CHAIR VICTORINO: . . .(gavel). . . The Committee meeting of . . . for the Water Resources Committee, September 5, 2014 will come to order. Let the time show it’s four minutes after 1:00. Sorry
about the little delay. I’m the Chair, Michael Victorino, and I’d like to call this meeting to order.
At this time, excused, is Mike White; he was running a little bit late, the Vice-Chair of the Committee. But here is the young lady from Upcountry, our Council Chair, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR VICTORINO: Good afternoon. And the handsome gentleman from East Maui, Mr. Robert Carroll, the Vice-Chair.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR VICTORINO: Good afternoon. And the good looking guy from South Maui, Mr. Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR VICTORINO: Alright. And excused today, for the entire proceedings, is Stacy Crivello from Molokai; and Mr. Don Guzman should be here very shortly. So Mr. White and Mr. Guzman should be here very shortly. From the Administration, I’d like to introduce Holly Ho, Fiscal Officer for the Department of Water. Good afternoon, Holly. And representing the Department is Mr. Jeff Pearson. Mr. Pearson, good afternoon. And we also have, from the…Assistant Fiscal Officer for the Department, Helene Kau. So and also, from Corporation Counsel, First Deputy Corporation Counsel, Mr. Ed Kushi and that’s it, yeah, that’s it, okay. And our valuable Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good afternoon, Chair.

CHAIR VICTORINO: Good afternoon. And Raynette Yap, our Committee Secretary, who’s busy passing things out. Thank you very much, ladies; without you, we’d be in trouble. This afternoon, our Hana Office unfortunately has no one there because there was a family emergency so we hope everything is okay. But I will do at this point…are we still on mute? I think we are, okay. Unmute. I got it, got it. Beginning to learn this technological changes we have up here. From our Lanai Office, Denise Fernandez, are you there?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai.

CHAIR VICTORINO: Good afternoon. And, from our Molokai Office, Ms. Ella Alcon. Ella, are you there?

MS. ALCON: Good afternoon, Chair, this is Ella Alcon on Molokai.

CHAIR VICTORINO: Good afternoon, ladies. We will now go into our public testimony. We only have two items today. And first item will be an update on the WR-27, which is Access through the Hans Michel Property for the Maintenance and Operation of Kanaha Valley Stream. And the other item is WR-21, Waiver of the Minimum Gross Requirement for Agricultural Water Rates.
And we will be taking up testimony on those two items and nothing else. Now I’d ask everyone if you have a phone or any other noise-making device that you’d put it on either vibrate or silent or turn it off entirely, and decorum will be carried through in this Chamber. We have four testifiers here, and I’m not sure how many on the district offices. Let me start with the district offices. With no objections, I will start with testimony from the district offices and then turn it to the attendees here in the gallery, with no objections.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Okay, thank you. Ella, is there anyone on Molokai wishing to testify?

MS. ALCON: There’s no one here on Molokai waiting to testify.

CHAIR VICTORINO: Thank you. Denise, on Lanai, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Thank you. So let us…we have four testifiers who have signed up and let us get started with those. First of all, first to testify will be Leona Rocha Wilson on WR-21 and she’s testifying as an individual and she’ll be followed by Sydney Smith. Good morning…good afternoon. I still with this good morning stuff.

MS. WILSON: Good afternoon, Council. My name is Leona Rocha Wilson, and I’m the owner of Lona Ridge in Wailuku. It is a six-acre farm. And what we’re growing is endemic koaia trees as well as indigenous ohia lehua. My land classification is D, which is near the worst possible for any land classification. And because of the steep terrain that we have on the land that most of the land is only accessible by foot. And so the…just wanted to let you know that, yearly, I spend anywhere from $60,000 to $90,000 maintaining the trees by purchasing equipment, servicing equipment, labor, fertilizer, irrigation, new plants and all from local vendors; my IRS tax returns on Lona Ridge would verify that. The current requirement of having to produce $1,000 per year does not work for me. My crop doesn’t come to market for 20 years; so, therefore, I request that the current law be changed and to take into consideration a couple of things: one, I think the land classification is important and the crop maturation. WR-21, waiving the income requirements for Ag water to six years—is the way I think I read it—is a good start. However, I wish to request that the Council consider the length of time that it’ll take to bring the crop to market. If possible, the Committee might consider having various categories of time exemption as well as adding maybe some wording that to the effect that the Water Commissioner may have, under special circumstances, may extend the time based on the crop being grown. Also, currently, it is my understanding that the funds generated by other means, such as ag tours, cannot be considered as income for agricultural water rates. I respectfully request that the ag tours be considered as income; also, other uses of the property. I host tours constantly for
children, veterans, dignitaries that come from everywhere, seniors and other contributions to the community; and I wish somehow that could be also taken into consideration. And, in closing, I just wanted to say, thank you, Mr. Victorino, for really graciously listening to my story and bringing it to the Committee for consideration. It really is a problem for me.

