

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

February 1, 2016

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Gladys C. Baisa (out 2:18 p.m., in 2:48 p.m.)
Councilmember Robert Carroll
Councilmember Stacy Crivello
Councilmember Don S. Guzman (in 2:16 p.m., out 3:15 p.m.)
Councilmember Mike White (in 2:16 p.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Riki Hokama, Vice-Chair

STAFF:

Scott Jensen, Legislative Analyst
Steve Selee, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

In the gallery:

Sarah Pajimola, Executive Assistant for Councilmember Elle Cochran
Autumn Ness, Executive Assistant for Councilmember Elle Cochran
David Raatz, Director, Office of Council Services
Chancy Hopper, Supervising Legislative Analyst, Office of Council Services
Ross Izumigawa, Council Services Supervisor, Office of Council Services

ADMIN.:

David Goode, Director, Department of Public Works
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

In the gallery:

Brian Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Sunny Savage
Jenna Leinbach
Raymond Kahookele, Sr.
Brad Edwards

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Gretchen Losano
Tulsi Green Lee
Greg Godwin
Kaimaile Makekai
Ellie Castillo
Plus (6) Others

PRESS: *Akaku Maui County Community Television, Inc.*

CHAIR COCHRAN: *... (gavel) ...* Aloha. Will the Infrastructure and Environmental Management meeting please come to order? Today's February 1, 2016, and the time is 1:30. Members and audience, please silence any cell phones or any noise-making devices. And let me introduce the Members that are here. Myself, I'm the Chair, Elle Cochran. And we have Robert Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR COCHRAN: Aloha. Thank you, Members, for being here. Excused today will be Vice-Chair of this Committee, Riki Hokama; and the others will be joining us shortly. At this time, we have from Administration, Corporation Counsel, Richelle Thomson.

MS. THOMSON: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And from Department of Public Works, we have Director David Goode.

MR. GOODE: Good afternoon.

CHAIR COCHRAN: Aloha. And Deputy Director Rowena Dagdag-Andaya.

MS. DAGDAG-ANDAYA: Aloha, Chair.

CHAIR COCHRAN: Aloha. And our Staff, we have Legislative Analyst Scott Jensen. Also shadowing us is Legislative Analyst Steve Selee. Welcome. And then Committee Secretary Rayna Yap; she's distributing some paperwork for us as I speak. We have two items on the agenda: IEM-11(2) which is a general type of item which is the orientation workshop by Department today of Public Works; and item two, IEM-10, which is about the Lower Nahiku Bridge health and safety concerns. And we'll be

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opening up for discussion on these two items. At this time, Members, without objections, I will open the floor for testimony. And let me set the parameters—thank you, Ms. Baisa—let me set the parameters. Three minutes to testify; please stick to the items that are on the agenda today; and please state your name, any organization, affiliation you're here with; and sign up at the front desk in the lobby area. So, Members, at this time, let me, without objections, let me open up for public testimony.

COUNCILMEMBERS: No objection.

CHAIR COCHRAN: Thank you very much.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR COCHRAN: And let me check in with our District Offices and make sure they're on line. In Hana, Ms. Lono, are you there?

MS. LONO: Good afternoon, Chair, this is Dawn Lono in the Hana Office.

CHAIR COCHRAN: Do you have any testifiers?

MS. LONO: I have no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Lono. Over on Lanai, Ms. Fernandez, are you there?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Fernandez. And on Molokai, Ms. Alcon?

MS. ALCON: Good afternoon, Chair, this is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COCHRAN: Thank you, ladies. We'll proceed with testifiers in the Council Chambers, and if you do receive people to testify, please notify our Legislative Analyst. Thank you very much, ladies. Okay. We'll open the floor now for public testimony. And, Mr. Jensen, do we have anyone signed up?

MR. JENSEN: Yes, Madam Chair, the first testifier is Sunny Savage; she'll be followed by Jenna Leinbach.

MS. SAVAGE: Good morning, Chair, afternoon. Hello, everybody. Aloha. My name is Sunny Savage, and I live in Haiku. And I took this photo on January 4; I don't know if it's appropriate to pass it around.

CHAIR COCHRAN: Give it to the Secretary.

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MS. SAVAGE: Okay. Yeah. I took this photo myself and where I witnessed three County workers spraying heavily at Haiku School. And I went and spoke with the three County employees just to verify that it was a glyphosate containing herbicide and they confirmed that it was Roundup. And I, you know, when you're driving by the school and there's, like, plumes of herbicide it just really struck a red flag for me. And I just wanted to, you know, really express my concern 'cause I...it's not okay with me. And as the mother of two children, I just really wanted to say thank you to you, Ms. Cochran, for, you know, keeping this conversation alive. And, you know, it's not okay with me, but it's also not okay with a lot of other people. And I took the photo and within, you know, a couple of hours I had a few hundred people sharing and also expressing their concern. So, yeah, thank you for not giving up on this. You know, as a mother I just I really feel grateful to have an outlet to come and express my concern over this. I took this second photo actually just this morning at our aquifer here in Haiku, or, sorry, over in Haiku. And, you know, for years I have been driving by the school and the aquifer, both, and watching the heavy use of herbicide being sprayed there. The waterline in this photo is down. The aquifer is down a little bit, it's been a little dry, but the water line regularly comes up right to this spray line that you can see in the photo. Again, this is another area that is really concerning for me to have our waterways being regularly blasted with this glyphosate containing herbicide, so I want to make sure this picture can go around if possible. You know, my honest is that products that are designed to kill whether they're organic or not are going to do their job, but I would say that for now hopefully we can come to this point of agreement that this is not okay. It's not okay to be spraying these next to our schools. And one of our possible solutions—and thank you so much to this Committee for entertaining this possibility—is that we could transition out of glyphosate containing herbicides to some organic solutions. And so again this is something that I really came here today to urge you to do, and thank you for hearing me. If you have any questions, please let me know.

