think an environment, environmental assessment is going to be done prior to utilizing this well so at the time then hopefully we can get some info, more information in regards to, or from Department of Health in regards to these two wells. So thank you very much.

MR. MAYER: But indirectly by making the decision today, you're--

CHAIR MATEO: Mr. Mayer, thank you, no question was asked. So Members, additional questions for the testifier? Thank you very much, Mr. Mayer.

MR. MAYER: Thank you.

CHAIR MATEO: Mr. Clerk, proceed.

COUNTY CLERK: Susan Jenson. Ms. Jenson will be followed by Mary Cochran.

MS. SUSAN JENSON (testifying on Committee Report No. 11-105):

I'm not supposed, I'm not sure who I'm supposed to address but, hello, Council, Chairperson. When this issue first raised its ugly head again, I had a dream. I dreamt that I was walking and there was a large group of warriors wearing red and my friends tried to grab me and pull me back and said, "don't go, it's dangerous". And I said, "no, I have to go". And I was encircled by hundreds of Hawaiian warriors in red and they encircled me, they embraced me and at the end, on a lighter note, there was a potluck. But just know that they are with me here today, they are behind me.

I came here in 2006 to speak on behalf of the children who couldn't speak for themselves, those born and those unborn for generations to come. I'm here for them again today. When people talk of terrorism, we think of another country, another race, bombs and chemical weapons. But I see my own government and monster corporations like HC&S and Monsanto as the terrorist poisonous, poisoning us daily.

Our State Health Department issues the burning permit for cane burning that poisons and sickens us all, whether you will admit it or not. The EPA, two weeks after 9/11 attacks, told the people in New York that the air was good. Did they even do a test? And you tell us we're supposed to trust the Health Department and the EPA to ensure our water safety? We already said no.

They are already permitting mass poisonings of us daily, these agencies and I just have to add how the State Department of Transportation poisons our roads with Monsanto's agent orange relative Roundup while they're wearing full hazmat suits and we ride by on our bicycles.

The only difference with how Saddam Hussein used chemical weapons to kill the Kurds and how we're being poisoned is that they died quicker. He fought, we fought for a ban of these contaminated wells in 2006 and won. No means no. When a woman says no and the man goes ahead and violates her, that's rape, and that's exactly what you're trying to do to us.

I'll say it nicely first, do unto others as you would have them do unto you. But there's nothing nice about us having to be here again today, except for Dick Mayer, I appreciate your testimony of, a light of reason there are other sources. So instead, I curse you all. I curse you with horrible cancers. I curse your children and grandchildren with horrible birth defects. How could I say these horrible things? But that's exactly what you're doing to us. Your actions will bring this curse into action or not. For as you do unto us, you do to yourselves and your families as well. And all

you, all your money and water meters won't help you when you and your families have horrible cancers and your grandchildren are born without limbs and with you know, horrible birth defects that are going to cost you 24/7 to take care of them.

CHAIR MATEO: Members, is there a need to have any part of this testimony rephrased?

Thank you very much.

MS. JENSON: You're welcome.

CHAIR MATEO: Mr. Clerk, proceed please.

COUNTY CLERK: Mary Cochran. Ms. Cochran will be followed by Robin Knox.

MS. MARY COCHRAN (testifying on Committee Report No. 11-105):

Good afternoon. Whoa, that curse was pretty something. I, I was born and raised in H'poko by the way and only people born in H'poko can call it H'poko, the rest of you call it Hamakuapoko. And the funny thing when I heard some of the testimony and I heard that one of the concerns was the sperm count. My god, that's all they did in H'poko was make babies. Anyhow, be that as it may.

The arguments are in on both sides, okay. We have a, support their position and there's no argument, there's no argument. I do not dispute that the water today is, is contaminated. On the other hand, they have not presented any data to show that once treated it is not safe. Now a perfect example is that the Napili Well in Lahaina. Now that well was far more contaminated than what the H'poko Wells are today. And yet with treatment, and yet with treatment that water is safe, and there's been no, no incident arising from that.

So one of the questions to be asked, and I'll make this real short, is that the Department of Health, the EPA and even the County itself, once knowing with the new technology we have in, in, in treating water today, contaminated water, why would they recommend something to be safe and subject itself to be sued? I know, I'm an attorney, I'm always chasing that ambulance. And so if people were getting sick from this water, especially when it's being treated, I would be over there first thing in line, soliciting their business. I know the Hawaii Bar wouldn't like to hear me say that, but that's the truth. Why would they expose themselves to liability once it's deemed to be safe?

But more important, the reason why I'm here as a private citizen, I believe that once this water has been deemed to be safe, I do not think that this County has the right to

deny our people Upcountry the right to the use of their property, okay. And that's the bottom line. We know that they have . . . diseases, I myself was a cancer victim, I recovered. It wasn't from the water. My colon cancer was because of abuse as having too much sushi's and cokes in the morning for breakfast, so that wasn't the water.

So please take all that into consideration. Know that, if you're going to look at data and you're going to look at best practices, we've got three examples: Central Oahu, Leeward Oahu, and Napili itself. And there's been no data to prove that once treated it is not safe. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: Robin Knox. Robin Knox. Charles Medeiros. Mr. Medeiros will be followed by Gregory Figueira.

MR. CHARLES MEDEIROS (testifying on Committee Report No. 11-105):

Good morning, Council. Good morning, Chairman Mateo. My name is Charles Medeiros, along with my family Ruthie and Mr. Lake who testified earlier. I am also a landowner in Kula looking to get a water meter. I would like to say that, if this H'poko Well is the source that we need to, to look to get us the water meters that we need with a proper filtration, I ask that the Council move towards that, that step.

I've worked at Wastewater in Kahului, Molokai, Lanai, Lahaina, Kahului Wastewater Treatment Plant. Filtration works, I've seen it work. The reclaimed water is usable. They use it to irrigate, they use it to construction sites, many other uses that and then one, one step beyond that it will, with filtration would be if they took the R-1 reclaimed water would, they would be able to use it for consumption. I believe Texas is one of the state's that does it now.

As my family member mentioned earlier that, that is, looking at wastewater to that stand point. Earlier I talked to Mr. Dave Taylor, he said that H'poko is the low lying fruit. If it is we need to harvest it, look at it and get the components together to make it work. And I would, in asking the Council to look in that step and in that direction. And I thank you very much for your time.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Medeiros, for being here. I was, you mentioned the word "if". If this is the only option, I think you said you know to get more water Upcountry, if there were other presented, you'd be willing to take a look at those?

MR. MEDEIROS: Oh definitely.

COUNCILMEMBER COCHRAN: This was--

MR. MEDEIROS: Definitely. You know the, the thing is the source is there. If the filtration is, is mandated and, and you know, all the components come together, let's do it. You know what I mean? People need it, I have property that I'd like to, along with my aunt I'd like to sit on the porch and watch the cattle graze and I can't. And my, my grandfather, you know, my grandmother homesteaded up there, my grandfather homesteaded up there, I just would like to be able to have a chance to doing it.

And you know, your point being taken, yeah, let's look into it. Filtration can, it's a, it's feasible, it can work, let's do it you know. And the other you know, if there's other options out there, let's look into it.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, additional questions? Thank you, Mr. Medeiros.

MR. MEDEIROS: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Gregory Figueira. Gregory Figueira. Calling David Craddick. David Craddick. Edward Smith.

CHAIR MATEO: Wait a minute.

COUNTY CLERK: Mr. Chairman, Mr. Smith submitted a separate testimony request for County Communication 11-235. He earlier testified on Committee Report 11-105.

CHAIR MATEO: Thank you.

MR. EDWARD SMITH (testifying on County Communication No. 11-235):

Thank you, Mr. Chairman and Councilmembers. First of all before I even begin, I'd like to thank a guy that I knew many years, name of Joe Medeiros, a family member that seated right here. He was the one that helped us for bringing this deer, you guys call troublemakers, to the island of Maui. And as we all know, the cost of living, the pressure on society today is much greater than it was in the past years when we had to fly to Molokai or Lanai to go get some meat, some food for our table. Joe and his, his associate made it possible.

Now I read in the newspaper, care of Mr. White, has plans to, he use the term, he might use the term control, but I look at it as total irrigation, or eradication. At one time, I don't know if Mr. White remember me, but I was the guy that stop you folks from shooting all the deer on, in the forests, watershed area. I'm the guy that was responsible for that. Cause first of all our water was our primary concern and to have animals lying dead near the watershed area would only get into the water drinking system where we already having trouble with. I, I didn't do it out of spite, I did it for health reason.

Now, as we all know, everything multiplies, even the human being, the human population. We're not going to eradicate the human population. I don't think we should be eradicating all the, our livestock.

Also, raise animals for food. I know not many you folks can afford to go into Foodland and come out with a doggie bag that costs two hundred bucks. I cannot, I'm on social security. And I believe in some of you Councilmembers sitting here have a hard time cost of living. Even poi cost money, a long way to bring it out of Hana on a truck, you're going to pay for it. So we supplement whatever we, we can to feed our family and to stay alive.

I myself in Pukalani, and I praise God every time I look out of my window and I find six to nine to twelve deer in my backyard and I say hallelujah, thank you God, thank you, Joe Medeiros for helping us. I don't go outside and shoot mother's that's carrying babies. I don't shoot them out of spite. I put one big . . . right in my back sliding glass door with water, clean water. I put salt blocks out there. And I even put grain out there, the best I can buy. I buy, I buy a half ton load of grain with my friend's pickup truck for my animals and for the deer, the most beautiful thing that God created.

They go in my garden, they cause a lot of hell and I say, "oh okay, I go plant some more". What I don't appreciate is people trespassing day or night with guns. You

see our Prosecuting Attorney is not enforcing the laws. I had one case where he's never been to court for over one year yet.

CHAIR MATEO: One minute to conclude, Mr. Smith.

MR. SMITH: But I no appreciate anybody flying over my home, my property, with my livestock with a yellow helicopter, I call it the, the canary or whatever, hunting deer on my property or any place within our residential district. It's unsafe, it's a lot of noise, it scares my animals in my property. And I'm, I'm 75 years old, I cannot tolerate the noise, . . . typing court, typing out court cases where guys look, flying over my head for look for deer on my property. There are certain restrictions that got to be applied here.

Like you, you want to eradicate? I say there's ways to eradicate. There's one gentleman here today speaking about the Food Bank, I'd go for that, I go for that. The food is needed. As long as we don't sell the meat to people in need who don't need no Federal license, State license or County license to give away food. No, you give it away, you feed the needy. The, the, the meat of the animals are created by God, it was brought here by Joe Medeiros' friend for the people in need. But we got to be careful that we don't hurt somebody in doing this.

CHAIR MATEO: Okay.

MR. SMITH: When I go outside and I'm ready to fight with these guys in the helicopter and I'm doing this and, and they think I'm waving at them hello.

CHAIR MATEO: Smitty, thank. Mr. Smith, thank you very much. Members, is there a need to have any part of Mr. Smith's testimony rephrased? Thank you, Mr. Smith.

MR. SMITH: There's public safety involved.

CHAIR MATEO: Thank you very much, Mr. Smith.

Mr. Clerk call the next testifier please.

MR. SMITH: Thank you very much.

COUNTY CLERK: Ginny Karpovich. Ms. Karpovich will be followed by Lucienne deNaie.

MS. GINNY KARPOVICH (testifying on Committee Report No. 11-105):

Give you a little time for your food to digest. I'd like to thank you all very much for allowing me to speak today. I had hoped after four years of dealing with this that I wouldn't be back here. And I must say that Dick Mayer said a lot of things that I would like to say and that is, I think this needs a little more scrutiny before this is adopted.

One of the reasons that I'm so passionate about this. By the way, my name is Virginia Karpovich, I'm a 30 year resident of this island. Prior to that, I was a plantation nurse on the Big Island. And part of my passion about this is the people that I took care of over an eight year period in the mid 70's and the problems that they had as a result of their contact and some of it was very minimal contact with DBCP. Just being in a shower that was supposedly clean, where they heated the water, could cause a man's skin to pull off of his body. And I'm not trying to be dramatic, I'm, I'm telling you the truth.

And you know if you tell a lie a million times, people think it's the truth. And the truth of the matter is, these, these wells are not safe even after they have been filtered by two carbon filters in line because MCL levels are developed in order to set standards for agriculture. And what this means is that there will only be 1.76 more cancers per 10,000 people than there were before. These non-detectable chemicals are the worst chemicals known to man.

And I think the other reason that you good Councilmen who are here, who were here before and voted the way you did is because over that period of time you heard about what happens when there's six of these carcinogens in, in tandem? What happens to us as human beings? Well the truth is there is no science so we are playing Russian Roulette. And I'd like to quickly, and that's DCB, EDB, TCP and mind you, atrazine and bromicile came in long after the initial tests which lead us to believe maybe there'll be more.

And I'd like to quickly, I know I don't have much time to, the nitrates cause they're very important. And on Oahu, when the MCL's go to five, then they set out an alert and it was back during the time when they were going to build a nitrate filtration plant, which by the way costs about three to five million dollars, it's not inconsequential, because they were concerned.

CHAIR MATEO: One minute to conclude.

MS. KARPOVICH: And please know that the levels in our wells were not three to five as was presented by the Department of Water Supply. Please check for yourself over

the three years where the, where the, the wells were pumped. They went way up to 6.8, that's very dangerous. Please look at this further consideration. Let's get together, let's have communication, let's talk. We had hundreds of hours of meetings and that's why you all supported us.

And believe me I want good water for those people in Kula. They're my friends, I don't want them to get sick. And I will do, I volunteer my time to help. I would like to see clean water for the people in Kula. These are over-pumped, polluted wells with very little recharge. Please rethink this. Thank you very much for your attention.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Karpovich. Thank you very much.

Mr. Clerk.

COUNTY CLERK: Lucienne deNaie. Ms. deNaie will offer testimony on Committee Report 11-105, County Communication 11-235, and Bill 52. She will be followed by Warren Watanabe.

MS. LUCIENNE DENAIE [testifying on Committee Report No. 11 - 105, County Communication No. 11-235 and Bill No. 52 (2011)1:

Aloha, all, Lucienne deNaie. On the matter of the 11-05 [sic], I would be testifying on behalf of the Sierra Club Maui. On the other matters, I would be testifying as a private citizen.

First, on the second and final reading of the Paia parking lot limits. Great idea, just thank you very much, we've needed this in Paia a long time and we need, we need something to make sure that there's a fair use of the space. And we're very grateful to Mana Foods who have been part of the solution, not just in putting this forward, but in creating an additional parking lot. This is the, the best that, that we see in our business community where we have so many principle businesses that do look for solutions. So we're very lucky in Maui that folks like that come out and get involved and make it better for all of us.

Switching over to the proposal to regulate the deer population. I hate to say I told you so. I, I hear Smitty and I think hunting has a valuable part but I served on a committee about the deer back in 1990-something, and we warned then. You know, hey, today it's the watersheds, tomorrow it's the farms. And sooner or later it's going to impact everything because there's no natural predators for the deer except the hunters. And the hunters don't go every place that the deer go and nor is it practical

for the hunters to go every place the deer go, cause otherwise you have people shooting through hotel windows.

So I hike a lot and I, I, agree with Smitty. The way to deal with deer is through water and I think that the County, to be the most humane, should look and see if there's any birth control means for some of the deer, and use birth control and use aggregate water ponds. And at those ponds, you can hunt deer and you can use it for food.

And if you can find a way to regulate, since they have no nat, natural predator here, we need to do something you know. God didn't just intend for everything to be out of balance, God made deer and God made wolves. Well, we have the deer, I don't think we want to bring in the wolves. So we need to think this through and there were some voices crying there in the wilderness but because the deer were on private land and because a lot of folks were hoping that, you know, they could continue their food supply.

The, the tough questions were, were kicked down the road, that can was kicked down the road and now we're looking at real, real impacts of farmers that I know say exactly the same thing that, that we heard from earlier testifiers. It's just tough to know what you should grow and out where I live in East Maui, it's pigs, they just wipe out people's crops.