CHAIR VICTORINO: Thank you, Auntie Leona. Any questions for the testifier? Seeing none, if you would stay for a little while? When we get to the bill, we may ask you for some resource issues and…

MS. WILSON: Sure, absolutely.

CHAIR VICTORINO: So you would?

MS. WILSON: Sure.

CHAIR VICTORINO: Thank you very much. The next testifier is Sydney Smith, and she will be followed by—wait, hang on a second, I got it--Eve Hogan. And Ms. Smith is the, I guess, the owner of Maui Coffee…oh, no, she’s representing Maui Coffee Association, she is the President, excuse me.

MS. SMITH: Thank you, Chair. Good afternoon, my name is Sydney Smith, and I’m the current President of the Maui Coffee Association and I’m also the owner of Maliko Estate Coffee Farm in Makawao. I’m speaking here on behalf of the Coffee Association and myself. We support amending the County Code to waive the minimum gross income requirement for agricultural water rates for up to six years. I would especially like to thank Councilman Victorino because this is a direct response to testimony that I and some of my growers gave last March. We asked for more knowledgeable and understanding farm inspectors who understood that orchards and vineyards don’t produce income in one year. Some of you may even remember the testimony of Pauahi Lozano, one of my coffee growers, who was told by the Deputy Director of the Department of Water Supply to take out her coffee trees and plant tomatoes. This amendment will make it possible to plant orchards including coffee and that is a very good thing. Maui County has a bright future ahead in coffee. And some of you may already know this, but in this year’s Hawaii State Cupping trials, Maui coffees had the highest overall ratings in the state. Maui Grown Coffee in Lahaina tied for first place in the commercial division. Maui placed three coffees in the overall top ten and six coffees in the overall top twenty, and we’re the youngsters in the coffee-growing community in Hawaii. This amendment will encourage more farmers to grow coffee, and we will all benefit from this great industry. So thanks again, Councilman Victorino and thank you, Council. Thank you for hearing us and for answering our call for change.

CHAIR VICTORINO: Thank you, Ms. Smith. Questions for the testifier? Seeing none, thank you very much. Next testifier is Eve Hogan, and she’ll be testifying on her behalf as an individual. And the last testifier that signed up is Hans Michel.
MS. HOGAN: Aloha. My name is Eve Hogan and I’m the Executive Director of the Sacred Garden in Makawao and a coffee, fruit and flower farmer, and I’m speaking on my own behalf. I’m testifying in favor of a waiver for the minimum gross income for Agriculture. While we’re all aware that some crops take more time than others to produce and some weather conditions, infestations and other environmental issues can alter or halt production levels from time to time, I also want to point out that becoming a farmer also has a learning curve and a time element. When I bought my property, I knew absolutely nothing about agriculture. Through a massive effort to turn a garden, once funded by drug sales, into a thriving agricultural venture, there was a lot to learn; that was before I had it, oh, by the way. I hired people I hoped knew more than I did and took the master gardener course at the college in the hopes of learning all the information that I needed to grow plants in Hawaii. All this took time and I learned a lot about plants, but I did not learn anything about how to make money growing plants. This continues to be a struggle even for a nursery open seven days a week especially when competing with the big-box stores like Home Depot, Lowe’s and Walmart. Sometimes it may be a slow-growing crop or the wrong crop and sometimes it’s the farmer themselves learning how to make agriculture financially viable and it may simply be that money is not the correct measure of agriculture unless you count the amount of money we spend on agriculture like Leona so brilliantly pointed out. It’s quite expensive to run a farm. In any case, I applaud your awareness that unstable conditions require the understanding and the ability to waive the requirements when needed, and I appreciate your forethought on that. Thank you so much.

CHAIR VICTORINO: Thank you, Ms. Hogan. Any questions for the testifier? Seeing none, thank you very much.

MS. HOGAN: Thank you.