CHAIR COCHRAN: Thank you, Ms. Savage. Members, any need for clarification? Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you so much for being here.

MS. SAVAGE: Yeah.

COUNCILMEMBER BAISA: I just want to get it straight in my mind. You said you passed the aquifer this morning?

MS. SAVAGE: Yes. There's a aquifer in Haiku on the corner of Haiku Road and...

COUNCILMEMBER BAISA: This aquifer is not underground. Most aquifers are underground. Are you talking about like a pond or --

MS. SAVAGE: Yeah.

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COUNCILMEMBER BAISA: --a reservoir?

MS. SAVAGE: Yeah. It's a reservoir. That's a better...that's probably a better terminology for it. Yeah. That reservoir is...it must be controlled.

COUNCILMEMBER BAISA: Is that the one by Haiku Church or?

MS. SAVAGE: Yeah. Yep. Yep. Just down there from there. So it goes through, you know, periods of being totally full and not.

COUNCILMEMBER BAISA: Right.

MS. SAVAGE: But it is regularly, in my consideration, being over sprayed. I've been a sailor for years and I've watched the wind speeds and the, you know.

COUNCILMEMBER BAISA: I got it. I was just trying be sure that we're talking about the same thing 'cause --

MS. SAVAGE: Thank you.

COUNCILMEMBER BAISA: --my understanding of an aquifer is it's usually underground.

MS. SAVAGE: Underground coming directly from the source.

COUNCILMEMBER BAISA: And I couldn't see it. Okay. Thank you.

MS. SAVAGE: Yeah. Yeah. I guess this must be the reservoir.

COUNCILMEMBER BAISA: Thank you so much.

MS. SAVAGE: Yeah.

CHAIR COCHRAN: Thank you. Ms. Savage, did you want copies made for the Members of your photos and then the originals given back? Is that what you would prefer?

MS. SAVAGE: I don't need the originals back but...

CHAIR COCHRAN: Oh okay. You can submit them, I guess, and then we can have copies made for our binders. Thank you. Any further need for clarification, Members? Seeing none, Ms. Savage, thank you for your time here today. Next testifier, Mr. Jensen?

MR. JENSEN: Madam Chair, Jenna Leinbach, or Leenbach [*sic*], sorry; and she'll be followed by Raymond Kahookele.

MS. LEINBACH: Hi. I'm here today as an educator, a child educator, an active member of worldwide...

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CHAIR COCHRAN: I'm sorry, your name and anyone you're representing.

MS. LEINBACH: My name is Jenna Leinbach and I'm representing Worldwide Organized Organic Farming Foundation.

CHAIR COCHRAN: Thank you.

MS. LEINBACH: And I'm also a yoga teacher, a wild food enthusiast, a long-term visitor, and a world traveler, but above all as a human being sharing this earth with the rest of you. I chose to represent those who can't speak: the pollinators, the animals, the children, and future life to come. I invite you to close your eyes and take a deep inhalation and a deep exhalation and remove all the power and labels from the self and drift to your sacred space in that world produced by the chemicals. Breathe in those poisons, pollute the body and the spirit. Open your eyes. What is external is internal; by spraying the plants as a temporary solution we are creating a long-term problem. We are the earth. What we inflict on it, we impose on not only ourselves but each other and the entire ecosystem. I choose to live closely to the aina and respect the land. My nourishment comes from her and in all forms: my food, medicine, and livelihood. The fact that others have chosen to inflict this upon not just themselves but their surroundings is disheartening. Protect the earth, protect yourself, choose an organic alternative that our beloved children, bees, and dogs can frolic in without the scares of glyphosate. As you may know, glyphosate causes an extreme disruption of the microbes function and life cycle. What's worse is glyphosate preferentially affects beneficial bacterial allowing pathogens to overgrow and take over. At that point your body has to contend with the toxins produced by the pathogens. Once inflammation sets in, you're well on the way to a deadly cycle. This disruption of cycles is detrimental to the flow we all exist in. Life begets life begets life, unnaturally infiltrating that is toxic and I believe there's a better option for the aina. Thank you very much.

CHAIR COCHRAN: Thank you for your testimony. Members, any need for clarification of our testifier? Seeing none, thank you for your time. Next testifier.

MR. JENSEN: The next testifier is Raymond Kahookele; he'll be followed by Brad _____.

MR. KAHOOKELE, SR.: Good afternoon, Chairperson Elle Cochran --

CHAIR COCHRAN: Aloha.

MR. KAHOOKELE, SR.: --and Members of the Council and Corporate [sic] Counsel and Staff. I'm here testifying in IEM-10, concerning the Lower Nahiku Bridge safety concerns and health concerns. I'd like to thank at this time Robert Carroll, Councilman Robert Carroll for arranging a meeting with the Mayor back in October 17 of 2014; and which I had assessed the damages to that bridge by pictures and a cost of repair for the bridge. And in that meeting my objective was to have the bridge repaired and restored in a timely manner which was my objective. And one of the other objective

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was that have a lot of older kupunas in Nahiku who are disabled to walk down to the landing, meaning they drive to the landing which is a part of our culture for their spiritual and physical enlightening of their person, and also for recreation, meeting all the ohana and talking story, things like that. However, we have all suffered because of that fact of the bridge being deteriorated so much, but I kind of hope that maybe there was some way we could take care of that matter. 'Cause I know that as a person who's been in a development agency in the Federal, State, and County levels in infrastructure or throughout the islands, I know the process that the government has to go through, and I would certainly would like to ask you to help us in this matter to take care of the issue that we have down there in Nahiku to give it some thought and some consideration. I humbly ask you. Thank you.