So we are, we have an abundance of wildlife and we don't have enough hunters tracking them down so we need a better system and we should be moving forward on that. So thanks to all concerned for supporting that. I think a way could be found that would allow plenty of deer for hunters but you, you've got to get them out of the farming region and it's not going to be just one fence, that's too expensive.

Moving on to the Hamakuapoko Well. I did pass out a, a little hand-out. Let me explain it. This is a two-page, the first page, this was a study that was done in 2004 looking for a possible new water source for Maui. An exploratory well was eventually dug in Maui Meadows, didn't prove to be to useful but six different locations were surveyed and I just xeroxed one page on the Paia aquifer system. I just don't know if you folks are being provided this information but there is nothing that indicates that our Paia aquifer has a great natural recharge. What this report explains is that it has no significant occurrence of potable water.

Now this is not internet science, this is, this is water resources associate asked by the State to do a review of the aquifers. Our own water resources protection plan, which was done by the Water Commission and passed by the State Legislature, says, "the sustainable yield of Pala ignores significant importation of surface water from outside the aquifer system area. This explains the ability to withdraw freshwater

from the aquifer at significantly higher rates than the sustainable yield without apparent negative impacts, i.e. rising chloride concentrations". Basically what they're saying is that there's artificial recharge here.

Does the County have a contract with HC&S that they're going to be irrigating this land forever and ever, or even for the next 15 or 20 years? I would hope that before we invest two years and two million dollars, we know a little bit more about what is in the aquifer in terms of its viability.

Also, what happens if this is the backup and it can't reliably produce that .7 million gallons a day? I mean, are we asking people to put their hopes and dreams on something that we really haven't vetted? If these are backup wells, will they be pumped regularly? Because if they aren't, I believe that you will have some problems with your car, carbon filters getting bacteria. So these questions should be answered in the EA but gosh it would be nice to know this upfront.

And how expensive will it be to test the wells? Is it going to be considerably more than our regular testing for our regular water supply? I've heard conflicting reports from staff from the Water Department. So I would like just to have that kind of thing made clear before we go and tell everybody this is the answer to your dreams. We should know if it's the answer to the dreams.

And then addressing agency standards, you know all the folks who talk about the EPA and the Department of Health, let me just say that in the 1980's when DBCP was first discovered in our wells, the Department of Health signed off and said, you know you can keep using DBCP. It was banned in the United States, banned in the, in the mainland. You can keep using it in Hawaii because our aquifers are different, we've tested and it won't go into our aquifers. Of course we, we support, we trusted this Department of Health. The EPA —

CHAIR MATEO: Minute to conclude.

MS. DENAIE: --told us, told members of Sierra Club, and it's in our files, that this water would never be affected by the DBCA, DBCP because it did not migrate.

I'm just saying these are good agencies but they're not infallible and it's very hard to change the standards, it's very hard to get the political will. The very same people from the business community to support these wells would be against the standards being raised, dollars to donuts, because it cost money when you raise standards.

But we're talking about people's health and the GAC works very well for some wells. Those are the wells that have the capacity to make it worthwhile to invest in those

systems. Do these wells have that capacity or are we comparing apples with oranges? Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Ms. deNaie for being here. You mentioned that backup wells would probably typically mean not used on a regular basis and filtration to be, I guess, the most efficient and not have bacterial build-up or whatever would best be used on a constant basis. So can you just clarify a little bit more on what that is?

MS. DENAIE: Yeah. I got this from reading the manufacturers recommended procedures for GAC filters which is online, but I think it's a pretty reliable source. They explained that you had to have a fairly steady supply of the water that you were filtering, going through the filters. They couldn't just sort of sit unused. So if these are backup wells, you probably want to know how often they were going to be used. And if they're not used very often, are they going to be pumped and where does the water go and what happens to it? So that, that, hopefully that clarifies for you.

COUNCILMEMBER COCHRAN: Thank you. There'd be further questioning from Department for sure. Also the costs. You, you touched on that, probably expensive tests and--

MS. DENAIE: Yeah. And I don't know if you folks have reviewed the minutes of your, you know past proceedings but people have testified from the Water Department. We were told in earlier testimonies that there were going to be four levels of tests done and the tests would be done I think every week.

And the way the carbon filter works, it's not a solid filter, it's a bunch of particles and so furrows can be created. And if the water passes through the furrows, it's not exposed to as much charcoal is my understanding from talking to folks who have worked for the Water Department. And hopefully that would never happen to us. But if we're not testing very regularly, that could happen and that just means the water is untreated and it's going through without the little charcoal things being able to, to fill in and, and grab the contaminants.

So the question is, how much will it cost and who pays for it? Is it paid for out of the settlement? Does the County pay for the extra testing and it would appear to me that it would be significantly more testing than our other wells. I've toured the water treatment plants and they do testing but it doesn't seem like they have to do that

robust a testing as these might require. So are, are we getting in for a lot of extra expense and might it be for very little water?

COUNCILMEMBER COCHRAN: Thank you.

CHAIR MATEO: Thank you, Ms. Cochran.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Lucienne for this information. Just a fast question in, in regards to, I guess this was made in 2004, exploratory wells. Did any, anyone made a study as far as an exploratory well, Ulupala, Ulupalakua, Kipahulu side? I know it's in the Hana Community Plan area.

MS. DENAIE: Yeah. This study was looking for something that could supply the Central Maui system so they looked basically between Haiku and South Maui. So they didn't go further. They went up, they, they had six different sites, it's a very interesting report, and you know, it's, it's why we have environmental assessment so we can learn something and make some good decisions. But no, they did not evaluate past, I, I think one of the, one of the wells, well this well was on Ulupalakua Ranch land but some of them were even higher up, more towards, you know, Kula side but they didn't go out to the East.

VICE-CHAIR PONTANILLA: Okay. Thank you. Yeah, I understand that a well was dug in the Hana Community Plan area which is in Ulupalakua and because of the community plan area, you cannot cost, cross plan areas, you know, that water just stayed there. So, I, I, I just wanted to know.

MS. DENAIE: I, I don't, I don't want to sound like I'm correcting you but I believe that's the Kula planning area that Ulupalakua is in. So, and it's in the Kula Community Plan that was--

CHAIR MATEO: Ms. deNaie, thank you. Thank you very much. Members, is there, is there need for clarif, additional clarification from the testifier? Thank you very much, Ms. deNaie.

MS. DENAIE: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Warren Watanabe. Mr. Watanabe will offer testimony on County Communication 11-235. He will be followed by Frank Domingo.

MR. WARREN WATANABE (testifying on County Communication No. 11-235 and Committee Report No. 11-105):

Good afternoon, Chair Mateo, Members of the Council. I apologize for missing my turn earlier this morning but I had a, a meeting that I had to attend to. With your, with the Chair's permission, can I also make comments on 11, item 11-105, the Hamakuapoko Wells? Thank you.

The, again, my name is Warren Watanabe, I'm Executive Director of the Maui County Farm Bureau. Now, Maui County Farm Bureau strongly supports Item No. 11-105, allowing use of the Hamakuapoko Wells.

You know as a, as a citizen of Maui and Kula for all my life, I've seen the water system, you know, as it, it developed, and it was mainly developed for agriculture. But as the, as times has gone on and, you know, and it really disturbs me, agriculture has declined in the Upcountry area. But that doesn't mean that we still do not need water. Our farmers, our ranchers do still struggle for adequate water supply, especially during through a, during through a drought. So I strongly recommend that you allow the usage of these Hamakuapoko Wells.

And then, now for 11-235. Again, I'm Warren Watanabe, Executive Director of Maui Farm Bureau. The Farm Bureau strongly supports this resolution seeking to develop a long-term axis deer management plan. And I emphasize, this is a management plan not an eradication plan. We are, I am part of the committee that has been formed to look at this issue and we recognize that it'll be very difficult to eradicate. However, we did, do need to seriously manage this situation. Our farmers and ranchers are taking a severe hit and many of them are, you know it can, you know make or break them. And so it is a very serious issue.

We also recognize that this problem is not unique to agriculture but an overall problem to Maui. We know the tourist areas abutting our ag lands experience problems and want to make sure we do not relocate a problem and so we are actively working with the Maui Hotel Lodging Association, DLNR, HDOA, MISC, the County of Maui, farmers, ranchers, and many others.

The solution will be found in collaboration. While under fiscal challenges, State and local governments can assist by clearing regulatory hurdles in a timely manner. And we will be sending a letter to Chair Kokubun, from the Hawaii Department of Agriculture and Chair Aila, with the Department of Land and Natural Resources asking for their assistance as we have been told that we are required to have a State management plan in order to move forward. Thank you.

CHAIR MATEO: Thank you, Mr. Watanabe. Members, need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR MATEO: Ms. Cochran, go ahead.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Watanabe for being here. Right now do you, is Upcountry considered in a drought right now?

MR. WATANABE: I would say it's a moderate drought, yes.

COUNCILMEMBER COCHRAN: And is that just every so often or can you kind of--

MR. WATANABE: Well, well the issue is that, you know especially during the summer because of, we are depending on surface water. And I've, I have done this in the past, many of the farmers, especially the veg crop producers, will cut back their planting. And it, the reason for that is, in this day and age, you cannot afford to put in a crop without getting a, a you know, a market, I mean some harvest out of it. You can't afford it anymore. Not like when my, during my parent's generation.

And for the ranchers, I mean they are still recovering. They've down-sized their herds and it will take them three, four years to recover.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR MATEO: Thank you, Ms. Cochran. Thank you very much, Mr. Watanabe.

MR. WATANABE: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Frank Domingo. Mr. Domingo will be followed by Dorothy Buck.

MR. FRANK DOMINGO (testifying on Committee Report No. 11-105):

Good afternoon, should I say Chairman Mateo and to all of you Councilmens. I'm glad to see that there are some new faces in here. Ten years ago, I predicted that five of the Councilmens will be out, that included Charmaine Tavares, Alan Arakawa, Mike Molina, JoAnne Johnson.

(Councilmember Couch was excused from the meeting at 2:27 pm.)

CHAIR MATEO: Mr. Domingo, go ahead and provide your testimony please.

MR. DOMINGO: Yes, okay. Now I'm going to start. Now you can start, yeah. No, now you start. Okay, what am I here for is to tell you that you talk about the water system. But to clarify a lot of things, yeah, that I testified about 10 years ago, I think that the way to solve this problem, because you guys are going to go back to that H'poko Well, was that I suggested that you buy a stick of dynamite and put one on each well. Because this is a thing that is before you now. What is come full circle and what all the other people couldn't solve, you guys are still trying to do it.

But the, the problem that you need to do is to spend your money and to see and get the water system from East Maui to realign it, you've got to do it. You got to get the State, the County and even the Federal because when Mr. Baldwin build that Spreckels Ditch, they brought water here. But it wasn't meant for all of you to spend and use for build homes, it was for the, the plantation.

Now, the plantation, they had a well in Maliko. They ran it for 24 hours. And that came up on the side of the mountain and it went up to the side above H'poko and below and they filled up three reservoirs of water for the cane field. That was the water they had at Maliko Gulch. It was run for 24 hours, boilers with steam engines. But now the water resources is there. All you have to do is, because of technology, you can always use something else to pump the water out. But that water ran clear like glass and it ran for 24 hours and it went through all the plantations.

And the plantations were smart because they build up reservoirs and they build the village around the reservoir so the people could have water. See, but now you don't have that. So now what you got to do is, you tell the people in Kula we cannot give you water because of this contamination and all that. I said, you had ten years to decide how to get better resources of water and you folks haven't done anything about it. I think the Council had been ne, negligent in a lot of ways.

CHAIR MATEO: One minute to conclude.

MR. DOMINGO: Yes, okay. I see the red light going on, I got only ten seconds so I've got to talk like hell and get you guys ready to say don't vote for this thing and get a new source of water that we need. Don't full around with this contaminated water again. You just going back and forth, back and forth and that's it, that's all I can tell you. Don't, don't try to, you guys are going one full circle. And the next two years, a lot of you will be here, won't be here maybe so here we go again. So, I say don't worry about the H'poko Well but get new sources of water. That's what you have to do.

And to repair our system that come from East Maui. Look at Haiku, those poor people, they're still suffering because they don't have water pressure now and yet they close to the East Maui Ditch. If any of you have ever been in the tunnel--

CHAIR MATEO: Thank you, Mr., Mr. Domingo, your time is up.

MR. DOMINGO: --you would have been happy to see how they did it.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased?

MR. DOMINGO: Thank you, Mr. Mateo.

CHAIR MATEO: Thank you very much, Mr. Domingo.

MR. DOMINGO: If you guys going ask me questions, it cost you money.

CHAIR MATEO: I wouldn't pay, excuse me.

MR. DOMINGO: I thank you very much.

CHAIR MATEO: Thank you very much.

MR. DOMINGO: Mr. Mateo, Chairman and the Council, I thank you for listening to me.
Thank you.

CHAIR MATEO: Thank you, Mr. Domingo.

Mr. Clerk, proceed please.

COUNTY CLERK: Dorothy Buck followed by Michael Covich.

MS. DOROTHY BUCK (testifying on Committee Report No. 11-105):

Hi, I'm Dorothy Buck, Dot Buck and I live up in Pukalani. And the reason I came to testify today is because I am against opening the wells as they are at this time. I too am a cancer survivor. I had breast cancer 12 years ago and I, I, I know the health hazards from pesticides and nitrates, I really studied that a lot.

Living in Pukalani the last six years, I have noticed sometimes the water doesn't smell very good and if you've been there you know it. And I've gotten some really severe rashes on my body from showers up there. And that's with filtered water that's supposed to be safe right now. I just, I just know from just my personal

experiences, people that have had problems and have been sick because of the water up there.

Right now I have a friend at the college, who has a, a tumor on her neck. It's benign, but her doctor said that he thought it came from the water. Now, that's hearsay, I can't prove it but I could finally, find the evidence if you needed it. I, I think especially the, the nitrates and the run-off from the agriculture that will still be going into the wells, even if it's treated, that's something that really needs to be considered.

I had lunch with some people from the County who I won't name. And they did really tell me about some of the additives they have to put in the water because of the lead in the pipes so that's something that we can't really, we can't really regulate because there's lead pipes still up in some of the buildings Upcountry.

But what we can look at is we can look at the wells that we're thinking of using and other alternatives that people have mentioned. There's groundwater that can be used. There's other filtration systems. And you know, I'm not an expert, I don't know if all the information I've heard about this is true about the wells but just know it's, it's good to kind of err on the side of prudence, you know.

And, and I don't, I don't need a water meter, I don't have land up there. I really feel, I really feel for the people who have been on the list for years and years and years and years, I know what that's like you know.

I've lived on Maui probably 40 years, I, I came in 1962 and then when I graduated from UH, I came over here as a social worker so I've seen things change, you know. I've seen Lahaina change, I've seen Upcountry change and I just, I just ask you to really consider and listen to the testimony and look at what people have said because we need water. I have no problem with finding water, it's just where it comes from. Thank you very much.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased?
Thank you, Ms. Buck.

Mr. Clerk.

COUNTY CLERK: Michael Covich. Mr. Covich will be followed by Robert Karpovich.

MR. MICHAEL COVICH (testifying on Committee Report No. 11-105):

Good morning, Mr. Chairman, Vice-Chair, Councilmembers. Mr. Chairman, thank you for the lunch break, I needed it. I submitted nine copies of the testimony from the

article today in the Viewpoint. I totally agree with it. I, I kind of dressed up today, this is about as dressed up as I really care about getting anymore. Back in another life, I used to have put suits on, like a lot of people here, and it was always for courtrooms or going to lecture lawyers and put them to work for whatever reason.

I was very glad today to hear some of the things said, particularly the new California regulations. My understanding is that this particular process meets them, so to not have them meet those would make a, would be a mistake so somebody should consider that.

Another little piece that really got me today was the salesman that was up here. I asked him what happened to the waste products in this process he was talking about. He didn't, couldn't really give me an answer. But when I asked him how much per, what, what the cost was, he said a half a cent a gallon. That's five dollars per thousand, that's a lot more than we're paying now and I don't know if the technology is really workable.