CHAIR VICTORINO: And our last testifier who signed up for today at this time is Mr. Hans Michel. Hans, will you come forward, please? And Hans will be testifying on WR-27.

MR. MICHEL: Hello Chair and Councilmembers. Thank you for inviting me today and forward my problems to the Water Department. So where shall we start, what do you want to hear first?

CHAIR VICTORINO: Well, you sent a letter.

MR. MICHEL: You have the binder and…

CHAIR VICTORINO: Okay.

MR. MICHEL: Okay. There’s a unfinished contract from 1994.

CHAIR VICTORINO: Right.

MR. MICHEL: That’s one item. The other item is, which never did want to get forward, but that has to do with the Department of Land and Natural Resources, which is the reserve for management in
Kanaha agriculture complex. So this is copies you have in the binder which you might can look forward and read them and bring ‘em up to the Director at the present time, because it always got put on the side, or so to speak. So this is very important because this document say if you guys don’t imply [sic] to this, they will shut you down. Now, you the guys are operating up there not me. So, anyway, I don’t want to make a fuss, but I still have the records, yeah.

CHAIR VICTORINO: Thank you. And today we’ll get an update on where we at with all this.

MR. MICHEL: Yes.

CHAIR VICTORINO: If I may ask you a…oh, before I say, is that all Mr. Michel?

MR. MICHEL: No.

CHAIR VICTORINO: Oh, no, okay.

MR. MICHEL: Here is a funny thing. The amendment…oh…

CHAIR VICTORINO: It’s okay, take your time.

MR. MICHEL: Here was the amendments which were made in ’05, but they have forgot one where they never bring up is 2005-205101, that seems too. This is in the book, the 00…the other one didn’t come in is 2005-205100 is never got put up in the books.

CHAIR VICTORINO: Okay.

MR. MICHEL: And that is what we have over here, that’s in the binder, you know.

CHAIR VICTORINO: Right.

MR. MICHEL: So other than that the rest, Waterworks, kind of more or less, try to keep up with it.

CHAIR VICTORINO: Okay, very good. Questions for the testifier? I got one. And, Hans, you know, as far as to your point right now, as far as you’re concerned, we have been pretty much keeping up with what we had discussed and we still have a few challenges facing us, but we’re getting there. Hans, we’re getting there, aren’t we? No, are we getting where you need us to get?

MR. MICHEL: Well, I would say…

CHAIR VICTORINO: Now, don’t go too far, now.

MR. MICHEL: Oh, I don’t have to look, I think you guys a little right behind. But now the weather is dry, it would be good if you guys start to do something –
CHAIR VICTORINO: Okay.

MR. MICHEL: --before Christmas. I mean don’t spend all the money on planning. You know what I mean?

CHAIR VICTORINO: Thank you. You talking about the trail and all that?

MR. MICHEL: Yes.

CHAIR VICTORINO: Yes.

MR. MICHEL: And, in other words, we don’t have to bring it up for, eh, you know –

CHAIR VICTORINO: Yeah.

MR. MICHEL: --it’s all in writing over here.

CHAIR VICTORINO: It’s all here, yes.

MR. MICHEL: It’s all . . .(inaudible). . .

CHAIR VICTORINO: Okay. Thank you, Hans. And that’s more of an update, and then I just wanted to make sure we’re getting closer. But now’s a good time to get in there with the trail, and I’ll check with the Department. So will you hang around as a resource person if I need any questions answered?

MR. MICHEL: Okay, I do…

CHAIR VICTORINO: Okay. Thank you, Hans.

MR. MICHEL: Welcome.

CHAIR VICTORINO: And let the record show the arrival Councilman Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair, thank you.

CHAIR VICTORINO: Thank you. Okay, thank you, Hans.

MR. MICHEL: Welcome.

CHAIR VICTORINO: Okay. I don’t see anyone else in the gallery, but let me check with the district offices and let’s see if there’s anyone in the district offices that would like to testify. Lanai, Denise, is there anyone wishing to testify?
MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR VICTORINO: Thank you. And on Molokai, Ella, is there anyone wishing to testify?

MS. ALCON: There’s no one here on Molokai waiting to testify.

CHAIR VICTORINO: And seeing no one else in the gallery, with no objections, I will close public testimony.

COUNCIL MEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Thank you. I think they hung up, but I’ll let you check that a little later, okay. Okay, let us get started on the two items that we are discussing today.