CHAIR COCHRAN: Thank you, Mr. Kahookele. Members, any need for clarification from our testifier? Seeing none, thank you for coming out for this. Thank you.

MR. KAHOOKELE, SR.: Thank you.

CHAIR COCHRAN: Aloha.

MR. JENSEN: Madam Chair, next up is Brad Edwards; he'll be followed by Gretchen Losano.

MR. EDWARDS: Good afternoon, Chair Cochran and all Councilmembers. I really appreciate you guys being here. My name is Brad Edwards and I'm testifying on behalf of Hawaii Opposition to Pesticide Exposure, it's a group, a local group on Maui. A little bit of history about how I got involved is back in May I was the one that called in for and filed a complaint for the spraying on Piilani Highway next to Kamalii Elementary School. It was a day when they were having Hoolaulea. There was a lot of people in the area, they drove down the road, sprayed and drove off. When I called the Department of Ag they made it sound like if they followed the label everything's fine, we get calls like this all the time. So I actually looked up the label, read it, and on the part of it says, please keep people, not please, it says keep people and pets away until the solution dries, so I filed my complaint based on that. It took a couple months; Thomas Matsuda finally sent a notice of violation out to the Department of Transportation saying they did not take any measures to keep people and pets away. A couple months later, there continued to be more violations. There's a lot of people on all the islands working very hard on this issue, a lot of groups, people are very vigilant about taking photographs and videos when violations happen. So I ended up calling Thomas Matsuda again and I asked him to send a memo to State and County agencies letting them know that this was a rule and they had to take measures and he refused to do so. He actually was on record stating that if he was knowing that they were violating the label and he wouldn't do anything about it, that's what Thomas Matsuda said. So I called the EPA and that's how the EPA got involved. So a little bit of history too, Thomas Matsuda is...there's also a fair amount of homes in Paia and other parts of Maui it looks like that are testing positive for multiple herbicides in the home. He never informed Scott Enright of that, so he's in a lot of hot water with the EPA. I just got off the phone--and forgive me for not being totally prepared--but I just spent about 45 minutes on the phone with Patti TenBrook from the EPA in California,

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Roberto Rodriguez from EPA in California, and Mary Reisner from the EPA in California, they're the Federal oversight for the State of Hawaii. All three of them were on a conference call and it was regarding this issue of glyphosate as well as other pesticide issues where the EPA has stepped up their oversight of the State. They considered some very serious issues that are coming up with State authority and State involvement. Thomas Matsuda notified the EPA that he didn't have the authority to cite any State or County agencies. I just got off the phone with the EPA and they said that is not their understanding. He does have the power. He especially has the power to cite County agencies and they fully expect County agencies to adhere to the label which means keep people and pets away. They are going to be in a conversation with Thomas Matsuda probably today or in the next couple of days about this issue. So I just wanna to really encourage--I know the State Department of Transportation's done some things to switch over--County Parks and Public Works. There's going to be a lot of publicity coming out on this and some other issues regarding the Department of Agriculture soon so I'm hoping that they'll do the right thing and switch over before that publicity comes on us so we can say we actually took the initiative and did what we needed to do. The last thing is I did make them aware of the Haiku incident at Haiku School; the EPA, I spoke with them today. They, once again, I'm going to send them the videos and a description of it, but they said they fully expect people and pets to be kept away. And they also, one last thing, noted that individuals can be cited, so I don't know if that means that I need to write up and clarify if that means the Deputy Director of Public Works or the Deputy...or the Director of Public Works or if it's the individual applicator, but they made it very clear that not only can the agency be cited but the individual applicator can be cited. So by putting employees in harm...by making employees apply it in a way that's not consistent with the label...

CHAIR COCHRAN: Mr. Edwards, just please wrap up real quick.

MR. EDWARDS: Yeah.

CHAIR COCHRAN: And then if you have written, please submit.

MR. EDWARDS: Perfect. Could result in citations for individual as well as the agency, so. Thank you.

CHAIR COCHRAN: Thank you very much for your time.

MR. EDWARDS: Thanks.

CHAIR COCHRAN: And, Members, at this point do we have a need for clarification from our testifier? Seeing none, yeah, if you have any written you feel free to submit that.

MR. EDWARDS: Perfect. Thank you. I appreciate the time.

CHAIR COCHRAN: Thank you, Mr. Edwards. You're welcome.

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MR. JENSEN: Madam Chair, the next testifier is Gretchen Losano; she'll be followed by Tulsii Green Lee.