And there was some other comments made too about the DCBB's [sic] and sterility and shrunken testicles and low sperm count. That was actually, I'm going back now 30 or 35 years when I used to be in toxic court, chemical sensitivity and things like that and that came from the plant, the statistics at the plant because, right, some unscrupulous people held out the real statistics. To work at that plant, finally, you had to have a vasectomy so you wouldn't have children, had to be sure before they put you to work cause the plant was dangerous.

I believe that, where some of the information came from, although I could be wrong and I do not have perfect recall, actually I never did. To me the thing is that you have to test this. This is going to be tested. Let's look at it and let's look at it clearly, look at all the wells in the aquifer. Let's put this thing online, it's the most economically thing that's feasible at the time.

Now, are some of these chemicals dangerous? Yes. That was figured out 30 years ago, there have been there. Now, can they be taken out of the water and used safely? Yes. May I make one more quick statement, sir, on another subject.

CHAIR MATEO: One minute to conclude.

MR. COVICH: Thank you, sir. Call the herd, turn it to a commercial activity, let people smoke it, sell it at Whole Foods, ship it off the island for the axis deer, that's really tasty meat. It's good for the economy. I don't think it'll ever hunt the word out, the herd out of population. Limit the hunters just like you're giving, limiting the permit for com, for TRV's [sic] and all the rest of it. Turn it into a business that brings money to the community, there's too many of them. They're ruining some of your resources.

The one thing I agree with is they're destroying the watershed. Let's get rid of them. We're not going to get rid of them all. Set some kind of a limit, turn it to commercial activity and sell it. Thank you very much for your attention.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Covich.

MR. COVICH: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Robert Karpovich. Mr. Karpovich will be followed by Jason Medeiros.

MR. ROBERT KARPOVICH (testifying on Committee Report No. 11-105):

Good afternoon, Mr. Chair and Council.

(Councilmember Baisa was excused from the meeting at 2:38 p.m.)

MR. KARPOVICH: Thank you, my name is Robert Karpovich. I've been a Maui resident since 1984. In 2006, the County Council passed a resolution urging the Department of Water Supply to discontinue or not to use the Hamakuapo, Hamakuapoko Wells for human consumption. When the Director refused, indicated he would not obey that or consider it, the Council then considered an ordinance.

We had public hearings in Paia, we had science shows, we had many, many committee meetings and they forwarded a committee report. Actually after looking at the big issue urging or committee report banning the use of contaminated aquifers from underneath active agriculture, very broad law. The rationale behind this was that the aquifers are already contaminated, contamination is increasing since the Department of Water has no control over what sugar and pineapple puts on the land.

The ordinance was then narrowed down to just banning the Hamakuapoko Wells because of its extraordinary mix of chemicals and because of the fact that it's underneath active sugarcane fields. And well, pineapples since gone out, I'm not quite sure if there's pineapple above it now. There's a well-head protection area, Well Protection Act mandated by Federal law and State law but it has absolutely no teeth.

For agriculture it recommends that agriculture use only the chemicals that they need, so that's not a regulation at all. So we have no regulation whatsoever about what's

being put on the ground, around and above the well so contamination is increased. So that's the rationale behind not putting County money into drinking water wells.

We're, they're trying to direct the County away from developing contaminated aquifers, which makes good sense. In the interim, unfortunately the department's done very little to develop up, Upcountry waters so that's why we're here today. I feel sorry for the people that have property and can't get meters. I'm against mega-subdivisions Upcountry because our pumping costs are over \$5 per thousand.

Mayor Arakawa, on his TV show last, a few weeks ago, said we have plenty of water at Kamole, we could run those pumps day and night and keep the reservoirs full all of the time. We have plenty of water, but it costs a lot so we don't want to do it. So we're asking our citizens to cut back, conserve and we hope that it rains. So why, why pump from sea level at H'poko, all the way up there, if there's plenty of water already at Kamole?

Ms. Cochran's proposal, in an extreme drought emergency when the fire flow of the ditch is too low for the Puunene Mill to operate then the H'poko water could be pumped up into the Hamakua Ditch to help supplement the plantation and the County could continue to withdraw its prorated share out of the ditch for Upcountry. Thank you very much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Karpovich.

Mr. Clerk.

COUNTY CLERK: Jason Medeiros. Mr. Medeiros will be followed by Gregory Figueira.

(Councilmember Baisa returned to the meeting at 2:41 p.m.)

MR. JASON MEDEIROS (testifying on Committee Report No. 11-105):

Aloha, Chairman. Aloha, Members of the Council. I'm here to speak in favor of the use of the H'poko Wells. You know, there is a need for water. Upcountry needs it, we need water and there's a lot of needs for water. I have heard people say, oh there, there are alternatives. We need that water too. You know, we got to start somewhere, why not with H'poko?

The Health Department, the Water Board Director said the water is safe. And you know what, I believe them. Okay, it's safe for consumption and if you know,

testimony I hear is, we don't trust you, we don't trust the Water Department, we don't trust the Health Department. There's so much hate, what's up with that?

You know, I trust you guys. I trust you guys to make a decision, whether I agree with your decision or not, is irrelevant. I still trust you because you have the courage to take a position where you've got to make decisions. You know, I have a lot of aloha for that kind of courage.

If you don't trust your government, then what attracts you to Hawaii? What makes you stay here if you cannot trust people elected to serve? I trust you guys and I will not ever curse you guys, okay. So I just wanted to say, you know, there are people out here that have a lot of aloha for you and I wanted to remind you of that. Okay, that's all I got.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Medeiros.

Mr. Clerk.

COUNTY CLERK: Gregory Figueira. Mr. Chairman, Mr. Figueira is, is the last individual to have turned in a request to offer testimony.

MR. GREGORY FIGUEIRA (testifying on Committee Report No. 11-105):

Hi, Council and Mr. Mateo. Thank you for letting us speak here today. I know there's both sides to every story and I'm sure you'll make the right decision. If the wells are safe, please put them online. Our family has lived in that area for, my grandmother was born in Kaupakalua, mom was born in Kokomo, my dad lived in H'poko almost his whole life; worked there his whole life in the plantation. And I know some of the things that went wrong there and if they can be corrected, please provide us with the water.

Now if they can't correct the situation, it doesn't test positive, there's the Piiholo South Well, it's fifth about five minute walk from my house, just put a pipeline from there. You know, I mean I don't understand why Auntie Ruthie and all the other people that live Upcountry have to wait so long for water.

My dad passed away hoping for see his kids build on the land. And you know my mom's still here, thank god. And the reason I'm speaking today is not for me, because I already have a home in Pukalani with my water meter, but this is for my children and my grandchildren. We don't get the infrastructure built today and we

don't get it going forward, it will cost ten times more when they grow up. And for, and I'm pretty sure they wouldn't be able to afford it at that time either.

I've never seen it, a good time for money. Money has always a, you know, shortage. But please vote in favor of the wells, H'poko 1 and 2. And if they can't be passed because of the reasons put by, by some of the experts supposedly, open the Piihola South Well. Four million dollars now is better than forty million dollars 20 years from now. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

COUNCILMEMBER COCHRAN: Chair, Chair.

CHAIR MATEO: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, sir, for being here. And I'm glad you brought up an alternative. You know you're okay, if it's safe you're good. But no real lights been shed to date in, in alternatives so I'm glad you brought that point up of Piihola I think you mentioned. Thank you.

MR. FIGUEIRA: You're welcome.

CHAIR MATEO: Thank you very much, Mr. Figueira.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, Mr. Figueira's testimony concludes the testimony of all individuals who have submitted a request to testify.

CHAIR MATEO: Thank you. Members, as you have heard, well we have one more testifier advancing.

MR. MERCER CHUBBY VICENS (testifying on Committee Report No. 11-105):

Aloha Chair Mateo, Members of the full Council. My name is Mercer Chubby Vicens and I'm a resident in Spreckelsville and I'm speaking on my own behalf.

As I said in the Water Resources Committee meeting, H'poko is only the start. It's one of many little pieces that it'll take over the next 15 or 20 years to be able to allow us to live the lifestyle that we've become accustomed to, unfortunately. But at the same time, H'poko is the immediate answer to many questions. Not the ultimate

answer but the immediate answer, because you can put it online quicker than anything else at probably an expense cheaper than anything else you got right now.

We have no alternatives at this point. So I would say that this is a, a starting point, one of many. You've got alternatives in Central Maui that you may want to look at later on. But think about what you can do for the economy. Think about what you can do for the people that are Upcountry. A thousand three hundred twelve people have been waiting, some as many as 20 years I've, I've been told, looking for water. All they want is 600 gallons a month so they can build a house. What's wrong with that? That's the American dream.

This Council is elected by all of these people sitting out here, those for and those against. What this Council needs to do is to really dig deep into their opu na'au and decide what is best for us as a community, not me, not he, but us.

I tell my chamber that the Hawaiian people will only move forward when we learn to say, I, "we" instead of "I". We have too many I's going on today. Let's bring the community together, bring us back, get started, solve the problems. If we've made a mistake, we can always be corrected. I had the great navigator, Nainoa Thompson, tell me a week ago when we make an error, we learn, we learn by it, we don't make it the second time.

So we have that opportunity, you have that opportunity. You are our leaders. We want to hear from you. We want to know what you guys are thinking and what can you do to help us. We're going to put the monkey on your back. It's going to be your decision so that all of us, every one of us here can move forward together. Thank you, Mr. Chairman.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

COUNCILMEMBER COCHRAN: Chair.

CHAIR MATEO: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair Mateo and aloha.

MR. VICENS: Aloha.

COUNCILMEMBER COCHRAN: You know, you touched upon there could be Central Maui options. What, what are those?

MR. VICENS: Well, I believe that there are wells, there are opportunity wells in Central Maui. I think you're aware of Mike Atherton's two wells that are sitting up on the hillside, already drilled. There are two wells sitting on the site that, that Spencer bought from the Atherton's, already drilled. There's Well 7, down in the cane fields, already there. So these are opportunities but these are long term solutions.

H'poko providing that the EPA is right and I believe that they are. I've got a lot of faith in Dave and his group. These are short-term solutions. Waiale may be a solution down the road, who knows. All I'm saying is don't close our minds to things that we have not yet explored. Did I answer your question, ma'am?

COUNCILMEMBER COCHRAN: Yes, yup. Thank you.

MR. VICENS: Thank you very much.

CHAIR MATEO: Thank you. Members, additional questions? Thank you, Mr. Vicens.

MR. VICENS: Thank you very much.

CHAIR MATED: Thank you. The Chair will allow the opportunity for anyone in the gallery who would like to provide testimony to the Council this afternoon that had not already done so, to please advance to the podium at this time. Members, no one, no one comes forward. With no objections we will close public testimony. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATED: Thank you, so ordered. Mr. Clerk, let's, let's proceed.

(Councilmember Couch returned to the meeting at 2:52 p.m.)

COUNTY CLERK: Mr. Chairman, we have received written testimony.

CHAIR MATEO: Members, in the folders on your desks we are in receipt of multiple copies of testimonies. So with no objections, the Chair would like to also accept them into the record. Any objections?

MEMBERS VOICED NO OBJECTIONS.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Simon Russell;
2. Penny Humphries;
3. Rosemary Robbins;
4. Michael S. Spalding;
5. Robynne Riley;
6. Harold Keyser;
7. Michael Silva, Hawaii Society of Professional Engineers;
8. Kenneth Yamamura, Office of Economic Development;
9. Dave DeLeon, Realtors Association of Maui, Inc.;
10. Bruce Douglas, Western Wastewater Treatment and Greenwave Technologies;
11. Jocelyn A. Perreira, Tr-Isle Main Street Resource Center;
12. Pamela Tumpap, Maui Chamber of Commerce;
13. Lucienne deNaie;
14. Warren Watanabe, Maui County Farm Bureau;
15. Michael Covich;
16. Steve Slater;
17. Maui Tomorrow Foundation, Inc.;
18. Michael Clements;
19. Ray Shimabuku, International Brotherhood of Electrical Workers;
20. Gregory Lambert;
21. Jerry and Angela Eisenberg;
22. Robert L. Cole;
23. William Jacinth°, Maui Cattlemen's Association;
24. Andrea Buckman, Leeward Haleakala Watershed Restoration Partnership;
25. Makani & Nerissa Eisenberg;
26. John Blumer-Buell;
27. Chris Brosius, Maui Conservation Alliance;
28. Bruce Faulkner;
29. Bernice and Wayne Lu;
30. Earl Ichimura, Plural Water Specialty Co, Inc.; and
31. Kent Hiranaga.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, proceeding with Committee Reports.

The following Committee Reports were presented.

COMMITTEE REPORTS

Recommending the following:

1. That Bill 53 (2011), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749, BILL NO. 37 (2010), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (LAHAINA FIRE STATION ADDITION)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-193, from the Budget Director, be FILED.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO ADOPT THE RECOMMENDATIONS SET FORTH
IN COMMITTEE REPORT NO. 11-98.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Victorino to adopt the recommendations in Committee Report No. 11-98.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. This report details the Budget and Finance Committee's review and recommended approval of revised bill increasing the Fiscal Year 2011 general obligation bond authorization ordinance by \$1,100,000 in funding to provide for the Lahaina Fire Station Addition project.

The capital improvement project appropriation was already included in the Fiscal Year 2011 Budget and is scheduled to lapse at the end of December 2011.

Authorization for the bond funds will allow forwarding funding for the project that includes shelter for the station's tanker truck and rescue boat, enhancing fire protection and rescue services in West Maui.

The Committee Report recommends passage of the revised bill and filing of the County Communication 11-193.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in favor of the motion to adopt the recommendations of Committee Report No. 11-98, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 53 (2011).

Recommending the following:

1. That Bill 54 (2011), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES — SCHEDULE OF REVOLVING/SPECIAL FUNDS, KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-216, from the Budget Director, be FILED.

CHAIR MATEO: Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO ADOPT THE RECOMMENDATIONS SET FORTH
IN COMMITTEE REPORT NO. 11-99.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Hokama to adopt the recommendations in Committee Report No. 11-99.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. This report details the Committee's review and recommended approval of a revised bill amending Appendix A of the Fiscal Year 2012 to provide for the addition of the Kaunoa Senior Services Leisure Program Activities Revolving Fund, and the related estimated revenue and appropriation in the amount of \$106,800 for Fiscal Year 2012.

Established by ordinance in 2010, the fund is used to collect fees and disburse funds to operate various Kaunoa leisure programs. While fees were set forth in the Fiscal Year 2012 Budget, the Budget Director explained that the Revolving Funds estimated revenues and appropriation were erroneously omitted from the Fiscal Year 2012 Budget.

The amending action of the bill corrects the omission. The Committee Report recommends passage of the revised bill and filing of County Communication 11-216.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion. All those in favor of the motion to adopt the recommendations in Committee Report No. 11-99, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOIKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes", nine "ayes", excuse me.

Mr. Clerk, proceed.

COUNTY CLERK: For the record, BILL 54 (2011).

COMMITTEE REPORT

NO. 11-100 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 11-93 entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN UPDATED TURF ADVISORY SERVICE VISIT AT THE WAIEHU MUNICIPAL GOLF COURSE", be ADOPTED; and
2. That Resolution 11-94 entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN OPERATIONAL REVIEW REGARDING THE FUTURE OPERATION AND MANAGEMENT OF THE WAIEHU MUNICIPAL GOLF COURSE", be ADOPTED.

CHAIR MATEO: Thank you.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair.

I MOVE FOR THE ADOPTION OF THE RECOMMENDATIONS
IN COMMITTEE REPORT 11-100.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR MATEO: It's been moved by Mr. White and second by Ms. Cochran to adopt the recommendations of Committee Report No. 11-100.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair. Your Economic Development, Agriculture, and Recreation Committee met on June 30 and again on August 18, 2011 and September 1, 2011 recommended that the Council adopt these two resolutions.

First authorizes the Council Chair to contract for an updated turf advisory service visit at the Waiehu Municipal Golf Course. The second resolution authorizes the Council Chair to contract for an operational review regarding the operation and management of the Waiehu Municipal Golf Course.