ITEM WR-27: ACCESS THROUGH THE HANS MICHEL PROPERTY FOR MAINTENANCE AND OPERATION OF KANAHAN VALLEY STREAM (CC 06-160)

CHAIR VICTORINO: First item is WR-27, Access Through the Hans Michel Property for the Maintenance and Operation of the Kanaha--. . .(dial tone). . .--

MS. WILLENBRINK: Sorry.

CHAIR VICTORINO: --yeah, no problem—Stream. First of all, I will ask the Department to give us an update and then I will allow questions and answers by the Committee Members. If necessary, an executive session may be necessary; and, if needed, I will ask Corporation Counsel, and if he feels there’s one, then I will call for an executive session. I hopefully don’t think we do, but I just wanted to make sure that was made aware of by myself to the group, okay. Mr. Pearson, welcome.

MR. PEARSON: Thank you.

CHAIR VICTORINO: You have the floor. And let me say this, Mr. Pearson’s been around this issue for a long, long time.

MR. PEARSON: Thank you, Chair; and thank you, Water Resource Committee. My name is Jeff Pearson. I’m with the Department of Water Supply in the CIP section. I’m section head for the CIP section in the Engineering Division. Mr. Victorino says I’ve been around for a long, long time. I think he’s referring to the fact that in Arakawa’s first Administration I was Deputy Director for not quite the whole Administration, and I did have a chance to work with Mr. Michel on some of the issues that we’re discussing today. I’d like to talk more about not just the
specifics of the issues that are in front of us today with the access of these separate TMKs. But
on the overall picture, this is always...this has been a problem for a long time with Department
of Water Supply. Water Supply goes ahead and does large, capital improvement projects; and, in
doing so, the priority, although it is high, seems to drop while the projects are being taken on and
a lot of these land issues fall by the wayside. That’s not an excuse, that’s just what happens. It’s
happened way back since, you know, since the water treatment plants and probably much before
that where the water treatment plants were built in Lahaina. Mahinahina, even recently, there’s
some work that’s been done at the Kamole Treatment Plant. Large structures and large facilities
have been built and the land issues have been somewhat—I don’t want to say, ignored—but not
followed through on. So I’ve been in the CIP section now close to three years. And Deputy
Director and the Director of Water Supply have made it a point to give the CIP section direction
to start cleaning up these lands issues. Under the CIP section, of course, I do all the capital…I
manage the capital improvement projects, but also land issues fall under that section. So, in the
big picture, the Director of Water Supply and the Deputy are moving forward on resolving these
land issues; and, of course, we’re gonna start with the priority land issues. And I can tell you
now that we’ve already begun. We’ve completed the survey for the treatment plants in Lahaina
and Mahinahina to resolve the land issues there. One is sitting on State land, Lahaina Treatment
Plant. Mahinahina was sitting on State land; the land’s got transferred to DHHL and a portion of
it is on Maui Land and Pine land. So we’re working on that problem. We consider that a
priority. One reason was we had difficulty locating the solar panels on the Lahaina Treatment
Plant because of the concern of the land issues on that plant. In the case of this, the Kanaha
Valley issues, and that’s another long-standing issues of access and easements for the existing
pipeline from the intake. Not anything to do with this agenda item, but approximately a month,
month in a half; ago, the Deputy Director spoke with myself and gave me clear direction that we
gotta get moving on this. I’m sure Hans had talked to him. Hans keeps pretty good
communication with the Department. And we began moving forward on this very issue on the
agenda today. It’s scheduled for this coming Wednesday where we’re gonna do an initial…not
an initial visit, but a visit to begin locating the water line, determining how well GPS works in
the valley because you have limited, you know, limited sight distance and limited access to
satellite communication. So that is scheduled for this coming Wednesday. Following that, we’re
gonna have…we’ll be setting up and getting surveys done. And, of course, I think we will
prioritize on these two TMKs and begin, you know, begin there. But we have to address the
whole waterline alignment and address all the TMKs, mostly ones that are under Hans Michel’s
ownership to address the waterline alignment. So I can’t…even though Chair Victorino says that
I have a long history, I don’t claim to have a lot of expertise on all the details as Hans Michel
does and maybe even Chair Victorino. But I’d like to just stress that we’re pushing and doing the
big picture to try to catch up on all these land issues, prioritize them and to try to get them solved
as fast as we can, which is not going to be fast, it’s gonna take time, there’s a lot of efforts
involved in land issues. Thank you, Chair.