MS. LOSANO: Aloha, my name is Gretchen Losano. I'm here in regards to EIM-11(2) [sic]. So I just want to first start by saying thank you to the Public Works Department. It is my understanding that they're really trying to work hard to get this issue solved so that, you know, the public is safe and our keiki are safe, and I really appreciate that and all the people, you know, that we're in contact with and are, couldn't be here to testify they also do really appreciate that. There's been some good news recently which there'll be another person that will go into more detail about it. But I just spoke to Steve Rodgers from the State Department of Transportation this morning and he offers his room and all his stuff even though they have already made the switch completely to certified organic herbicide for all their roadside spraying, for everything; they still really would like to have some more training so there's a group called Beyond Pesticides that is willing to come here free of charge and train all the staff of every department that is currently engaging and spraying practices and train them in alternate ways that also include not spraying at all. But a certified organic spray that does not contain glyphosate is far better than one containing glyphosate. So with that being said, I...it is my understanding that the Public Works will be hopefully involved with that training as well which is awesome. So with that in mind, there's two issues for me that are pretty on the forefront. And one is the spraying along bodies of water because there...you have to have a permit for that and at this point the County does not have a permit for that. You need to have an NPDES Permit for that. And what they're spraying is AquaMaster which is actually...it has a higher concentration of glyphosate than Roundup; it's 53.8 percent glyphosate. And so the EPA in California is labeling glyphosate itself, not just Roundup but glyphosate as a carcinogen, not a probable carcinogen but actually a carcinogen. So although theoretically it's not supposed to be of concern 'cause you're able to spray it along the water, it is actually worse than regular Roundup which is pretty bad already. So but we know there's no permit for that so that is something that we're definitely going to be hoping will change and we're also keeping an eye on just in case it doesn't, so. Oh, 30 seconds. Okay. And the other thing is the signage. There hasn't ever been proper signage. And in a particular incident that I, you know, made some phone calls, I recorded a video, I talked to the workers who are all extremely nice. They were driving along Lower Honoapiilani Highway and spraying. And in that area of road, not only is it along the water but it is very windy, and so if somebody comes out of their house, maybe even just 20 yards down the road and there's no proper signage, they'll be walking their dog literally right in where they had just sprayed AquaMaster and that's really pretty dangerous 'cause it's windy, you can't see ahead. And they were also spraying directly on the dragon fruit which is also on the label; you're supposed to avoid all, you know, edibles and things like that, so. They were spraying on the dragon fruit. They didn't actually know that it was dragon fruit when I talked to them about it. But, you know, these are things that I think Beyond Pesticides can really really help with because they have done trainings all over the country, in tropical climates, in areas that are really tough and they've been successful everywhere they've gone so I think this is the best option for us right now and hopefully we can get Parks and Rec to be on board with

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that as well. So we can keep our island safe for all the future generations. Thank you very much.

CHAIR COCHRAN: Thank you, Gretchen. And, Members, any need for clarification of our testifier? Seeing none, thank you.

MS. LOSANO: Thanks.

CHAIR COCHRAN: Sorry, Scott, real...my...or how's our...is there a timer so it blinks on 30 seconds, the red? Because I'm sorry, Mr. Edwards, if I cut you off beforehand.

MR. JENSEN: The yellow light blinks at 2 minutes and 30 seconds; the red light at 3 minutes indicates the time has elapsed.

CHAIR COCHRAN: Oh, okay. Sorry, Ms. Gretchen, you said 30 seconds so yeah, I let you go on and on so anyways.

MS. LOSANO: Sorry.

CHAIR COCHRAN: Okay. Just trying to get clear. Thank you.

MR. JENSEN: Madam Chair, the next testifier is Tulsi Green Lee; she'll be followed by Greg Godwin.

MS. GREEN LEE: Hello.

CHAIR COCHRAN: Aloha.

MS. GREEN LEE: Hi. My name is Tulsi Green Lee. And I'm here to present a few pictures and present some testimony on helping to stop Roundup and other toxic substances from being sprayed on our roadways and waterways and in our parks. The first one I have is a picture of my friend's dog that actually walked through the Roundup after it was sprayed and it almost died. I'll submit the pictures for you to see. It's quite horrific of pictures for people to see and actually process that these can happen to your children if they're walking through it after people spray and don't put up the proper signage. I'm also going to be presenting some follow-up for Sunny Savage's testimony. I have a picture that she had as well as some pictures that I took that were after the fact that are going over into the parking area where the children and their families will park and, of course, they walk through all these areas. There's one there showing how bad it was sprayed all the way here, and people walk to the bus stop, they walk their dogs, again no proper signage so people can just walk through it and get injured like this dog for example. There's a few other pictures that I'll be submitting here that are for waterways that the County sprayed, some mailboxes, and also some endangered species like the honu that has some tumors that have been proven by, UH did a study and it actually says agricultural runoff is causing this. So any of the toxic substances...glyphosate sprayed on the side goes into the rivers, goes into the ocean, so it's affecting everything, you know, marine life and everything too.

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And I also present this to you, it's a petition that has been going on for a few months now. It has now 1,929 signatures as I printed it up this morning and so this clearly shows that the community really has some support behind the County and Public Works switching over to some organic products such as the State Department has successfully done. I think that's all. Thank you very much for hearing me. I'll leave this.

CHAIR COCHRAN: Thank you, Ms. Green Lee. For the Secretary here, Rayna can help you with that. Members, any need for clarification of our testifier? Seeing none, and thank you for your time. Next testifier?

MR. JENSEN: Madam Chair, Greg Godwin; he'll be followed by Kaimaile Makekau.