Your Committee revised both resolutions to specify a completion date prior to the Council's discussion of the Fiscal Year 2013 Budget. Your Committee recommends the adoption of both of the resolutions before the Council today and I respectfully ask for my colleagues support. Thank you.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. I, I'll, I'll be supporting the resolution with some reservations. And my reservation, Chairman, is item number two, adoption of resolution "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN OPERATIONAL REVIEW OF THE WAIEHU MUNICIPAL GOLF COURSE". You know, I, I welcome any operation review, operational review of any department. But I feel at this time that the review will only tell us what we know today of the golf course and that's the reason why I have this reservation.

The first adoption of the resolution in regards to the updated turf advisory update, the first one that we had done by the PGA person here on Maui indicated that as we improve the golf course, so will the revenue of the golf course improve. So with that, Chairman, I will be voting for the resolution but with some reservations in regards to the operational review which will tell us, you know in regards to the operation of the golf course, and I feel, Chairman, that we already know the problem. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And again, I was not a voting member of this Committee. I too, and in fact I will vote "no", because Mr., the concerns

Mr. Pontanilla brought forward were the same as I had, you know. And allowing our Department the time, you know to, you know I've heard great things about first of all the greens and the fairways, major improvements have been made. I've heard many good comments from those who use it all the time.

And you know to me, again, to get an audit for things we already know and they're working hard to improve kind of, kind of in my mind is like why are we spending this money right now. Let's give them a little more time. If no improvement had been made, if no improvement was being realized then I would say, yeah you know we need to look. But you know, and I may be the only one out in left field and that's fine, you know. I'm on the 19th hole trying to figure out where I need to go next.

However, you know again, sometimes we want answers to questions and we know the questions and we're going to get the same answers. I would like to give the Administration and the Parks Department an opportunity to continue their good work. And so, I, I, I, you know, in reviewing this, knowing what I've been hearing from many people out there, I'm saying you know we should have waited for a little longer, give em to maybe the first of the year and then say, "how are you doing". And if an audit was needed then you go ahead and do it. So that's my take on it and I thank you, Mr. Chair for that opportunity.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion on the item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I'm in support of the Committee Chair and his recommendations. This is concerning a 2008 report. It has taken us three years to get some type of reaction and improvement from the Department. Three years, unacceptable to me. I don't have a problem supporting the Department to have additional time to do what they can within their purview and their authority.

I think one of the things that the, the Committee though did find of interest is that if it doesn't, what are our options as a County? I think part of the resolution states that we should be looking at the options whether it be consideration of a concession contract or including privatization. Those options should be made and valued prior to a future . . . on how we're going to deal with this issue in the future.

That information will allow us to make better decisions and also help address the Department needs to see what are their options in improving the operation and maintenance of this valuable parks and recreational asset. So I have no problem moving this forward.

It costs a lot of money to run this program, Mr. Chairman. I think we can do a hell of a lot better and I'm more than open to seeing how we can make it more efficient to provide the level of service that we all expect out of that facility. Thank you.

CHAIR MATEO: Thank you, Mr. Hokama. Members, further discussion?

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair. I appreciate my colleague's comments. The reason that I think it's important for us to move ahead with this, Chair, is that every budget session we ask ourselves the question, how could we be doing better with the golf operation? As you well know, there are a lot of people that feel that we're subsidizing the golf operation too much.

We're in the process of gathering information to compare what the cost is of the operation of the golf course versus other County Park facilities. Cause as you know, we charge the golfers but we don't charge any other park users. We don't charge for the use of swimming pools, we don't charge for the use of the stadiums, the baseball fields, etc. And I'm not sure that we should.

But the purpose of this comparison is to bring some clarity to what it is that we're doing with the golf course and how we can do better. It wasn't the Committee that brought the, brought up the idea for the second more marketing and operational review, it was the Department. And I think it's important for us to see what this, this process will provide us in the way of additional information. I believe it will bring to this body a far greater sense of clarity on how our golfing operation compares to others from a pricing standpoint, from a marketing standpoint, from operational standpoint and this will simply allow us to have a better understanding of what our options are as we go into our next budget season.

So I realize that there are some concerns from a couple of my colleagues and I don't, I certainly don't question their concerns. I too want to give the Department a lot of credit for how far they've moved in the short time they've been in place. The purpose of both of these audits is to provide us a method of assisting them to do an even better job. And that's the, the goal of our Committee and that's the pledge that I will make to this body. Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: I'll be, I'll be brief cause a lot has already been said. But I want to say I, I support what Member Hokama mentioned. For me, this is about time. You

know, time is money and we've been told over and over that those of us in government don't get it, that you know we just have lots of time and we don't, are not aware of time being money. And I think it's time to get on with this.

I've been on the Council, this is my fifth round here, fifth year and I've been hearing about this for a long time and I too have heard about improvement, but I think that it'd be very, very helpful for us to have a, a good study and some, some suggestions.

It's been said, well if it doesn't work then we'll do something. Well, if that were, if that happens, the contingency happens, we have the plan and then we won't have to spend more time. And I'm really worried cause we're going into another budget session which is probably going to be much more difficult than last. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion?

VICE-CHAIR PONTANILLA: Chairman.

CHAIR MATEO: Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Yeah for my final turn. You know I welcome Mr. White's study on, you know tennis courts, swimming pools, parks and the like, it would be very interesting to see how much of our General Fund support these activities. The General Fund on Kauai County also support the golf course on Kauai by more than \$800,000. So you know we support our golf course through General Fund.

You know, it's not new but as an entrepri, enterprise department you know the cost of the maintaining and operating the golf course should be borne by the players of the golf course. The other thing though, I, I just like to just mention all, although it doesn't involve golf course, we heavily subsi, subsidize the landfill area, big money.

So you know we need to step back, take a look at all of the areas that we subsidize, the golf course, landfill, I don't know what else we subsidize. And, and those are big monies from the General Fund. So, Chairman, you know, I welcome Mr. White recommendation in, in trying to get the cost on the other facilities that we subsidize through the General Fund. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair, I will--

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: --that there's nothing else to be said. With all of that that has been said, aga, I, I will change to reluctantly supporting this. And I know and I'll be honest, I, like I say I've heard a lot of good things. I've seen a lot of improvements, I've heard of lot of improvements and I just felt like more time was needed.

But if this is what the intent is in the overall scheme of things and Mr. White has pledge to, to continue to improve things then I can reluctantly support this and, and give him the opportunity and the Committee. So thank you.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion on this item?

The Chair would just like to ask the Committee Chair White, for some clarification on the second resolution. I know during Committee meeting there was discussion relative to a proposal, the NGF Consultant Proposal that was shared with the Committee. If, if Mr. White can, can tell me whether or not the scope of the requested audit that you want the Chair to, to initiate is based on the specific particulars that was described in the NGF Consulting Proposal.

COUNCILMEMBER WHITE: We provided that to the Committee because we felt that it, it provided a, a range of understanding of what the scope could be. There are people that are more familiar with it than myself and better golf, certainly better golfers than me. But I would just use that as a guideline as you proceed, Chair. And I would just ask that, you know, that you not see that as a recommendation that we use NGF but rather that that was just a, a format that we felt answered many of the questions, I think all of us are asking to be answered. So use that as a guide but I'm sure there are other companies as well that, that will be willing and able to help us with that.

CHAIR MATEO: Okay, good. Thank you, so if we do not look at the consulting company, and just look at the scope as--

COUNCILMEMBER WHITE: Correct.

CHAIR MATEO: --described in the initial proposal, then am I to understand that the scope listed or, or recognized is what the Committee is wanting to be inclusive in this audit.

COUNCILMEMBER WHITE: Correct.

CHAIR MATEO: Okay. Thank you. Thank you very much. Just to be sure that I understand the scope of it because the resolution now authorize me to initiate the, the process so thank you for the clarification, Mr. White.

Members, further discussion on the item? All those in favor of the recommend, recommendation, or the motion to adopt the recommendations in Committee Report No. 11-100, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, WHITE, VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTIONS 11-93 AND 11-94, respectively.

COMMITTEE REPORT

NO. 11-101 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. That BILL 55 (2011), entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 10.32.030, MAUI COUNTY CODE, RELATING TO ONE-WAY STREETS IN THE LAHAINA DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-183, from the Director of Transportation, be FILED.

CHAIR MATEO: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT NO. 11-101.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: It's been moved by Ms. Cochran and second by Mr. Victorino to adopt the recommendations in Committee Report No. 11-101.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Infrastructure Management Committee conducted a site inspection on August 1, 2011 and met on August 29, 2011 and recommended that the Council pass on first reading a bill to change the one-way traffic flow along Luakini Street, Lahaina, so that traffic would flow from north to south, between Dickenson Street and Prison.

The Department of Police and the Maui County Traffic Safety Council supported the bill.

Your Committee considered concerns expressed by some residents regarding the impact of bus travel on Luakini as well as, as well as the location of the bus stop. Your Committee noted that while these concerns merit additional study, the more immediate responsibility is to address the safety issue related to the bus loading and unloading. Your Committee felt that this would be best addressed by reversing the one-way traffic flow as soon as possible.

Your Committee recommended passage on first reading of the proposed bill before the Council today as well as the filing of this Communication. So I respectfully ask for the Council's support of these recommendations. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I think this is a very important thing that we need to do, is to change the flow of traffic because the buses now are . . . people out into the flo, into traffic. My, my concern with this bill is that it only changes the direction in one segment of the street. So you're going to have a one-way street with, in two directions, in two different spots, so.

And I understand that the Police Department said that that's okay and so did the Traffic Safety Advisory Committee but just, just out of common sense or what not, I, I,

can't support it being one-way in two directions in two different spots. So, while I agree that we need the traffic to change in that one spot, I do, I, I can't support this bill at this time.

CHAIR MATEO: Thank you, Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I support this bill. I wish we had done it earlier in the year and I'm very grateful that we had the site inspection. This is something, no matter how we feel about the other streets over there or the rationale why we should have only that one section one-way, it's something that needs to be done immediately. I just thank heavens that nobody got run over or seriously injured all this time. And I hope it can be implemented quickly. Thank you.

CHAIR MATEO: Thank you, Mr. Carroll. Members.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. I will, I will be supporting this bill and hopefully in the near future we look at an alternate site, maybe at the County parking lot on Front Street by, I think it's Kaiser Medical facilities. By reversing the traffic flow does provide for safety. And one of the bus drivers had indicated that making a left turn onto Luakini Street is a safety issue for bus drivers. In, in other words the right turn is harder to do than a left turn with a bus. So, thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm not a voting member of this Committee but I did attend the site inspection and listened to the discussion and I will be supporting this with reser, reservations. And those reservations are just that I'm afraid of the confusion that's going to result of just having one section with going the other way. But I do share the concern of people with, people unloading into the street and we cannot have that continue so hopefully there'll be a long range, better solution. But for the immediate time I think we need to do something.

CHAIR MATEO: Thank you, Ms. Baisa.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly, Mr. Chair. I can support this. I would hope that we will monitor this and maybe we can take a look at it in six months and see how the two different directions are working out. So I would ask Ms. Cochran to kind of keep that in the back of her mind as a, as a follow-up and that way we will know better if the two different directions intersecting causes a problem or whatever it results.

But I can support this cause most people I've talked to like the idea, even the bus drivers told me that this was much, much better so I can support it. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion?

Members, for the Chair, I will be supporting as well. I believe for myself this is a sense of urgency as it relates to the pedestrian safety and our rider's safety. I am however, I do hope that the Department continue to take a look at the other options that's still, you know, are available to them.

And you know, I, I, I know Ms. Johnson, who is in the gallery, was there listening to all of the concerns expressed by the residents in the immediate area and I think their concerns are indeed justifiable. And again, the Department just needs to continue taking a look at what other viable options and some, some was recommended during the site visit that we did have.

So having said that, if there's no more discussion, all those in favor of the motion to adopt the recommendations in Committee Report No. 11-101, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER COUCH.

CHAIR MATEO: Motion is carried, eight "ayes", one "no", Mr. Couch.

Mr. Clerk.

COMMITTEE REPORT
NO. 11-102 - POLICY COMMITTEE:

Recommending that County Communication 11-118, from the Fire Chief, transmitting a document entitled "MAUI COUNTY DEPARTMENT OF FIRE & PUBLIC SAFETY MASTER STRATEGIC PLAN — DECEMBER 2010" be FILED.

CHAIR MATEO: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask if there are no objections from the Members that the Clerk also bring up report 103 and 104. Thank you.

CHAIR MATEO: Members, any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR MATEO: Mr. Clerk.

COMMITTEE REPORT
NO. 11-103 - POLICY COMMITTEE:

Recommending that Resolution 11-95 entitled "APPOINTMENT OF MEMBER TO THE COMMISSION ON CULTURE AND THE ARTS", be ADOPTED.

Nominating and approving the appointment of Eric Molina (replacing Craig Gardner) to the Commission on Culture and the Arts, for a term expiring on March 31, 2013.

COMMITTEE REPORT
NO. 11-104 - POLICY COMMITTEE:

Recommending that Resolution 11-96 entitled "INDEMNIFYING CHARMAINE TAVARES, ROY SILVA, MAHINA MARTIN, JEFFREY K. ENG, AND CLAYTON YOSHIDA IN MOLOKAI VETERANS CARING FOR VETERANS, ET AL. V. COUNTY OF MAUI, ET AL., CV 11-00483 LEK-RLP", be ADOPTED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 11-102,
103, AND 104 WITH ITS RECOMMENDATIONS, BE
ADOPTED.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama and second by Mr. Carroll that Committee Reports No. 11-102, 11-103, and 11-104 with its recommendations, be adopted.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee did a thorough review and vetment of all issues pertaining to the three reports, therefore no further discussion is needed. Thank you.

CHAIR MATEO: Okay. Members, additional discussion? All those in favor of the motion that Committee Reports No. 11-102, 11-103, and 11-104 and its recommendations be adopted, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, relative to Committee Report 11-103, that is RESOLUTION NO. 11-95. And relative to Committee Report No., Committee Report 11-104, the RESOLUTION is 11-96.

CHAIR MATEO: Thank you.

COMMITTEE REPORT

NO. 11-105 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Bill _____ (2011), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.050, MAUI COUNTY CODE, RELATING TO THE USE OF WATER FROM HAMAKUAPOKO WELLS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-223, from Councilmember Michael P. Victorino, be FILED.

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I REQUEST THAT THE COMMITTEE REPORT NO. 11-105 BE MOVED TO THE END OF THE, END OF THE CALENDAR ALONG WITH COUNTY COMMUNICATION 11-236, WHICH RELATES TO AMENDMENT TO THE BILL ATTACHED TO THIS COMMITTEE REPORT.

VICE-CHAIR PONTANILLA:

SECOND.

CHAIR MATEO: Members, Mr. Victorino is requesting that Committee Report No. 11-105 as well as County Communication No. 11-236, be moved to the end of calendar. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, continue.

COUNTY CLERK: Mr. Chairman, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 11-230 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated August 25, 2011)

Transmitting a copy of a grant award letter from the United States Department of Justice for the Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$61,827.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

MOVE TO FILE COUNTY COMMUNICATION NO. 11-230.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Hokama that County Communication No. 11-230 be filed.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. This Communication from the Prosecuting Attorney transmits to Council copy of a grant award letter from the United States Department of Justice, indicating funds awarded under Edward Byrne Memorial Justice Assistance Grant Program for the County of Maui in the amount of \$61,827 for the program period October 1, 2010 to September 30, 2014.

As no forwarding Committee action is required, I request filing of this Communication.

CHAIR MATEO: Thank you. Members, discussion? All those in favor of the motion that County Communication No. 11-230 be filed, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk, continue.

NO. 11-231 - ALAN M. ARAKAWA, MAYOR.
(dated August 26, 2011)

In accordance with Section 2.41.040, Maui County Code, informing the Council of a vacancy on the *Commission on Persons with Disabilities* due to the resignation of Joseph Crugnale on August 26, 2011.