CHAIR VICTORINO: Thank you. And my hope is that…and when I use the word “fast,” I’m hoping
that before I leave, with the good Lord’s will, this will be done, ‘cause Hans has been waiting a
long time. For when I first came in in 2007 we started this track, and he had started this since
1999. Right, Hans?
MR. MICHEL (from the gallery): 1975.

CHAIR VICTORINO: Oh, 1975, okay. I was…never mind where I was in 1975, we’re not going there. Anyhow, Members, any questions for Mr. Pearson? Because, again, this is just an update, and I think Hans has expressed that Mr. Meyers has been working very closely with him in trying to get this accomplished. So I think we got a good handle on it, but, like everything else, I want to at least to give you an update once a year. Hans comes in and gives us a total picture, so I appreciate that. So any questions for Mr. Pearson? Yes, Ms. Baisa?

COUNCILMEMBER BAISA: I don’t have a question, but I want to second the motion because I came here with you at the same time –

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: --we’re that class. And we’ve been listening to Mr. Michel for a long, long time, and this is a matter that I really would like to conclude. You know, it’s kinda sad, we’re in our fourth term and hopefully looking at a fifth and we’ll be done here, and these are the kinds of issues that I would really like to put to bed before we leave rather than having a new person come in and say, oh my God, what is all this about, and then you back up and try to remember. And thank God we have some history with us.

CHAIR VICTORINO: Yes.

COUNCILMEMBER BAISA: Folks that have been around from the beginning and understand how we got to where we are and how difficult it’s been. So thank you very much, Mr. Chair, and I’d like to thank Hans, also, for his update. He’s been really patient with us. He’s a really good guy to deal with.

CHAIR VICTORINO: He is.

COUNCILMEMBER BAISA: Because, you know, he’s very reasonable and he understands what we’re dealing with. Thank you, Hans.

CHAIR VICTORINO: Plus, I’d like to give this before he makes his 80th birthday.

COUNCILMEMBER BAISA: Oh my God. Well, I’m not…

CHAIR VICTORINO: Right, Hans?

MR. MICHEL: . . . (inaudible) . . .

CHAIR VICTORINO: Come to the podium. If I’m gonna ask you to be a resource person, I need you at the podium, identify yourself and then you can ask the question. Yeah, go ahead. Sorry, Hans.
MR. MICHEL: I’m sorry, my name is Hans Michel. I have to ask a question. Does the Department has money available this time? Because many time when they promised in the back, we go do this, the next thing, they were short on money and everything when fall right back where we started from. They have money this time which they can do what they need to do?

CHAIR VICTORINO: I think that’s…Jeff, as far as you know? I think so.

MR. PEARSON: Well, the recent fiscal year and the fiscal year –

CHAIR VICTORINO: Yeah.

MR. PEARSON: --Fiscal ’15 and ’14, the County Council provides $4 million for Countywide facility improvements. And I’m real sure—I got my fiscal people sitting next to me—but I’m real sure that those funds can be used for work needed for access and easement issues with pipelines.

CHAIR VICTORINO: Holly, do you concur with that, Ms. Ho?

MS. HO: Yes.

CHAIR VICTORINO: Okay. So, Hans, I think that answers your question.

MR. MICHEL: That I appreciate, thank you very much.

CHAIR VICTORINO: Thank you very much. If there’s no other questions, I will move to defer this item, so that it would still be here.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: No objections? Thank you very much.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (MV, GB, RC, DC, DG).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Thank you, Hans. Thank you, Michel, for coming, appreciate it.

ITEM WR-21: WAIVER OF MINIMUM GROSS INCOME REQUIREMENT FOR AGRICULTURAL WATER RATES (CC 14-217)

CHAIR VICTORINO: Okay. Let’s move on to the next item, WR-21; and that is…okay, WR-21, that’s the waiver for the minimum gross income requirement for agricultural water rates. I have proposed an amendment, and you’ll find that in your—wait, hang on, let me get to that—in your
binder, dated August 12, 2014. And one of the changes that I was asking for…and this is very flexible, I am very flexible in this regard, but really was to change the income requirement up to two more years, to change that to five years for a total of six years. And I agree with Ms. Wilson that maybe some other language should be put in there which we could, under certain circumstances, where crops can legitimize, say, in 20 years, like in your case, and land classification D that that could be put in and inserted also. My question to you, Members, is, if you want, we could try to insert that now or would we like to…I can defer this to the next meeting, the next certain meeting, make the changes in the language and make sure I bring that back as one package. So I will leave it up to you, Members. If you’d like to defer it till then, then I can make those substantial changes, ‘cause I think they are gonna be substantial. Madam Chair, go ahead.