MR. GODWIN: Aloha, Madam Chair, ladies and gentlemen of the Council. I wish we had had this meeting at least 20 years ago. Thank you for...I'm Greg Godwin from Paia Skill Village. And in the fumes of many pesticides, glyphosate or glyphosate whichever pronunciation you prefer, I hear both, I was a medic well trained by the Air Force, traveling many countries and I'm surprised what we are getting here in the way of endangered health. For example in 2006, the Paia Fire Department sprayed a fire hydrant, weeds near, right at the corner of my home property. And I didn't realize at the time but it was directly upwind. I got sick and I didn't know that they were doing that spray until I saw the dead weeds. No one here on Maui could figure out what was wrong. I ended up going to a doctor, expert in Oahu and he discovered it was glyphosate. I...we had to use homeopathics from Germany. The trip and the treatments beyond my insurance cost me an additional 2,000 with all that was going on. I have since by been poisoned again by glyphosate and atrazine, but I'm unable to get the proper blood test here. I worked with Barbara Brooks, the toxicologist with the Health Department, and I am waiting for a call back from her on more conclusive testing. I've also spoken with the Mayo Clinic who is considering me for back there but my budget makes it difficult so it's going to be very costly. HC&S of course is a part of this but if you folks are kind enough to relieve the voters that have helped elect you not just here, men, women, and children, elderly, Molokai on, you know, you folks have reached beyond just this one island so we voted for you and hope you will help us clean up this hazard as the ladies before have spoke. We need healthier things. And I could probably run on more but we need your help especially since the Mayor is not doing the help we need and we're not getting the help from the State EPA or the Ag departments. So I also have spoken to Matsuda and other people in the chain without great success, and I see I've run out. Thank you very much. Aloha.

CHAIR COCHRAN: And thank you for your time. Members, any need for clarification? Seeing none, thank you, sir. Next testifier?

MR. JENSEN: The next testifier is Kaimaile Makekau; she'll be followed by Ed Felien.

MS. MAKEKAU: Aloha, you guys.

CHAIR COCHRAN: Aloha.

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MS. MAKEKAU: Hi, Aunty Elle, how are you?

CHAIR COCHRAN: Good. Nice to see you.

MS. MAKEKAU: I'm here representing the property of Mahinahina. I'm sure that you guys are all familiar with it. My family...or my great grandmother Cecilia Paki is the one who leased you guys out the land and the percentage of the water for the water rights that is actually a State and County water, drinking water facility. I'm the only one that lives up on that property, so I'm the only one that sees what actually goes on up there. There is a lot of illegal actions up there. I was hoping that David Taylor or somebody from Maui Land and Pine was there. I have pictures here if you guys would like to see, these are the water ditches that actually go into the water reserve and also there is a well that is dug out up there. And I actually have a friend that was part of that Waipuilani digging company and he's no longer working there but had actually given me some information on the dye that they've been using in the water well.

CHAIR COCHRAN: Sorry, Ms. Makekau --

MS. MAKEKAU: Yes.

CHAIR COCHRAN: --for our testifiers we need to stick to what's on the agenda.

MS. MAKEKAU: Yes.

CHAIR COCHRAN: So I'm just trying to...

MS. MAKEKAU: This is due to Roundup.

CHAIR COCHRAN: Well, I'm trying to listen to, is it to do with infrastructure or --

MS. MAKEKAU: This is, has to do with...

CHAIR COCHRAN: --and something to do with our Department of Public Works and that's who's on our...

MS. MAKEKAU: This has to do with Roundup being sprayed at the waterways.

CHAIR COCHRAN: Okay.

MS. MAKEKAU: So is that what this is issuing?

CHAIR COCHRAN: Yeah. I'm just trying to tie in what you're saying to us for Public Works.

MS. MAKEKAU: So what I'm trying to say is that just recently Waipuilani drilling company had illegally come on my property trying to do adverse possession on a royal patent property. That water well was...they use a dye to follow where the water goes. The

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water aquifer is the largest aquifer in the world, Mahinahina, Na Wai Eha, Puu Kukui is the largest aquifer in the world. It has very, very large and a significant mineral content, it's the only river that has freshwater seaweed that gives a highly active mineral content that makes it super water. It's pure, there's so much opai, there's so much hihiwai in that water, it's beautiful and it's so precious and sacred that place and I love that place. I try to protect that place with all my heart. When I went up there I found the braddahs Rounding up and they went with a big truck and they Rounded up all the water ditches and this is drinking water. And where the dye went from the water well it goes all the way pass down to the ocean so this is actually getting into our water aquifers. And I have...I didn't bring my paper but I also have all this gnarly evidence that pushes that...Roundup causes cancer in humans, you know what I mean. So when I asked these County boys, I said, David Taylor, did you guys Roundup the water, he blamed it on Maui Land and Pine. Maui Land and Pine is blaming it on you guys in the County and David Taylor. So I'm not sure who to address about this, but this is actually a private waterway for the drinking and my family gave it for the community, you know, and now the Nene geoses don't come. I gave Darlene an e-mail that she'll probably give to you guys. There was so much Nene geoses up there. There was just a whole flock and ever since they Rounded it up they haven't come back. I haven't seen one Nene goose up there since.

CHAIR COCHRAN: Thank you.

MS. MAKEKAU: Also one more thing I would like to address --

CHAIR COCHRAN: One closing sentence please. Thank you.

MS. MAKEKAU: --is that I found that it is a Federal offense and so I'm not sure if I should file for a class action lawsuit due to the fact that they have done this but I don't know who to address, is it the County, is it David Taylor, is it Maui Land and Pine? So if you guys could help me with that it would take a lot of, you know, stress off my back because I don't want to go causing animosity with anybody. You know what I mean? I just want this to be addressed so that it no longer happens because this is affecting the animals, the land, and my keikis and I cannot handle that. So I respectfully ask for your guys help. Mahalo.