CHAIR MATEO: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk bring up the succeeding Communication 232 also please.

CHAIR MATEO: Thank you.

Mr. Clerk, call up County Communication 11-232.

NO. 11-232 - ALAN M. ARAKAWA, MAYOR.
(dated September 6, 2011)

In accordance with Section 2.41.040, Maui County Code, informing the Council of a vacancy on the *Subdivision Engineering Standards Committee* due to the resignation of Ryder Swatek on August 30, 2011.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

**CHAIRMAN, I WOULD MOVE THAT COUNTY
COMMUNICATIONS 11-231 AND 232 BE FILED.**

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama, second by Mr. Carroll to file County Communication Nos. 11-231 and 11-232.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Mayor Arakawa is informing by requirements to the Council, the resignations of people that have resigned from County Boards or Commissions and therefore no further committee action is required and we'd like to thank those that have served the County of Maui for their service. Thank you.

CHAIR MATEO: Thank you, Mr. Hokama. Members, further discussion? All those in favor of the motion that County Communication Nos. 11-231 and 11-232 be filed, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

NO. 11-233 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated September 6, 2011)

Transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended August 2011.

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 11-233.

VICE-CHAIR PONTANILLA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Victorino and second by Mr. Pontanilla to file County Communication No. 11-233.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. This monthly, this Water Supply Monthly Source Report for both Ground Use Report is really for informational purposes and no committee action is necessitated so thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion? All those in favor of the motion to file County Communication No. 11-233, signify by saying "aye".

AYES: COUNCILMEMBERS **BAISA, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, WHITE, VICE-CHAIR PONTANILLA, AND CHAIR MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

NO. 11-234 - DONALD G. COUCH, JR., COUNCILMEMBER.
(dated September 6, 2011)

Transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL AMENDING TITLE 19, MAUI COUNTY CODE, AND SECTION 3.48.305, MAUI COUNTY CODE, RELATING TO HOME-BASED BUSINESSES" and informing of his intention to offer the following motions:

- 1 A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;

2. A motion to ADOPT the proposed resolution; and
3. A motion to FILE this communication.

CHAIR MATEO: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I move, can I have a, a recess for a second?

CHAIR MATEO: Sure thing.

COUNCILMEMBER COUCH: Thanks.

CHAIR MATEO: Two minutes?

COUNCILMEMBER COUCH: Yeah.

CHAIR MATEO: Thank you. Members, we'll stand in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:26 P.M., AND WAS RECONVENED AT 3:36 P.M., WITH ALL MEMBERS PRESENT)

CHAIR MATEO: Council of the County of Maui regular meeting of September 16, 2011 will reconvene.

Chair recognize Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE THAT THE REQUIREMENT OF COMMITTEE REFERRAL OF COMMITTEE REPORT [SIC] 11-234 BE WAIVED PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: It's been moved by Mr. Couch and second by Ms. Baisa to waive the requirement of committee referral and report pursuant to Rule 7(E) of the Rules of the Council.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The reason I'm doing this, this is a, a bill relating to home-based businesses that the Planning Department and I, I've been working on a little bit and we need, it needs to be sent to the Planning committees, Commissions of all the three islands. And instead of waiting for two or three weeks for it to go through committee referral and then another council meeting, I'd prefer to have it sent straight to the committees as per the Charter.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion to waive the requirement of committee referral and report pursuant to Rule 7(E) of the Rules of the Council, signify by saying "aye".

AYES: COUNCILMEMBERS **BAISA, CARROLL, COCHRAN, COUCH, VICTORINO, WHITE, VICE-CHAIR PONTANILLA, AND CHAIR MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR MATEO: Motion is carried, eight "ayes", one "no", Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE THAT THE ATTACHED PROPOSED RESOLUTION
BE ADOPTED.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: Moved by Mr. Couch, second by Ms. Baisa to adopt the proposed resolution, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL AMENDING TITLE 19, MAUI COUNTY CODE, AND SECTION 3.48.305, MAUI COUNTY CODE, RELATING TO HOME-BASED BUSINESSES".

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I was going to read that out for you, so thank you very much.

CHAIR MATEO: Members, any additional discussion?

Mr. Couch.

COUNCILMEMBER COUCH: No, I talked about it in my previous motion.

CHAIR MATEO: Thank you. Members, all those in favor of the motion to adopt the proposed resolution as I have just read, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR MATEO: Motion is carried with eight "ayes", one "no", Member Hokama.

Mr. Couch.

COUNCILMEMBER COUCH:

**MR. CHAIR, I MOVE THAT THE COUNTY COMMUNICATION
NO. 11-234 BE FILED.**

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: Thank you. Motion on the floor is to file County Communication No. 11-234. Additional discussion, Members? All those in favor of the motion to file, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 11-97.

NO. 11-235 - MIKE WHITE, COUNCILMEMBER.
(dated September 9, 2011)

Transmitting a proposed resolution entitled "URGING THE STATE OF HAWAII AND RELEVANT FEDERAL AGENCIES TO JOIN WITH THE COUNTY OF MAUI TO DEVELOP A LONG-TERM MANAGEMENT PLAN TO REDUCE THE AXIS DEER POPULATION" and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

CHAIR MATEO: Thank you.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair.

I MOVE FOR THE ADOPTION OF THE PROPOSED
RESOLUTION AND THE FILING OF COUNTY
COMMUNICATION 11-235.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. White, second by Mr. Couch to adopt the proposed resolution as well as the filing of the Communication.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair. As many of us already know the axis deer population has become quite a problem on Maui and as it is on our two sister islands as well. The animals destroy crops, vital pasture lands, and pose a hazard to motorists and can compromise our water and food safety.

We don't know the exact population on Maui. We do know that it is growing at a rapid pace due to increased sightings and negative impacts felt by Maui residents.

As a result, I recently began discussions with an axis deer working group comprised of key stakeholders affected by this issue. Members include representatives from the Maui Invasive Species Committee, Maui Farm Bureau, HC&S, Maui Hotel and Lodging Association, Wailea Community Association, just to mention a few. The group has been meeting to develop ways to control the deer population while still allowing for ample hunting opportunities.

They have made some headway in identifying solutions but the key for any of it to work will be obtaining government support and cooperation of the County and County, State and Federal levels. The group including myself attended a meeting with Mayor Arakawa earlier this month where the Mayor expressed his commitment to help solve the problem.

The Council must also show its support by urging cooperation from relevant State and Federal agencies to help us curb the deer population. There's a sense of urgency in moving this forward quickly and developing a comprehensive solution that makes sense will take coordination among all levels of government.

Unfortunately, each day that we put this off means a continuing growth in the deer population and more problems for our residents, farmers and ranchers. So I urge you to support this proposed resolution and I thank you for the opportunity.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion? I'm going to go down, Ms. Baisa followed by Mr. Couch.

COUNCILMEMBER BAISA: Thank you very much, Chair. I don't know if it's just the way it appears, but because this is especially relevant to the people that I represent Upcountry, I want to express my strong support for this.

I also want to ask that, when this is done that it be sensitively done and that there be special attention given to safety because we have to be very careful about anybody getting the idea that this is a license to go out and shoot deer or do whatever it is.

And I also especially was impressed with the testimony from the fellow from the Food Bank today. If that could be worked out, that would be, just be wonderful because it would help everybody. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I'm in 100% support of this resolution as well. I, I have been talking for years, both on my radio show and TV show and, and all kinds of campaigns that, that axis deer are a very invasive species here. While I understand why they were brought here by Mr. Medeiros, and, for sustainable food production, what they are doing now is ruining our watershed and our sustainability for farms.

One of the testifiers said that you're not going to be able to eradicate them all, that's probably true which means there will be enough for hunting. And we may have to do this again in other years because of the fact that we won't be able to get rid of them all. So this is a, something very crucial for our watershed and for our farms, cause farm, total farms have been devastated by herds of deer.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if I may just, I, quickly give some comment of support for this resolution. Obviously many of you know that on Lanai we do have a State game management agreement with the State Department of Land and Natural Resources, whereby we annually take a census and manage our, our herd population to ensure the health and safety of the herd itself, whereby we cull out those that needs to be culled out for its deformities or deficiencies.

But I will also state that, you know, it has been our experience with the drought situations that our County faces that during difficult times, even these mammals would go and eat things that normally they would not even consider. In our community, we have a lot of plumeria plants and oleanders that people say is poisonous and they will not eat it. When forced to, we have found even our deer eats plumeria plants and oleander shoots. It is a matter of survival for them.

I find this to be very critical, important. On Lanai we have wide open acreage to do safe hunting methods and with the regulations we have in place. And therefore, I

would agree with my colleague from Upcountry, the safety of not only the hunter and the game itself, but our, our neighbors and residents in the surrounding areas is of utmost importance. And I would hope that the State Department of Land and Natural Resources who should be managing these herds more effectively will take this as a step that is of great concern to heavily dense populated areas. Thank you.

CHAIR MATED: Thank you, Mr. Hokama. Members, further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR MATED: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah, I'm very excited to see this moving forward, hopefully, and urging you know these entities to work together cause it states a lot about Maui, West Maui and Upcountry area so I, I want to make sure that yes Lanai and Molokai wherever the, the issue of concern lies is addressed also.

You know the fencing is a big thing. And again touching on Mr., Ms. Baisa had mentioned there's a gentleman in the gallery who has problems with, he, people thinking it's meaning eradication and, but it's a management plan so that could be part of, but it almost seems like a lot of hunters feel like it's the green light for them just to go shooting and killing all over the place on private property. So it's endangering you know him, him and his family's life so I think, yeah, I'm just glad this is moving forward and there'll be room for community participation. Thank you, Chair.

CHAIR MATED: Thank you. Members, further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And you know the axis deer problem has even transpired all the way to Central Maui. You go down to Maui Lani Golf Course, you'll find them down there, they're all over the place. And so I'm glad to see that this is coming forward because the issue is safety also.

That's something that when you're driving a vehicle, and I've had this happen in, in the mainland, and you come around the corner and the deer sees the light, it don't move. Now if you're coming fast enough, you're going to definitely hit him and hitting a deer is not a pleasant thing, plus it causes a lot of damage. So I think this is something that needs to move on and I'll gladly support Mr. White's proposal.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion? All those in favor of the motion to adopt the proposed resolution in County Communication No. 11-235, entitled "URGING THE STATE OF HAWAII AND RELEVANT FEDERAL AGENCIES TO JOIN WITH THE COUNTY OF MAUI TO DEVELOP A LONG-TERM MANAGEMENT PLAN TO REDUCE THE AXIS DEER POPULATION" including the filing of this communication, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 11-98.

Mr. Chairman and Members, County Communication 11-236 was moved to the end of the agenda.

Mr. Chairman, proceeding with Communications. The following County Communications are recommended for referral to the following Committees as noted:

NO. 11-237 - MIKE WHITE, COUNCILMEMBER.
(dated August 30, 2011)

Transmitting a memorandum relating to County Employment Attrition Policy.

The recommended action is that County Communication No. 11-237 be referred to the Budget and Finance Committee.

NO. 11-238 - ANTHONY T. ARAKAKI, CDGB PROGRAM MANAGER.
(dated August 26, 2011)

Transmitting a copy of the "ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2011 (JULY 1, 2011 THROUGH JUNE 30, 2012)".

The recommended action is that County Communication No. 11-238 be referred to the Budget and Finance Committee.

NO. 11-239 - JOSEPH PONTANILLA, COUNCILMEMBER.
(dated September 7, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO APPEALS" and a copy of Act 106 (2011) entitled "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS".

The recommended action is that County Communication No. 11-239 be referred to the Budget and Finance Committee.

NO. 11-240 - SANDY K. BAZ, BUDGET DIRECTOR.
(dated September 9, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS); AND PART II, SPECIAL PURPOSE REVENUES — SCHEDULE OF REVOLVING/SPECIAL FUNDS, ECONOMIC DEVELOPMENT REVOLVING FUND" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2012".

The recommended action is that County Communication No. 11-240 be referred to the Budget and Finance Committee.

(See page 130 for discussion.)

NO. 11-241 - GLENN T. CORREA, DIRECTOR OF PARKS AND RECREATION,
(dated August 31, 2011)

In accordance with Sections 13.04.030 and 13.04.130A, Maui County Code, transmitting a list of permits and activities which are co-sponsored by the County and/or exceeded three consecutive days.

The recommended action is that County Communication No. 11-241 be referred to the Economic Development, Agriculture & Recreation Committee.

NO. 11-242 - MIKE WHITE, COUNCILMEMBER,
(dated September 8, 2011)

Relating to the Asia-Pacific Economic Cooperation (APEC) 2011 Hawaii Business Innovation Showcase Finalists.

The recommended action is that County Communication No. 11-242 be referred to the Economic Development, Agriculture & Recreation Committee.

NO. 11-243 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated August 31, 2011)

Transmitting a copy of the Plastic Bag Reduction Report.

The recommended action is that County Communication No. 11-243 be referred to the Infrastructure Management Committee.

*(COUNTY COMMUNICATION NO. 11-243 WAS FILED LATER
IN THIS MEETING. See pages 129 and 130 for discussion.)*

NO. 11-244 - MICHAEL P. VICTORINO, COUNCILMEMBER,
(dated September 8, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE PROHIBITING THE USE OF CERTAIN VEHICLES WITH A WEIGHT RATING OF MORE THAN TEN THOUSAND POUNDS ON KUHINIA STREET, WAIHEE, MAUI, HAWAII".

The recommended action is that County Communication No. 11-244 be referred to the Infrastructure Management Committee.

NO. 11-245 - DANNY A. MATEO, COUNCIL CHAIR,
(dated September 7, 2011)

Transmitting a letter from Everett R. Dowling, Keaka LLC, informing of the change in ownership of property in Makena, TMK: (2) 2-1-005:083, 084 and 085 to Hawaii Development LLC.

The recommended action is that County Communication No. 11-245 be referred to the Planning Committee.

*(COUNTY COMMUNICATION NO. 11-245 WAS FILED LATER
IN THIS MEETING. See pages 128 and 129 for discussion.)*

NO. 11-246 - GARY YABUTA, CHIEF OF POLICE,
(dated August 25, 2011)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM THE STATE OF HAWAII, ATTORNEY GENERAL TO THE DEPARTMENT OF POLICE, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 11-246 be referred to the Policy Committee.

NO. 11-247 - DANNY A. MATEO, COUNCIL CHAIR,
(dated September 8, 2011)

Transmitting the following proposals for consideration in the 2012 Maui County Legislative Package:

1. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TIME SHARE ZONING"; and
2. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL PROHIBITING MOPEDS ON BICYCLE PATHS WHERE BICYCLE LANES ARE PROVIDED".

The recommended action is that County Communication No. 11-247 be referred to the Policy Committee.

CHAIR MATEO: Thank you, Mr. Clerk. Members, is there any request for consideration at this time?

Mr. Couch.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 11-245

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 11-245.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: Members, we have a motion on the floor made by Mr. Couch, second by Ms. Baisa to file County Communication No. 11-245.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This communication is from the previous owner of property at Makena; Keaka LLC, informing the change of ownership as required in the zoning conditions. So it's basically saying that the ownership has changed. And the information is in the report for anybody who has a, a, questions about it. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion to file County Communication No. 11-245, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Members, addit, additional requests at this time.

COUNCILMEMBER COCHRAN: Chair.

CHAIR MATEO: Go ahead, Ms. Cochran.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 11-243

COUNCILMEMBER COCHRAN:

YEAH, I'M LOOKING AT IM, THE NO. 11-243 AND IT LOOKS TO BE A PLASTIC BAG REDUCTION REPORT FROM ENVIRONMENTAL MANAGEMENT AND I WOULD MOVE TO FILE.

COUNCILMEMBER VICTORINO:

SECOND FOR DISCUSSION, PLEASE.

CHAIR MATEO: We have a motion on the floor made by Ms. Cochran and second by Mr. Victorino to file County Communication No. 11-243.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah. I mean it, again, I just meant that it looks to be a plastic bag reduction report so it has the facts and figures and it can be in the binder for, you know any Members can, they can take a look at it at their leisure, I suppose.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion? All those in favor of the motion to file County Communication No. 11-243, signify by saying "aye".