COUNCILMEMBER BAISA: Mr. Chair, thank you very much. I think that’s a very appropriate suggestion. Because after listening to the testifier, there seems to be a huge difference, depending on the crop --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: --or the agricultural product that we’re talking about. And, you know, there’s a big difference between things that take weeks and things that take 20 years.

CHAIR VICTORINO: Right.

COUNCILMEMBER BAISA: And so I think that if you were to come back with some kind of a scale, a sliding scale or a proposal –

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: --I think that’d be much more productive use of time because then we have something before us that we can take a look at before the meeting and be prepared to discuss.

CHAIR VICTORINO: Okay.

COUNCILMEMBER BAISA: Thank you.

CHAIR VICTORINO: And, Mr. Couch, you had something you wanted to say?

COUNCILMEMBER COUCH: Yeah. I agree with that, with what Chair Baisa says and what you say. Although I would like to discuss some of the potential contents of that amongst ourselves just to see if there are some things that we would like to see. I know one of the testifiers said they had people doing the inspections that didn’t really know about agriculture.
CHAIR VICTORINO: Well, I don’t think that’s part of this. That would be something that really I gotta say this, I think the Department has worked hard and gotten better at it –

COUNCILMEMBER COUCH: Sure.

CHAIR VICTORINO: --you know, so I think the awareness has been brought up many times not only in my Committee, but Mr. Guzman’s Committee in EAR that we need people who understand farming.

COUNCILMEMBER COUCH: Yes.

CHAIR VICTORINO: If they’re gonna be an inspector inspecting farming, they gotta understand farming.

COUNCILMEMBER COUCH: Agreed.

CHAIR VICTORINO: And I’ve seen some tremendous improvement within the Department, they’ve taken that on, even RTP [sic] has started to take that on. So I would say that Mr. Guzman is working on an Ag, kind of, definition; and I don’t want to supersede that, I would like to let him get that when that comes forward in his Committee because that would have an effect on this. This is really more of the timetable for water rates. I mean that’s really a little different than what Mr. Guzman is doing, so I don’t want the two getting kind of mixed up, if you know what I’m saying. So hopefully that would be coming forward very soon and then we can work on that issue. So I would really like to stick with this --

COUNCILMEMBER COUCH: Sure.

CHAIR VICTORINO: --and that’s what the purpose of this is, but I understand what you’re saying and I agree with you wholeheartedly.

COUNCILMEMBER COUCH: Part of the other one would be potentially, how much did you spend on your farm?

CHAIR VICTORINO: Well, that…

COUNCILMEMBER COUCH: You know, that kind of stuff in this language.

CHAIR VICTORINO: Before I go on and respond to that, let me recognize the Vice-Chair of the Committee, Mr. White.

VICE-CHAIR WHITE: Aloha, Chair.

CHAIR VICTORINO: Thank you.
VICE-CHAIR WHITE: Sorry for my tardiness.

CHAIR VICTORINO: No that’s…it happens. But let me go back to that one. When we originally put this bill together to make these changes--and you weren’t on the Council at that time, but Ms. Baisa and I were and I think we’re the only two that were there at that time--the whole intent behind of that is, would we go income or would we go expense. And the feeling of the Council at that time or the Committee at that time was income, because that was tangible. Because expenses, you know, you go buy a truck for your farm, is that an expense or is that a…so we went through this rigmarole. If you buy a machine, we know that’s an expense, yeah. So it was really based on income and we had range from I remember 30,000 and we went all over the board with that, you know, and we came to $1,000 because the National Federation of Farming uses that as a benchmark, $1,000 as income. And if I remember correctly, Ms. Baisa, yeah?

COUNCILMEMBER BAISA: Yes, correct.

CHAIR VICTORINO: Yeah. And so that’s why we came to that number, that’s how we came around that. Because expenses could go take you every which way; and income, you know, 5,000 and we went 30,000 and we went all over. We came to that 1,000 because the National Federation of Farmers said that’s the benchmark, and we figured, okay, why reinvent the wheel? And so that has been kept in there for that purpose. And as far as expenses, I’ll look at it, and I’ll bring some ideas back when I come back at our next available meeting, which I think is what…what is our next meeting, if you can look at the schedule, please?