CHAIR COCHRAN: Thank you for your time. And, Members, any need for clarification? Seeing none, thank you.

MR. JENSEN: Madam Chair, the next testifier is Ed Felien; he'll be followed by Ellie Marshman Castillo.

CHAIR COCHRAN: Sorry, who was...what's the name, Scott?

MR. JENSEN: Ed Felien; followed by Ellie Marshman Castillo.

CHAIR COCHRAN: Is Mr. Felien here? It doesn't look like anyone's coming down.

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MR. JENSEN: F-E-L-I-E-N.

CHAIR COCHRAN: Okay. We'll come back to that name.

MR. JENSEN: Okay. So the next testifier would be Ellie Marshman Castillo.

MS. CASTILLO: Aloha. My name is Ellie Marshman Castillo. Thank you for your time and hard work. And I am here as a concerned member of the community representing myself, my family, the earth, and all the earthlings that do not have a voice to bring to you today. We are all aware of the poisons being used on our aina here on Maui. And the labels all verify hazardous to humans, small animals, and contamination near water. I believe solutions are what we seek so that we no longer need to use these chemicals on our aina. I propose that we take an inventory of the County equipment such as the mowers, the weed eaters, the stump grinders, and any other equipment throughout the County that is used in the process of cleaning up our land as well as an inventory of the employees that we have. Once we have this information I propose that we plan a schedule to be made to take care of the County. I, myself, would volunteer to help in this process. I hope that it can be taken into account when the Department organizes plans and efforts in its divisions and the related issues. Thank you very much. My name is Ellie Marshman Castillo.

CHAIR COCHRAN: And thank you. Thank you for your time. Members, any need for clarification? Seeing none, thank you.

MR. JENSEN: Madam Chair, there are no other folks who've signed up beyond Mr. Felien.

CHAIR COCHRAN: Felien, Mr. Felien here? I guess he left. So at this time...and did we get any word from District Offices for further testimony?

MR. JENSEN: Not directly. I don't know if you'd like to check with them.

CHAIR COCHRAN: Okay. Let me check back with Hana. Ms. Lono, any testifiers?

MS. LONO: Hana Office has no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Lono. On Lanai, Ms. Fernandez, anyone there to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR COCHRAN: Thank you. And on Molokai, Ms. Alcon, anyone there to testify?

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

CHAIR COCHRAN: Thank you, ladies, for being there. And in the gallery, anyone wishing to come forward to testify, please do so. Seeing no one coming down, Members without objections, I will now close public testimony.

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COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much.

. . . END OF PUBLIC TESTIMONY . . .

**ITEM NO. 11(2): COMMITTEE'S PRIORITIES AND PROCEDURES;
PRESENTATIONS AND DISCUSSIONS ON MATTERS
WITHIN COMMITTEE'S JURISDICTION (ORIENTATION
WORKSHOP BY THE DEPARTMENT OF PUBLIC WORKS)**

CHAIR COCHRAN: And moving onto item number one, which is IEM-11(2), and this is pursuant to Rule 7(B) of the Rules of the Council. The Committee intends to have an orientation workshop to be conducted by Department of Public Works. And we shall receive a presentation, I believe, and of plans and efforts of its divisions and related issues. No legislative action will be taken. And I shall turn the floor over then to Department of Public Works at this time.

MR. GOODE: Thank you, Chair.

CHAIR COCHRAN: Yeah. You're welcome.

MR. GOODE: David Goode here, Director of Department of Public Works. Good afternoon, Members, and thanks for the opportunity to talk about, you know, departmental priorities. It's always a great opportunity prior to budget to come in and talk story generally with a little more time than we would have in budget. And the Department, you know, has approximately 270 employees, and Highways, Development Service Administration, the Permit Office and an Engineering which designs and constructs mostly new roadways and bridges, et cetera. And so those three operating divisions trade a lot of work and are always looking for a new ways to do work. There's new opportunities that come along, there's new regulations that come along, and so we've had this opportunity in the past to talk story with the Committee about some of those opportunities. In the past, recent past, we've spent a lot of time talking about MS4, the municipal storm, separate storm sewer system, our regulations through that NPDES Permit that we've received from the Department of Health, and help the Committee to understand the scope of that work and I think having that opportunity is very helpful. We could talk more about that clearly but in today we won't because we have other things to discuss. The MAPS process that's going on in DSA to convert KIVA permitting system to a brand new permitting system that replaces a 20-plus-year old unsupported system is of major effort that's now getting under full steam and we could talk more about that, but I think we'll save that as we move we, you know, farther into that process. These...both of these two concerns I just mentioned do consume a lot of staff effort and time. Today I want to talk about two items. And the first item I'm gonna talk about is the planning process for Federal-Aid and CIP projects. And this does dovetail into the Metropolitan Planning Organization that we've been discussing in Ms. Crivello's Committee. But also it helps to highlight, you