AYES: COUNCILMEMBERS **BAISA, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, WHITE, VICE-CHAIR PONTANILLA, AND CHAIR MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Members, further requests?

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 11-240**

COUNCILMEMBER HOKAMA: Chairman, if I can just make a, a very short comment regarding Communication 240, please.

CHAIR MATEO: 240. Go ahead, Mr., Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I think when the Council passed on second reading the enactment of this brand new Economic Development Revolving Fund, I had made a statement regarding that I had hoped and anticipated a consideration sooner than later. And so I want to thank Mayor Arakawa and Budget Director Baz for sending this Communication down which would provide funding with the certification of revenues for the Council to make its considerations of projects and proposals that are before the County and that the Council will be able to make some policy decisions in the near future regarding the use of this funds. So I appreciate the opportunity to share that comment. Thank you.

CHAIR MATEO: Thank you, Mr. Hokama. Members, further discussion? Members, with no objections, each of these communications will be referred to, to the respective Committees as recognized by the Clerk. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR MATEO: Thank you, so ordered.

Mr., Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chairman.

CHAIR MATEO: Yes.

COUNTY CLERK: Proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 50 (2011)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749,
BILL NO. 37 (2010), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO PASS ON SECOND AND FINAL READING, BILL
NO. 50.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Hokama that Bill
No. 50 (2011) pass on second and final reading.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. This bill increases the Fiscal Year
2011 general bond authorization by \$20,000,000 in appropriation for the Kihei Police
Station. This appropriation in conjunction with passage of Bill 51, on today's agenda
will facilitate a total appropriation of \$37,000,000 to move forward construction of the
Kihei Police Station Project.

Additionally, the bill incorporates non-substantive revisions correcting the description
for road improvements in the Hana Community Plan area to match language in the
annual budget ordinance. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I appreciate the Members passing this out on first reading and I request their support for it on second reading. This will be a, a really good project for getting people to work and also for South Maui.

And I just wanted to put, I just wanted to put the department on notice that we're watching. We, we hopefully come in under budget and hopefully they get a, a good contractor out of this. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion?

VICE-CHAIR PONTANILLA: Chairman.

CHAIR MATEO: Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Yeah, just a note, I was talking to a retired Captain, I forgot his name, he use to take care traffic.

COUNCILMEMBER VICTORINO: Hirata.

COUNCILMEMBER COCHRAN: Hirata.

VICE-CHAIR PONTANILLA: Hira, yeah, Hirata. And this Police Station will not only house the Police Department but there's facilities where community people can utilize for meetings. So you know it's a facility that's going to be beneficial to the South Maui people. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in favor of the motion that Bill No. 50 (2011) pass on second and final reading, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk,

ORDINANCE NO. _____
BILL NO. 51____(2011)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF
MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A
\$17,000,000 USDA RURAL DEVELOPMENT LOAN FOR THE
CONSTRUCTION OF THE KIHEI POLICE STATION

CHAIR MATEO: Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO PASS ON SECOND AND FINAL READING, BILL
NO. 51.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Hokama, that Bill
No. 51 (2011) pass on second and final reading.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. Combined as part of the previously
referenced \$37,000,000 total appropriation for the Kihei Police Station project, this
Bill give, gives authorization to the Mayor to enter into a loan agreement with the
United States Department of Agriculture, USDA, for a \$17,000,000 Rural
Development loan for the project's construction. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in
favor of the motion that Bill No. 51 (2011) pass on second and final reading, signify
by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 52 (2011)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.095,
MAUI COUNTY CODE, TO ESTABLISH PARKING AT THE COUNTY
PARKING LOT ON BALDWIN AVENUE IN PAIA, MAUI, HAWAII

CHAIR MATEO: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL NO. 52 ON SECOND AND FINAL
READING.

COUNCILMEMBER WHITE:

SECOND.

CHAIR MATEO: It's been moved by Ms. Cochran and second by--

COUNCILMEMBER COCHRAN: White.

CHAIR MATEO: --Mr. White, excuse me, that Bill No. 52 (2011) pass on second and final reading.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Your Infrastructure Management Committee met on August 15, 2011 and recommended that the Council pass on first reading a bill to establish two-hour parking at the County parking lot on Baldwin Avenue in Paia, Maui, Hawaii, from 8:00 a.m. to 6:00 p.m.

The subject parking lot is also known as the Upper Paia Municipal parking lot and is located south of the Mana Foods grocery store.

Your Committee noted that Paia merchants and residents support the proposed bill.

Your Committee also noted that those who need parking for more than two hours, such as the people who work around Paia, may be able to park at the new private parking lot located north of the Patsy Takemoto Mink Post Office. This parking lot has a 100 stalls that are available without time limits. I therefore respectfully ask for the Council's full support of this bill. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion?

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair. This is a great thing for us to do for the merchants and residents of Paia. And I just want to thank Ms. Cochran for bringing this forward and getting it passed in such a quick turnaround, so, mahalo.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion? All those in favor of the motion that Bill No. 52 (2011) pass on second and final reading, signify by saying "aye".

**AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.**

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, we are at the end of the agenda. You have before you Committee Report No. 11-105 from your Water Resources Committee and County Communication 11-236 from Councilmember Victorino.

DEFERRED COMMITTEE REPORT NO. 11-105
AND COUNTY COMMUNICATION NO. 11-236

COMMITTEE REPORT
NO. 11-105 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Bill No. 56 (2011), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.050, MAUI COUNTY CODE, RELATING TO THE USE OF WATER FROM HAMAKUAPOKO WELLS" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-223, from Councilmember Michael P. Victorino, be FILED.

COUNTY
COMMUNICATION
NO. 11-236 - MICHAEL P. VICTORINO, WATER RESOURCES COMMITTEE
CHAIR, (dated September 9, 2011)

Proposing amendments to the proposed bill attached to Water Resources Committee Report No. 11-105.

CHAIR MATEO: Thank you very much.

Chair recognize Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS
IN COMMITTEE REPORT 11-105.

VICE-CHAIR PONTANILLA:

MR. CHAIRMAN, I SECOND.

CHAIR MATEO: It's been moved by Mr. Victorino, second by Mr. Pontanilla to adopt the recommendations in Committee Report No. 11-105.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

Mr. Chair, County Communication No. 11-236 relates to amendments that I have proposed to, to the bill attached to this Committee's report. Since that communication was posted by the Department of Corporation Counsel, transmitted by correspondence dated September 14, 2011, a revised proposed bill has been sent down. I would like to call the Members' attention to the floor amendment distributed at today's meeting with the attached, attached, that revise the proposed bill.

WITH THAT SAID, MR. CHAIR, I MOVE TO SUBSTITUTE THE, FOR THE PENDING PROPOSED ATTACHED COMMITTEE REPORT 11-105, THE PROPOSED BILL ATTACHED TO MY SUMMARY PROPOSED AMENDMENT DISTRIBUTED TO, AT TODAY'S MEETING.

VICE-CHAIR PONTANILLA:

SECOND.

CHAIR MATEO: Members, we have a motion on the floor to amend by substituting the, oh, I'm going to let Mr. Victorino, will you please state your, your motion.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

Your Water Resource Committee met on, on this matter on August 30, 2011. At its meeting, your Committee recommended that the water from the Hamakuapoko Wells be made available for consumers of the Upcountry water system and for agricultural purposes.

I would like to propose additional restrictions to be used on, be used, to the use of the Hamakuapoko Wells as denoted on the revised proposed bill transmitted by memorandum dated September 14, 2011 from the Department of Corporation Counsel.

Specifically, the wells will be limited by use, by declared drought pursuant to Section 14.06.010 Maui County Code; for agricultural purposes; and for backup to the department's existing Upcountry water system. These, these additional restrictions will allow greater control over the resource in a way that will help ensure the wells safe and efficient use of, in the future.

And as you heard today, there were some concerns and there were some suggestions that this well be used in certain aspects. This I feel would give the Department the ability to use it in the areas of backup and drought conditions should they, those exist; and for agricultural purposes.

And hopefully as you read, by the usage of this well, we will have it monitored as prescribed by the State and the United States Environmental Protection Agency. So the Department of Health regulations and the standards set by the United States Environmental Protection Agency will be applicable to all usage of this water.

So, I will let the Members, you know, if there is further discussion, I'll open the floor. Oh, I'm sorry, I'll let you open up, sorry.

CHAIR MATEO: No, um, Member, Members, um, and we, we have a motion on the floor made by Mr. Victorino, and we, we're all in receipt of his communication to us and Mr. Victorino that motion, I'm going to read it as you had provided information to us.

Move, you're moving to substitute for the pending proposed bill attached to Committee Report 11-105, the attached proposed bill transmitted by memorandum attached, memorandum September 14, 2011, from the Department of the Corporation Counsel and that proposed bill is also included in this memorandum to the, to the Committee.

COUNCILMEMBER VICTORINO: That is correct.

CHAIR MATEO: That is your motion.

COUNCILMEMBER VICTORINO: That is correct.

CHAIR MATEO: Chair needs a second for your motion.

VICE-CHAIR PONTANILLA:

SECOND.

CHAIR MATEO: Second by Mr. Pontanilla. Discussion?

Mr. Victorino, go ahead, please.

COUNCILMEMBER VICTORINO: Well, I think again, the amendments proposed again, to use the Hamakuapoko Wells 1 and 2 would allow use only under the following conditions; for agricultural purposes; for consumers of the department of, Upcountry

water system during periods of drought; and (3) as a backup to the department's existing Upcountry water system facilities.

So that's basically to add that language into the bill.

CHAIR MATEO: Thank you, Mr. V. Members, the floor open for discussion.

The Chair recognizes Mr. Carroll, and then I'll address Mr. Couch.

COUNCILMEMBER CARROLL: Thank you, Chair.

When we had this bill in Committee, what generated this bill of course was a concern for water. And a main concern for water, of course has been obvious from testimony then and now for Upcountry residents. We all know people up there that have been waiting. Me and Mr. Pontanilla worked with a man that's been waiting for so many years I cannot believe it, his wife passed away already and on, and on, and on, and on.

There is suffering up there. People are suffering because they're piled up in houses because they can't build on their own land. It, there is no end to it. And they've been put off for many, many reasons. This amendment is another way to put them off even longer.

Your Committee voted at that time, as was said, 5 to 1 to recommend passage. And in excerpt over here, your Committee expressed concern about the quality of water, but noted that treatment would reduce any contamination to levels considered safe by scientists and regulators with the expertise to make such determinations.

I am sorry, we're looking for another piece of paper over here. All public drinking water requires treatment regardless of its source since contaminants are often needed, often need to be removed from water sources. It is more important to look at water quality after treatment rather than before treatment.

The residents of the County of Maui should feel confident that the water from the wells can be made safe for consumption through a purification technology available at the water treatment plants. The Department of Health and the Department of Water Supply closely regulate our water quality. We should rely on their expertise and the expertise to determine the treated water from these wells will meet the required quality standards.

Your Committee voted 5 to 1 and agreed with this. That's why we passed it out. Nobody that voted to pass this out voted to pass it out to poison any one. We voted to pass it out because we felt that these standards would be made, met and that

those people that really need the water and will not get it if this amendment is passed. You can hem and haw, you can try to justify, but this amendment limits the uses of that water.

If we do this, it is simply to my feeling a knee jerk reaction. It's something that looks good, yeah, let's not do it. But scientifically, the Committee agreed that this water is good and that the people Upcountry finally, finally have some hope of getting the water they need. And how many people are up there waiting, 500, thousand? And those are our people, the people of Maui County.

We have addressed their concerns; the concerns have been addressed by the Committee in the original bill. I will not support what is on the floor. I think it's inappropriate and to change a bill like that after the Committee and especially since the Chair passed it out, and agreed that this was a safe water bill, I think is totally inappropriate. It should, I would urge the Members for no other reason than that, to vote no on this amendment.

Thank you.

CHAIR MATEO: Thank you, Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I was not a voting Member of this Committee, but I did come to this meeting and listened and asked a lot of questions. And from my understanding through this, from this Committee, what was passed was what, what is before us. Now we're asked to do something completely different and it, I, I don't know how that works.

My, I guess my question is to Corp. Counsel, or to the Clerk, or to you Chair is, is this normally done? I know there's amendments where you can change a few words here or there, but to completely substitute the bill for another bill. It, it, I, I'm confused as to if that is allowed in our rules first of all and second of all if that's the case, why not kick it back to Committee and talk about it some more.

CHAIR MATEO: Thank you. Real, to be real brief, yes it's, it is an allowable practice.

VICE-CHAIR PONTANILLA: Chairman.

CHAIR MATEO: Excuse me, go ahead, Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Um, yes, thank you.

If, if I could have the Director, Mr. Taylor, answer a few questions?

CHAIR MATEO: Members, any, any objections if we call down Mr. Taylor to provide responses?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. Mr. Taylor, please join us. Mr. Taylor, thank you very much.

Mr. Pontanilla, go ahead.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Mr. Taylor, for being here.

I'm looking at the amendments and I had a earlier discussion with the maker of the amendment how this thing is going to be working.

On number one, agricultural purposes, how we going to hookup H'poko Wells 1 and 2 to, and I'm assuming you going to utilize the ditch that's up there right now to provide water to agriculture down the line. I understand that the Kula Ag Park is fed from this particular ditch that goes from, I guess Kamole towards Ulupalakua.

DIRECTOR OF WATER SUPPLY: Member Pontanilla. My understanding of this amended ordinance is it's reducing the current restrictions, it isn't dictating absolute action. It allows these things; it doesn't dictate that these things will happen.

Right now, the water from the Hamakuapoko Wells goes into the clear well of the treatment plant basically post-processing of the treatment plant water. It could be re-piped to go into the ditch. It could be re-piped to go somewhere else, but right now that isn't how it's piped. So this would allow those things to happen, excuse me, but we don't necessarily have any plan to do so unless, you know, that, that comes out of further discussions.

VICE-CHAIR PONTANILLA: Okay, so my understanding then, after you just explained it that H'poko Wells 1 and 2 goes to the, what do you call that, water well.

DIRECTOR OF WATER SUPPLY: The clear well.

VICE-CHAIR PONTANILLA: Clear well, and then from there is the water being treated at that point or does it, how do you treat that water if you do treat it.

DIRECTOR OF WATER SUPPLY: The Kamole Treatment Plant takes water out of the ditch, treats it, puts it into the clear well, and then it goes into the distribution system. So this water, how its piped right now, is the Hamakuapoko Wells, after going through the GAC filters, that water goes into the clear well and mixes with the treated water that comes out of the treatment plant, and then it goes to the distribution system.

VICE-CHAIR PONTANILLA: Okay, so the resource then goes into one big transmission pipe Upcountry.

DIRECTOR OF WATER SUPPLY: That's correct.

VICE-CHAIR PONTANILLA: Okay, thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion?

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair.

With regards to the agricultural use, if that's the, if, if the water from those two wells is being used for agricultural purposes, does the, I believe its Dow Chemical that pays for the, the filters at this point. Would they, would they pay for the filtration if the water is to be used for agricultural purposes only?

DIRECTOR OF WATER SUPPLY: My understanding is that the reimbursements only take place if the water is used for potable purposes.

COUNCILMEMBER WHITE: I guess that brings up the question of whether or not this outline of, of uses would be something that the, that the Water Department could deal with from a, a cost standpoint if it's somewhat on again off again as far as the filtration is concerned.

DIRECTOR OF WATER SUPPLY: I would say that, as I mentioned in, in Committee a couple of weeks ago, our intention if this bill passes in one form or another, is to use the Hamakuapoko water and the wells as a backup. Meaning we'll issue meters off of the Pookela Well and then, but no, no meters would actually be issued off the volume from these wells. So these wells would not be run until we needed them as a backup to the entire Upcountry system including the existing wells and the treatment plants.

We would from an operations and maintenance standpoint, probably need to run these wells through the GAG, and into the, into the distribution system about one day

a month. So essentially our operational plan would be to run them one day a month into the distribution system and then they would have to run only if necessary.