MS. WILLENBRINK: Chair, September 17 at 9:00 a.m.

CHAIR VICTORINO: Okay. So September 17, you know, and ‘cause I’d like to make these changes, I think they’re necessitated. Not only for Ms. Wilson’s farm, but other farms, the coffee farmers –

COUNCILMEMBER COUCH: Right.

CHAIR VICTORINO: --have brought to my attention, so I wanted to make the change. And they felt six years was really good for them. But, again, we have certain classifications, so that’s why I think I agree with Ms. Baisa, if we made a sliding scale with certain classifications put in there, it’ll be easier for the Department to have just like we did with infill, once you see it, you understand it, yeah. So that’s what this is all about.

COUNCILMEMBER COUCH: Yeah, thank you, Chair. And the number of years is important, too, because as one of the testifiers—not here, but has written testimony—saying, you know, there’s cocoa trees coming up. There’s a new burgeoning chocolate industry coming, and it takes a while to grow those trees before they can be harvested.

CHAIR VICTORINO: And, again, this is why I think a sliding scale would be very important, taking all these aspects in. But we want to make sure if somebody’s farming, they’re farming.
COUNCILMEMBER COUCH: Right.

CHAIR VICTORINO: Not saying I planted this tree and wait 20 years and that tree is only…and that’s called farming, no. So we’re trying to be really fair about this, and sometimes that’s really hard. I think we’ve all figured that out by ourselves. I’d like to call on our resource person, Ms. Wilson, if she would come up. I think she has a couple comments to add to that. And, again, if you allow me to do this and if you have any other suggestions, just go ahead and send it in to Kim and we can work on it from there. Ms. Wilson?

MS. WILSON: I’m Leona Rocha Wilson. I just thought that if we could somehow take into consideration other ways in which we are that the farm is generating income.

CHAIR VICTORINO: Yeah.

MS. WILSON: And ag tours is definitely one of them. So if that could be part of the bill, it might help get us to the point where we can generate $1,000.

CHAIR VICTORINO: Okay. Again, when we went through this many years ago, ag tourism was still not a big part of the equation, but, you know, something that we can also consider. I’ll look into that matter, okay.

MS. WILSON: Thank you.

CHAIR VICTORINO: Alright, thank you. I’ll add all that in my notes here. I got lots of notes. Any other questions or points you wanna discuss? Oh, yes, I’m sorry, I didn’t ask the Department. Oh, I’m so sorry, Ms. Kau, go ahead.

MS. KAU: I just wanted to add, Chair, that --

CHAIR VICTORINO: Yes?

MS. KAU: --it would be extremely helpful for the Department if you do provide a complete and thorough list of the circumstances that we’re gonna use to apply this; that would make it tremendously better for us.

CHAIR VICTORINO: And I agree with you, if we get that sliding scale and all the ambiances and all the different directions that we feel should be put in there and different provisions that should be in there, that would help you guys an awful lot, I agree. You know, it takes away this trying to make a decision and then people saying you being ambiguous or --

MS. KAU: Yes.

CHAIR VICTORINO: --a little capricious in your decision making, yeah. Thank you.
MS. KAU: Yeah, thank you.

CHAIR VICTORINO: No, so this is what this was all about, you know. Again, every time we do something, we learn from it, okay. Any other questions or matters? Seeing none, if there’s no objections, I will defer this item to our next meeting which will be September 17, 2014. No objections?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (MV, GB, RC, DC, DG, MW).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Okay, thank you. That’s the two items I had down for today. Sorry, Mr. White, you walked in and we’re at the end. But I thank you very much for this meeting on Friday, and I thank Mr. Carroll for being here, because he took my slot so he gave me this slot. And I thank you Chair Baisa for allowing us to have this slot. I know it’s really hard having all these special meetings. And, gang, we all gotta start think about doing the meetings on the days we’re supposed to be doing it and not some other day, but there are circumstances beyond our control and Ms. Baisa, our Chair, has been more than gracious to help us out in these circumstances. So, with no objections, I would like to end this meeting and adjourn the Water Resources Committee meeting of September 5, 2005...ah, 2014. . .(gavel). . .

ADJOURN: 1:42 p.m.

APPROVED:

MICHAEL P. VICTORINO, Chair
Water Resources Committee