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know, processes that we go for, we go through and ones that we're looking to initiate in this coming budget session. And so I had a handout for you; and I assume the Members have. It has kind of like a bubble type diagram and I thought it would be a good idea, and actually Rowena helped remind me that this would be helpful to talk about how we currently plan for our various projects. And so generally if you look at those diagrams we have two processes, one for Federal-Aid projects and one for County, and which one...we call CIP. Both planning processes start with studies or master plans that identify, quantify, and prioritize the improvements. Safety is always our number one concern and also congestion mitigation, because we all get calls all the time, we know where there's congestion, and where there's places the County can assist in those areas; those are priorities. So some of the examples of these various plans include the drainage master plans of which we have three or four at least throughout the County. Our iWorQ system which has identified the condition of every road and what's needed in the various districts, and what the priorities are in terms of resurfacing or pavement preservation. We have a traffic signal/roundabout prioritization plan. We have a bridge inspection program that either annually or biannually looks at certain bridges and identifies what bridges need to be refurbished or replaced. We have the Maui Long-Range Transportation Plan which is a State-produced product and generally capacity-related projects. We also get input from the Highways Division and the community during the budget meetings. A new plan that we're looking to introduce for FY '17 is a rock fall landslide plan. As you know recently in Budget Committee we had our Keanae rock fall project; and we feel like we need to get out ahead of these issues and I think the last two years of pretty good rains has created an environment where we're seeing more landslides, more undermining of roads primarily in East Maui but also in Kahakuloa and potentially we could see it more in certain areas Upcountry. So we're looking to develop a new plan that can identify these hopefully more advance and be able to prioritize those improvements. So that's an example of something new that we would look to develop so that we could move forward on those types of projects. So for Capital County projects we use that planning process, identify which projects are ready to go, and we bring them to budget, and generally you folks approve them. We also identify a six-year plan so you can look out six years what other projects we're looking at. And so for the County's side, again looking at that bubble diagram, it's pretty simple. We have the various infrastructure plans, here's the County's CIP process, and then the annual budget request. I don't know, Chair, do you want to recognize the Members that have come in?

CHAIR COCHRAN: Yeah. I was gonna...okay. At this time, I will recognize Chair of the Council, Member White. Aloha.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: And also Vice-Chair of the Council, Mr. Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair. Thank you.

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CHAIR COCHRAN: Aloha. Thank you, gentlemen, for being here. And thank you for that pause, Mr. Goode. Thank you.

MR. GOODE: You're welcome, Chair. And I assume the Members were listening and so I'm not gonna back up too far. But on the Federal-Aid side that's where it gets more complicated. And I thought it's worthwhile to go through that and we're going to look at how the process, how it's been for years and how it's going to change with the MPO because it will be different. So we just went through the County CIP and it's rather straight forward but it does come out of the, a variety of planning processes. Let's see. So looking at the Federal-Aid process, if you look at the bubbles, we have the Federal-Aid projects. And first, the State receives the Federal funding, and right now it's called the FAST Act; unfortunately, FAST doesn't mean starving in this case. Fortunately, the Federal government passed a new plan that's a what, four or five-year plan that actually increases the funding to the states, but does set a very firm foundation that we know what we can really plan for now. So the states then allocates to the counties and the various DOTs for all the counties how those funds are going to be allocated. The State in the past has gotten around \$160 million a year, I think it's going to slowly increase to about \$180 million a year, something around there, but that doesn't mean Maui County gets it all. So they do a need study periodically, there's public participation during that process, and then large chunks of monies are basically allocated to each county and each DOT in each county. So for us that would be, of course, ourselves in Maui County but our counterparts here at Maui DOT would get funds for Honoapiilani Highway, Hana Highway, et cetera. And Maui County's share of that \$160 million has averaged about \$14 million a year for the last few years. Going to the next page, we'll start at that receiving \$14 million a year and the process before an MPO continues on. So we got \$14 million a year and the question is now what, what do we do? Well a Transportation Improvement Plan starts with a Technical Advisory Committee, a TAC, which consists of our Engineering Division and Planning Department, HDOT, and they recommend the various prioritized projects. Most of that has come out of the Long-Range Transportation Plan, our iWorQ, for instance, identifying what roads needs to be worked on that are Federal roads, Federal-Aid eligible roads. So that committee then would submit to a policy committee which typically consists of myself from Public Works, the Planning Director, I guess, Maui DOT, HDOT, and we would then solicit public participation in making this plan which is about a four-year plan, and then we would recommend a project list back to HDOT in the State, at the State level. That's our TIP, so the Maui TIP, the Maui Transportation Improvement Plan, how we're gonna spend those \$14 million a year for the next four or five years for Maui County monies only. So then we'd send that out to HDOT and we cross our fingers that they are going to approve it. And you know what, they approve it because they've participated at the table with us and as long as we stay within that range of the \$14 million or so, there's no reason not to approve it. Once we have that set, that four-year plan, then we come to you folks with our annual budget request, you know, provide either the design funds or the construction match or even construction management funds. So that's the pre-MPO process. Now going to the next, the bottom half of the sheet, talk about the process with the MPO and we see things in red letters, those are the changes. So again we get about \$14 million a year, hopefully a little more under the FAST Act, and Maui HDOT, okay, that's Hana