I, I would, I would use the analogy to an emergency generator that we have. We usually put them under load and run them one day a month just to make sure they're working. That's usually a normal maintenance procedure and then they sit waiting for, you know, when we need them.

So it's my understanding that the language in either the original bill or the language in, in the revised ordinance both allow us to do that same operation. So, I just want to be clear that that is how we intend to operate it and if there is any question about language, I just want to be very, very clear upfront that we intend to operate in that methodology and our understanding is that either way allows us to do so.

COUNCILMEMBER WHITE: If I may ask a follow-up question, Chair.

CHAIR MATEO: Go ahead, Mr. White.

COUNCILMEMBER WHITE: Is there a difference in the number of water meters that is likely to be issued? Is there a difference between the version that was passed in Committee and the version as amended, is there a difference in the number of water meters that will be rewarded?

DIRECTOR OF WATER SUPPLY: No, there will not be a difference. Our, our only concern if I would even use that word is we just want to be very clear that we don't get called back up here, you know, if for some maintenance procedure we have to, or testing procedure, we run the H'poko Wells for three or four straight days and put it in the distribution system and then people say well that's not really backup.

I just want to be clear how we intend to use it. It's our understanding that that fits into the common use term in our industry as backup and I just want to be very, very clear with the Councilmembers that that's how we intend to operate it. And if you agree that that is what backup means, you know, that at least we're all on the same page.

COUNCILMEMBER WHITE: Mr. Chair, I would, I would suggest that, I, I find this, this amendment acceptable if it, if in fact it is not changing the number of, of water meters that are available. So I thank Mr., Mr. Water for his comments.

When you can't remember his name, you know, he's Mr. Water.

CHAIR MATEO: Thank you, Mr. White.

Mr. Hokama, first and then I'll go to Mr. Couch.

COUNCILMEMBER HOKAMA: Chairman, quickly for the Director Taylor.

COUNCILMEMBER WHITE: Thank you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Regarding the substitution motion before us. In, in, Mr. Victorino's proposal under number three, where it talks about water quality sampling schedules. So if you just, I'm going off what you just shared with the Council regarding potentially running the system one day a month, what would be the sampling schedule for that kind of operational backup?

DIRECTOR OF WATER SUPPLY: I, I don't know off the top of my head. I know that our operational, we're, we have to, we would have to write an operation and maintenance manual that has to be accepted by the Department of Health. These kind of things are worked out with them at that, you know, during that, that stage.

COUNCILMEMBER HOKAMA: So at this point in time it is something that still needs to be done before we can even consider use of the water or, or, or any type of operational use for backup of the water.

DIRECTOR OF WATER SUPPLY: We have other wells that serve as backup and it may very well be that there is already a formalized testing schedule of, of how you do that when you have a backup well. I'm just not familiar with the details. But there is certainly some regulatory requirement and we'll just have to be clear of exactly what it is.

COUNCILMEMBER HOKAMA: If this does pass first reading today, is this information you believe the Council can receive prior to final reading and final decision on this item?

DIRECTOR OF WATER SUPPLY: I do believe that's correct, I, in fact I think if it had come up during, during Committee, I think our division chief probably would have known off the top of his head but he, you know, he couldn't be here today and I'm not aware of those details. So I'm sure we could, we could get that in that timeframe.

COUNCILMEMBER HOKAMA: Thank you, Mr. Director. Chairman, thank you.

CHAIR MATEO: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Urn, and, and Mr. Chair, I'm not sure how much leeway we're going to have if we're getting into committee work so please stop me if we, cause I've got a, a handful of questions here.

On the first question, is there a difference in this bill, in your mind, Mr. Taylor, from the, the originally proposed bill? You're saying, it sounded like you said there's, you're not going to do anything different from whatever the proposed bill is and what this amendment is.

DIRECTOR OF WATER SUPPLY: My understanding of the original bill is it would allow us if we chose to, to under normal operation run the H'poko Wells all the time and issue meters off of them. That would sort of be our operational choice. This bill limits it to a backup.

What I was saying is that our operational methodology that we're choosing is really the same regardless of which bill is passed. Because we weren't planning on issuing meters off of it anyway.

We weren't planning on using it as our primary well anyway and the reason for that is more of location. Where it is and how its pipe, it eventually has to get to the same place, where the Piihola Well is, oh, the Pookela Well, I'm sorry, Pookela Well is closer to the tanks that the, the water eventually needs to get to. So just as a matter of operational efficiency, we, we wouldn't really choose to issue meters off Hipoko and use Pookela as backup. The first bill would have allowed that but we wouldn't have chosen it anyway.

So that's why as a Department, you know, obviously we, we prefer to have as much flexibility in operations as possible, but the revised ordinance, the revised proposed ordinance doesn't really change how we would probably operate it anyway. So that's, that's really the point I was trying to make.

CHAIR MATEO: Go ahead, Mr. Couch.

COUNCILMEMBER COUCH: Then, Mr. Chair, I guess I'm going to ask Mr., Mr. Wong, is, if this is a substantive change or not. If it, if it in fact changes what they could do and is this something that we can do on the, I mean I'm okay if we can do it on the floor but it just surprises me that we can. Is this a substantive enough change that it should go back to Committee?

CHAIR MATEO: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: With a quick review of, of the document and the language from the ordinance and the proposed language, I don't believe that its substantial enough to require a referral back to Committee.

COUNCILMEMBER COUCH: Okay.

CHAIR MATEO: Thank you, thank you, Mr. Couch.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair.

And, I just wanted to take a minute here because there was a, a statement this morning by one of the testifiers who mentioned that there were several of us sitting here who might have a conflict of interest because we're sitting on the water meter list. And while I know nothing about the situation of others, I can disclose my own situation.

Yes, my husband and I are on that list for a meter Upcountry. I do believe the last time I looked we were somewhere in the high seven hundreds so I don't think that we're, you know, going to get one really soon.

But, you know, to allay everyone's concerns, I did seek an opinion from the Ethics Commission and that was in December of 2009 so this is relatively old. And the reason I did it was for the same reason, I wanted to be sure that it was okay for me to discuss and vote on this issue because we are on that list.

And at that time the opinion of the Ethics Commission was that because of my verbal disclosure, that my actions do not violate Section 10.41.C.1.0 [sic] of the Code of Ethics and the board is of the opinion that Councilmember Baisa may participate in discussions and vote on Water Resources Committee item WR-22, H'poko Wells, as long as provided that she continues to verbally disclose the fact that her name is on the Upcountry water meter list.

I wanted to disclose that so everybody know.

CHAIR MATEO: Thank, thank you very much, Ms. Baisa.

COUNCILMEMBER BAISA: And I do have a question, Chair.

CHAIR MATEO: Go ahead.

COUNCILMEMBER BAISA: For Mr. Taylor. You know this Upcountry meter list as you know is, all of us know is one of the toughest issues that's been in our community for a long time. It's right up there with GMO's and other things. I think CMOs are much newer.

This is decades of people, you know, being concerned about this. And I sit here, even though I am on that water meter list, I don't want anybody to have a health impact. Any, you know, I just don't want anybody to be hurt. It would be my own children, my own grandchildren, my friends, my cousins, everybody I care about. I'm not here to, you know, just really pay no attention to the health effects, I care very much.

But I also believe in science and I believe that we have to believe in science because if we don't then how do we make decisions on anything. Is anything safe? And so, you know, I want to believe that the people that are making these decisions are well informed and that they have done their homework. And yes, mistakes will be made, but don't we all make mistakes, everybody makes mistakes and we don't find out until later.

I grew up, my mother had me drink coffee every morning, nobody thought that was bad. It didn't kill me, I'm 71 years old, my mother lived to be nine, almost 95 so you know there's a lot of debate about what kills people and I don't want to get into that.

But Mr. Taylor, I, I'm trying really hard to listen to everybody's testimony, read all the papers we get, and really pay attention and make a good decision. So I want to ask you a question. This morning we had a testifier talking about the wells and said that they, if they were used, that the aquifer might not be as productive as we think. How long were those wells used before they were closed and do we have any, any statistics about what they produce?

CHAIR MATEO: Mr. Taylor.

DIRECTOR OF WATER SUPPLY: During, during Committee again when, when some of the division people were here, they were the ones that ran them and they knew. And I, I know they told me, it wasn't for very long. It wasn't a real long time they were run.

So, but I, I think in answer to that question, if you think about the operational strategy that we're going to use, using it as a backup, kind of like having a backup generator. I mean how many days do you really use that over a 50 year period? So even if the aquifer was sort of slow to recharge, we're not planning on using this day in and day out. Let's talk about, you know, one day a month, what if it's even two days a month and then when we have big problems. And those big problems maybe they last for a few months.

So I think it's realistic that we, 20 years from now when we look back at the last 20 years, there's probably never going to be a time they were run for, you know, probably get less than a year of total run time over 20 years. So I think that's really different than an aquifer where we say we're going to run them, you know, 16 hours a

day, 365 days a year. So, I don't think we're as concerned because of how we intend to use it as, as, as was noted by a testifier.

COUNCILMEMBER BAISA: Thank, thank you very much. That does clarify that.

One more and then I'm pretty much okay for now. That's the question about how many meters. You know, when we looked at this originally, the, the statement has been in the paper and all over the place that we might be able to issue 500 meters because we got water from H'poko Well. Can you please clarify that? I mean I think that's where the problem is, people think that immediately there's going to be a direct line from H'poko Well to my meter.

CHAIR MATEO: Mr. Taylor.

DIRECTOR OF WATER SUPPLY: I, I know we've discussed this, you know, at, at length in--

COUNCILMEMBER BAISA: Ad nauseum, please.

DIRECTOR OF WATER SUPPLY: --Committee meetings and at that Kula Community Association. Different sized meters and different uses have different volumes. And as we go through the list there's, there's different applicants that have different lists.

Some of our staff went through and said if this comes online and they tried to make a rough estimate, and a lot of the things we've been talking about for the last couple of months were these sort of rough engineering estimates. And they said, you know, about 500 meters probably, maybe it's 400, maybe it's 600. We, we, we really have no way to know exactly because it depends on who accepts their meters and who doesn't accept their meters.

So again, what would happen once we get it working, once we have the well online is we'd have to start going through the list, number one, number two, number three, in order. Tell people exactly what improvements they need to make and they would either say yes I'll make these and accept that meter or they would say no and we'd go to the next one.

So roughly, you know, assuming that, I know when Pookela meters were issued about 60 percent of the people were able to pay for their improvements and accept those meters. So again, just rough assumptions that the economy's worse now than it was then, let's assume 50 percent of the folks can afford their improvements.

We'll start going through the list and assuming that about 500 meters are going to be issued and about half the people say no. There's 2,600 meters on the list so that's

roughly, you know, a little less than a quarter of the meters could be satisfied. And that might get us roughly halfway through the list if half the people say no. So that's what I would expect just sort of, you know, ballpark statistically.

COUNCILMEMBER BAISA: Thank you very much. So much for my conflict of interest, it doesn't sound like you're going to reach 800, huh. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Yeah, I just really feel like we're doing a lot of Committee work here and you know I have a billion questions here for Department. Chair, I shared a little earlier one on one with you that, you know, I was quite stifled during the Committee session. And I was only allowed a couple questions with all of this controversy going on so I really feel that I'd like to get a lot more clarifications, my, my concerns addressed and what have you.

So, I, again I do have a lot of questions, I don't want to turn this full Council meeting into a committee meeting. I also have an amendment so I don't know how you would like me to proceed at this point.

CHAIR MATEO: Well, first of all you can, you can go ahead and ask your questions.

COUNCILMEMBER COCHRAN: Okay.

CHAIR MATEO: And then we'll deal with, we'll deal with the second part of your, your query after you're concluded.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

Just I guess riding on the topic of backup wells, this being a backup well. I'm just, and you said one day per month. And so, the pumping cost of that one day per month is that covered in the, the settlement, the, the past settlement that was put, put through.

CHAIR MATEO: Mr. Taylor.

COUNCILMEMBER COCHRAN: I'd like to address that payment on that.

DIRECTOR OF WATER SUPPLY: The settlement covers the usage of the filtration system, not water pumping. Water pumping, even if the water was distilled water that was in the aquifer, we would still have to pay to pump it. So it doesn't cover that.

COUNCILMEMBER COCHRAN: And leads me to the next point then. I believe that these charcoal filters need regular use otherwise bacteria and things buildup thereby kind of rendering it, I wouldn't say useless, but not as effective in treatment.

DIRECTOR OF WATER SUPPLY: Again that, that's why we would have to run it about once a month for exactly that reason.

COUNCILMEMBER COCHRAN: But is that, once a month doesn't sound like a regularly used thing.

DIRECTOR OF WATER SUPPLY: I, you know, I, I, I spoke with our staff who, who already maintains these exact same systems and they said that's, that's the maintenance procedures for, for these backup systems. That, like that ballpark runtime.

COUNCILMEMBER COCHRAN: And, just in regards to backup wells, as I understand Pookela originally was done in order to, I guess address this water meter issue back in the day whenever that was. And then all of a sudden it became designated as a backup well, which it is today.

DIRECTOR OF WATER SUPPLY: I believe the chronology is it was originally designated to be a primary source for Upcountry, where the H'poko Well was going to be its backup. And then when the ordinance banned the use of Hpoko, Pookela became the backup to the other systems. So they were, I think always sort of meant to, you need both in order to give meters. And so that's why meters weren't given off of Pookela, because H'poko wasn't allowed to be used as backup.

COUNCILMEMBER COCHRAN: Due to contaminants.

DIRECTOR OF WATER SUPPLY: Due to the, the ordinance that the Council passed.

COUNCILMEMBER COCHRAN: And sorry, Pookela was banned because why?

DIRECTOR OF WATER SUPPLY: No I'm sorry, H'poko, I'm sorry if I misspoke.

COUNCILMEMBER COCHRAN: Oh, okay.

DIRECTOR OF WATER SUPPLY: H'poko was banned by the Council so we weren't able to issue the meters off Pookela as was planned. And if I used the wrong names I apologize.

COUNCILMEMBER COCHRAN: Okay, yeah, again, Chair, I have, have a lot of queries.

CHAIR MATEO: Why don't you continue.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MATEO: Yeah.

COUNCILMEMBER VICTORINO: Point of order, please.

CHAIR MATEO: Go ahead, Mr. Victorino.

COUNCILMEMBER VICTORINO: You know, I'm going to step in here, you know, a statement was made earlier, I'm going to take exemption to that that I stifled anybody from asking questions. We had many community, Committee meetings but we had two in particular on this one and questions were asked up and down and the same thing she's been asking, okay. So there was no stifling of that, so I will take point on that.

Secondly, the only reason for the amendment was particularly what Mr. Taylor had said that if some Director would come along and say we can use this for a primary use, in other words issue meters of, out of Hamakuapoko, it could be done. That's the reason for the amendments. There's nothing else on the table. I made no other changes, it was not . . . and I said that at the meeting that day before we said that I would make sure these amendments would come through, come to the committee, I mean come to this Council before first reading and that's the only thing. So I want to point out these issues before we continue on. Thank you, Mr. Chair.

CHAIR MATEO: Thank, thank you very much. Members, the Chair is going to take a two minute recess at this point. We're going to stand in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:37 P.M. AND RECONVENED AT 4:59 P.M. WITH ALL MEMBERS PRESENT.)

CHAIR MATEO: Council of the County of Maui, regular meeting of September 16, 2011 will reconvene.

Members, thank you very much for that very long two minute break. At this time the Chair recognize, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Yeah, so thank you for the discussion and I said I had an amendment but basically you know, I'm just, I guess I'm just kind of resigned to the fact that I beg to differ that we really vetted out this, this out in Committee. You know, that's my bottom line.

And, there are tons of questions that still need to be addressed and answered which I have not gotten, you know, answered properly. I cannot support this in clear conscience. There's questions about econ, the economic value of this, the reliability, the Paia Aquifer capacity, health questions? Have we not been listening to all the people here for six hours now?

You know, I mean, I just, sorry that I'm very upset, but you know, monitoring and testing standards and costs, and you know, there's other options here. We haven't even looked at that. I didn't even have a chance to ask about Waikamoi, Kamole, you know, Wailoa. I mean the list goes on and on, Director Taylor, and this Department. I, you know, I'm extremely upset, obviously, the combination of, I mean as I said Chair, I'm sorry--

CHAIR MATEO: No, go ahead.

COUNCILMEMBER COCHRAN: --there is, this is turning, for me its Committee work that was not given the proper chance to vet at the time. You were not here, and so I, I urge you, go look at the past footage that was done by Akaku because it will show right there.

So at this point Chair, I'm just, you know, there is the second reading and I'm just to the point where if anything can happen there great, but I just want everyone to realize that I have grave, grave concerns here. And it's not about not allowing people who deserve waters and homes and what have you, but it's about having a clean, clear choice and we have them. But I was not able to address it and I don't have answers from Department so at this point I'm just going to pass and whatever happens happens. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Thank you very much, Ms. Cochran.

COUNCILMEMBER VICTORINO: Mr. Chair, thank you, and.

CHAIR MATEO: Mr. Pontanilla, followed by Mr. Victorino.

VICE-CHAIR PONTANILLA: Thank you. Maybe for Corporation Counsel. If you can explain the definition, "2. Consumers of department's upcountry water system as

defined in section 14.13.030 of this code when a drought is declared pursuant to section 14.06.010 of this code". If you can explain 14.13.030 definition?

CHAIR MATEO: Mr. Wong.

CORPORATION COUNSEL: I will read for you from the code 14.13.030.

VICE-CHAIR PONTANILLA: Yes.

CORPORATION COUNSEL:

"For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

'Priority list' means the compilation of premises in the order received by the department pursuant to a legal notice published in The Maui News, November 2, 1994, for applicants denied new or additional water service.

'Upcountry water system' means all water improvements associated with the department's Upper Kula, Lower Kula, Makawao (including Pukalani, Haliimaile and Maunaolu College area) and Haiku water systems."

VICE-CHAIR PONTANILLA: So that's how we define consumers.

CORPORATION COUNSEL: That's how we define Upcountry water system, correct and consumer.

VICE-CHAIR PONTANILLA: Okay. Thank you. Thank you, Chairman.

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

And you know this is something we have worked on and our Committee had been given many opportunities to ask questions of both the Department, the State Department of Health was here, we had ample opportunities to ask questions. I beg to differ with anybody in this room.

And safety and the wellbeing is the primary purpose that this amendment came forward, to protect the Upcountry people and to see if in the future this becomes a viable alternative. We have other alternatives that's going to cost us, it's going to

take time to get setup, but it's all part of the package. There's no, alternatives haven't been eliminated. This is like Mr. Taylor using your exact words Mr. Taylor, this is the low hanging fruit, something we can put on and get something going right now. Is that correct, that was your exact terms.

DIRECTOR OF WATER SUPPLY: Um, I don't know if that's my exact terms but I, I certainly have said things like that.

COUNCILMEMBER VICTORINO: Okay, okay, so, and so, you know taking the lead and all of the Members on the Committee and even non-Members, voting Members of the Committee were allowed to ask questions.

I have the utmost confidence in our, in, in what we've done, the work we've done and I am not afraid to say I am satisfied in what I've been told by all the various entities. Give us an opportunity to prove me wrong and I will be there. But I believe we are right and this will be an opportunity to move ahead.

This is not going to come online next week, next month, but in the near future this will become a viable backup and we will have Pookela as intended, when was dug, in 2000, 2001, as a primary issuance of water meters so those people Upcountry who have waited 14, 15, 20, some maybe even more than that, Mr. Chair.

So I thank you very much for your patience, I know it's been a long day. And I want to thank my Committee, the, the Members here today because and all those who testified. They all brought good information, they all brought, you know, things to the table. I believe we have learned from the past and will do better in the future. Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The, the reason I'm not going to support this amendment at this time is because we've discussed this, if this water is good enough for consumption, then let's vote on the original bill; if it's not good enough let's vote down the original bill. If we do something like, oh let's just make this for backup or for agricultural uses, then we're saying well we're not sure, it, maybe it's good enough. We either decide is it good enough or is it not good enough.

I want to quote, I, I, I know we got the testimony, I don't know if he came up. But in today's paper this Viewpoint that this scientist engineer, chemical engineer says "Junk science" make bad, "makes bad public policy". This one line that I just want

everybody to remember "I take serious objection to the misuse of science for political purposes and serious scientists have a responsibility to call this activity out for what it is."

This has been, I was here in, on the Administration when this whole thing came up and we could not find one credible scientific thing saying that this is bad. The water on the desk of the people who were pushing this bill from a bottled water company had more contaminants than the H'poko Well after it was filtered.

So, I just want to have our Members take a, a listen to this: "I take serious objection to the misuse of science for political purposes". So I wouldn't be in support of this, I am fully in support of the original bill and let's just draw the line there, either it's good or it's not. Thank you.

CHAIR MATEO: Thank you, Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I have one question for the Director.

CHAIR MATEO: Go ahead.

COUNCILMEMBER CARROLL: Just a yes or no answer? Will this amended bill help in any way expediate getting meters for people Upcountry? Will it make it happen any sooner than it would if this bill never existed? Just yes or no, that's all I need to know.

CHAIR MATEO: Mr. Taylor.

DIRECTOR OF WATER SUPPLY: No, no.

COUNCILMEMBER CARROLL: Thank you.

CHAIR MATEO: Thank you, Mr. Carroll.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. I know before we put H'poko 1 and 2 online, we still need to go through the, I guess EA process. And how long would that process take, Mr. Taylor? And what a, you know, what type of questions will be asked on that EA?

CHAIR MATEO: Mr. Taylor.

DIRECTOR OF WATER SUPPLY: The environmental assessment will start, we've always, we've already talked about, you know, how soon we can get it started after, you know, if, if this bill passes second reading, we'll get started immediately. Um, ah, we've talked, we're, we're still having discussions about whether or not we can do it in-house or whether we need a consultant, either one starts a certain process.

We may have to come for a, a budget amendment if we need a consultant and we don't have enough money. Usually EA's take about a year I would say. So, that's all within our authority to get that done and an environmental assessment ends with either a finding of no significant impact or it ends saying there is significant impact and it needs an environmental impact statement.

So assuming, and if we have to do an EIS, that takes even longer. Assuming that we file a finding of no significant impact, then it's up to be challenged in the courts. So, think about a year or so to get the EA done. If it isn't challenged, then you know, we're finished. If it is challenged, now we're into a, a court, you know, a court battle of some sort and that takes as long as that takes.

So the total timeline is not completely up to us because there is public participation and that goes where it goes.

VICE-CHAIR PONTANILLA: Okay, let's see, as far as, as far as the people on the meter list, you are going to notify the individuals on that list once an EA is approved or EIS is approved so that they would know how much it would cost for them to have a water meter.

DIRECTOR OF WATER SUPPLY: Yeah, exactly the schedule of, of what we're going to do when. At some point it may be possible that simultaneously while we're doing an EA, some of the engineers can start working on, you know getting all these letters ready and, and we're not exactly sure how exactly the timing, hopefully we can do some things simultaneously.

But sometime after we're finished with the EA, we're, and let's just assume no one challenges it in court, and we finish the improvements, we get our testing done with Department of Health, I mean then we're finished. It's at that point that we can start sending letters. So whichever one of those takes the longest, that's going to be the, the driving factor of when we can actually start that process of public notification.

VICE-CHAIR PONTANILLA: Thank you. As far as, I know we get till 2039. Cost of filters, what is the cost?

DIRECTOR OF WATER SUPPLY: It, it's the, it's the carbon itself.

VICE-CHAIR PONTANILLA: Oh the carbon.

DIRECTOR OF WATER SUPPLY: It's not actually a filter, it's the carbon itself and I don't have that information in front of me about how much we've been, we've been paying. But until that point, you know, we're, we're reimbursed for that.

VICE-CHAIR PONTANILLA: Okay, and the last question that I have and this has been bothering me. So you say actively run one day a month is sufficient to satisfy the DOH?

DIRECTOR OF WATER SUPPLY: That's a ballpark number. I mean I was talking to our, our staff, yesterday who, who maintains the existing systems in Napili and you know they're familiar with their operation, procedures when the things aren't, of what it takes to keep them ready to go. And they said, you know, about a day a month. So maybe its half a day a month, maybe that's two days a month. I was just trying to get a ballpark of how often do you have to run them to keep them in a backup capacity.

VICE-CHAIR PONTANILLA: Thank you. And when we had that guy from the Department of Health, one of the issues was that, you know, running this, running the pumps so they have circulation of the water to kind of not have all the contaminants, contaminants all, you know, together yeah. In other words, by mixing this thing constantly, that would help clean up the contaminants from the aquifer. In other words just, you know, pumping up, pumping this thing on a regular basis. I thought I heard he say that.

DIRECTOR OF WATER SUPPLY: A, a common method of remediating soil contamination in, in many areas, is to have a filter that takes it out and pump the water out through the filter and even just putting it back into the ground afterwards. So pumping water out, filtering whatever contaminants is a common method of groundwater remediation.

VICE-CHAIR PONTANILLA: So that could be applied in H'poko 1 and 2 to keep the thing going.

DIRECTOR OF WATER SUPPLY: Essentially while we're using it, it would be, it would be doing that.

VICE-CHAIR PONTANILLA: Only when we using it?

DIRECTOR OF WATER SUPPLY: That's correct, I mean, it's going to actually be running in order for anything to be happening. We're going to have to actually, there's only one pump in there and so either you're pumping the full amount or you're not. So, you, while you're running it, you would be getting those effects and when it's off it's just going to be sitting idle.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Chairman

CHAIR MATEO: Thank you, Mr. Pontanilla.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair.

Mr. Taylor, my understanding is that the Kaanapali water system, Napili water system and more than half of the water system on Oahu utilizes water from wells similarly tainted to the Hamakuapoko 1 and 2. Is that your understanding?

DIRECTOR OF WATER SUPPLY: In our system, our Napili Wells have a similar situation. I, that's also my general understanding about Kaanapali and, and a number of aquifers in, on Oahu. I don't know the numbers, whether it's half or a quarter, but generally the situation you lay down is, is my understanding.

COUNCILMEMBER WHITE: You know, with, with that Mr. Chair, I, I feel very comfortable and I understand the passion of all the people that came before us today.

And the reality is that my mother drinks this water, my brothers drink this water from tainted wells that have been cleaned up. I've been drinking it for 25 years in Kaanapali and I know some of my colleagues might say that's, that's maybe why I'm a little bit off, but.

But I'm, I'm comforted by the fact that this is something that's not new. It's something that's been in place for many, many years and to single out one set of two wells for this kind of acrimony I think is possibly unfounded based on the science.

So I support the, the amendment. I supported the initial bill and it's because of the wide use of this type of water after it's been cleaned up and quite frankly, I'm part of the system that will be drinking that water at some point in the future.

So, I support the Chair and I also feel that we did have adequate time to ask the questions. And if the questions weren't asked during the committee hearing then, then they should have been. So thank you, Chair.

CHAIR MATEO: Thank you, Mr. White.

Mr., Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

One quick question for Mr. Taylor. Mr. Taylor, would you drink this water coming out of the filtration system, and would you let your kids, if you had any, drink that water coming out of the filtration system?

DIRECTOR OF WATER SUPPLY: I would absolutely drink the water coming out of the filtration system.

CHAIR MATEO: Thank you, Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

The bill, the amend, the amendment on the floor is to switch the bills. All right, you see how long we've been over here and I've been very outspoken about this very thing happening over here out of Committee.

I will commend Mr. Victorino, I feel that he is trying to deal in good faith with what he is doing but I cannot back down on what I feel is inappropriate. And this isn't appropriate, I won't support the motion on the floor now, I will support the main bill. Mahalo.

CHAIR MATEO: Thank you, Mr. Carroll.

Members, I'm, I'm kind of, I kind of think we've kind of exhausted the questions at this point. So, Members, once again, we have a motion on the floor and the motion is to amend, to substitute for the pending proposed bill attached to Committee Report 11-105, the attached proposed bill submitted by memorandum dated September 14, 2011, from the Department of the Corporation Counsel. That is the motion offered by Mr. Victorino. Members, all those in favor of the motion to amend signify by saying "aye".

COUNCILMEMBER VICTORINO: Aye.

COUNCILMEMBER WHITE: Aye.

CHAIR MATEO: Those opposed say "no".

COUNCILMEMBER CARROLL: No.

COUNCILMEMBER COUCH: No.

COUNCILMEMBER COCHRAN: No.

COUNCILMEMBER BAISA: No.

CHAIR MATEO: Mr. Clerk, roll call please.

COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

COUNTY CLERK: Councilmember Michael P. Victorino.

COUNCILMEMBER VICTORINO: AYE.

COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: AYE.

COUNTY CLERK: Vice-Chair Joseph Pontanilla.

VICE-CHAIR PONTANILLA: AYE.

COUNTY CLERK: Chair Danny A. Mateo.

CHAIR MATEO: AYE.

AYES: COUNCILMEMBERS HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

NOES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, AND COUCH.

COUNTY CLERK: Mr. Chairman, there are five "ayes" and four "noes", the motion to amend passes.

CHAIR MATEO: Thank, Members, the amendment pass, we're now returning to the main motion as amended.

Mr. Victorino.

COUNCILMEMBER VICTORINO: I think everything's been said. Thank you, Mr. Chair.

CHAIR MATEO: Thank, thank you. Members, further discussion on the main motion? All those in favor of the motion to adopt the recommendations in Committee Report 11-05 [sic], as amended, signify by saying "aye".

COUNCILMEMBER BAISA: AYE.

COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

COUNTY CLERK: Councilmember Michael P. Victorino.

COUNCILMEMBER VICTORINO: AYE.

COUNTY CLERK: Councilmenber Mike White.

COUNCILMEMBER WHITE: AYE.

COUNTY CLERK: Councilmember, excuse me, Vice-Chair Joseph Pontanilla.

VICE-CHAIR PONTANILLA: AYE.

COUNTY CLERK: Chair Danny A. Mateo.

CHAIR MATEO: AYE.

AYES: COUNCILMEMBERS **BAISA, HOKAMA,**
VICTORINO, WHITE, VICE-CHAIR PONTANILLA,
AND CHAIR MATEO.

NOES: COUNCILMEMBERS CARROLL, COCHRAN, AND
COUCH.

COUNTY CLERK: Mr. Chairman, there are six "ayes" and three "noes", the motion as, as amended passes.

CHAIR MATEO: Thank you very, thank, thank you very much. Members, at this time, if you recall we also have a County Communication, County Communication 11-236.

Chair recognize, Mr. Victorino.

COUNCILMEMBER VICTORINO: I think, one moment, Mr. Chair. I'm sorry, Mr. Chair.

MR. CHAIR, I MOVE THAT THE COUNTY COMMUNICATION
NO. 11-236 BE FILED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. Victorino, second by Mr. Couch to file County Communication No. 11-236. Any discussion, Mr. Victorino.

COUNCILMEMBER VICTORINO: No, no discussion, Mr. Chair.

CHAIR MATEO: Thank you. All those in favor of the motion to file County Communication No. 11-236, signify by saying "aye".

AYES: COUNCILMEMBERS **BAISA, CARROLL,**
COCHRAN, COUCH, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, nothing further is scheduled to come before the Council.

CHAIR MATEO: Thank you. Members, we've concluded our marathon for the day. The Chair would like to acknowledge those individuals that continue to provide support to the Council: our, our Corporation Counsel, Pat Wong; our, our County Clerk, Jeff

Kuwada; Director of Council Services, Mr. Fukuoka; as well as our support staff, Joyce Murashige and Theresa Valdez.

Members, thank you very much for your, your work and effort in this very long day. Council of the County of Maui regular meeting of September 16, 2011 is adjourned.

ADJOURNMENT

The regular meeting of September 16, 2011, was adjourned by the Chair at 5:21 p.m.

T. KUWADA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

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