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Highway, Haleakala Highway, Honoapiilani, et cetera, they also get a certain share for use within Maui County. It does include Kamehameha V on Molokai as well. So the TIP, the Maui TIP then would begin with a technical advisory committee of the MPO. It's again it's almost the exact same people, Engineering Division and Planning Department, Maui's DOT, and HDOT, and they would recommend projects then to the Policy Board. Policy Board, again, is more or less the same people with the inclusion of Councilmembers. That's exactly what's being discussed in Committee Chair, HHT Committee Chair, Crivello's Committee. So then the MPO Policy Board with public participation is going to review those recommendation, so you're not only reviewing not only Maui County's but also Maui DOT's projects. After that process is complete there will be a TIP, a Transportation Improvement Plan for Maui, not only Maui County, but again Maui HDOT to the...and we recommended...not recommended but actually approved and then incorporated into the State process. So no longer do we cross our fingers and hope HDOT approves it because that final approval process happens with the Policy Board. So once, again, as long as we stay within the funding constraints. And then again we'll come back for the annual budget request. So we thought this was helpful, not only for ourselves but hopefully for you folks to see how it was happening before the MPO and how it's happening afterwards. And the big changes really are we get to...we're making the final decision on the MPO Policy Board, not only for our projects but for HDOT's projects on Maui. And as long as we stay within those funding constraints we basically get the final say. And so there's also some opportunities to receive some additional funding as we found out, particularly planning funds, to help develop more studies that support projects, you know, coming in, advanced planning. And I believe our folks in DOT, the bus folks, have some potential, a lot of different types of funding available for replacement of their fleet, et cetera. So for this coming budget year, our primary opportunity is in rock fall mitigation. We have experienced not only just Keanae but in the Kaupo area, Kalepa, and over in Kahekili where we actually have another project. We're having more and more challenges and we need to, the best we can, get out ahead of these, you know, before there's a major slippage or before the road has to be completely closed which would either isolates communities or makes community navigation that much more difficult, so that's one thing that we'll be looking to do. And I believe we'll also be looking for MPO funding to help to move the MPO along. So, Chair, that's what I had for that subject. Do you want to take questions on that now or should we go on the other subject as well?

CHAIR COCHRAN: Yeah. We can...if you're gonna jump into another then we can...

MR. GOODE: Yeah. I'll be talking about herbicides after.

CHAIR COCHRAN: And then we can...yeah...just if we have questions or things for the Department at this point with what he just spoke about. Mr. Guzman, did you have something?

COUNCILMEMBER GUZMAN: Mine is very, a general statement. But yeah, thank you very much for the diagram. It's...makes things very simple to look at and understand. This is a very good component when you were talking about the MPO in the Housing

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and Transportation Committee. My question is very simple. It looks like, it looks as though there are very, you know, numerous advantages here on going with this type of process. What are the negative or disadvantages of going through this type of process? If you can discuss that in open session, I'm not sure. Is there any disadvantage to this?

MR. GOODE: I can try. I can...Mr. Chair...Madam Chair and Mr. Guzman --

CHAIR COCHRAN: Go ahead, Director.

MR. GOODE: --I can't think of anything overly negative. It is perhaps more time consuming, it's a little more formalized. If you look at Oahu's MPO, OMPO's flow chart, you can tell mine's pretty simple. And so there's a lot of other loops and feedback loops that go on, I think, in order to comply. OMPO's of course is a little more complicated; a lot more roads; a lot more interested parties. So I think the challenges we'll have is making sure that we have...is getting up to speed, number one, making sure we have quorum to make decisions, and planning for the extra time it's going to take. Because once we have the STIP, or our TIP, our four-year plan, it changes every, almost every year. We have certain projects that take longer for whatever reason, it could be permitting or a land acquisition issue, there's other projects that we need to fast forward. One example is Kaupakalua Road which we...was out there a little further in time, but that road started deteriorating so quickly that we needed to push it up. Well in order to push it up other projects had to go out. Those types of decisions happen currently within our process. That's going to happen, have to happen in the MPO process, so we'll need to be nimble and get to the decision-making process for revisions. So I think, I would summarize it as just getting everybody up to speed and ready to act. Rowena, do you have anything else to add? No? Okay.

CHAIR COCHRAN: Does that answer your question, Mr. Guzman?

COUNCILMEMBER GUZMAN: It does and it brings up a follow-up question. So if it is designed to somewhat be more efficient, but then again it sounds like there's more components to this type of process, how will you handle the, you know, deadlines or the expediency of the projects? I mean my biggest concern is having things be, have more delay as it is right now because we all know we in the government don't work as fast as others. But I just don't want to have it, you know, having more components, more processes added to it wherein we're, you know, the process is more delayed; although, it looks as though the decision making is upfront, it could take us longer to implement or go through the entirety of the process. Is the MPO process designed to incorporate those type of emergency-type situations where we or priority-type situations like you said things change up at a rapid rate and we have to respond quickly? Is there a, some type of fast track in the MPO that could accommodate those type of changes?

MR. GOODE: Madam Chair?

CHAIR COCHRAN: Director?

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MR. GOODE: You know, Mr. Guzman, those are good questions and I don't have the full answers unfortunately. I'm also new to the MPO process, but we're going to need to be able to respond quickly or, you know, we, certainly we could lose the potential to do certain projects. And actually that question's a good segue to the other handout I had which I forgot to mention, which is a summary of projects since 2007. The first few columns are about CIP and then just Federal-Aid. I mean, a quick glance at the numbers you can see that they've increased significantly the last handful of years. And, you know, for our office, we try to help Engineering expedite projects wherever they may need help. Sometimes it's coming up here for additional funding or we had some lapsing funds for Old Haleakala Highway which were appropriated. Sometimes we have land acquisition issues where we need to get involved perhaps with a homeowner or it could be another government agency. Sometimes it's permitting that, you know, if we can set up a meeting with somebody higher up in the Department of Health, say whatever it might be. So we're, on our level, we're always looking to remove roadblocks to doing roads and that will also then mean, you know, making sure the MPO's not a roadblock but a facilitator in getting projects out. And I think you can see by some of the numbers here on this chart. You'll see a couple things, I mean the numbers bounce around; these are calendar years so sometimes we have CIP that overlaps various years. Some years will be more heavy in design and you'll see two years later there's a lot heavier construction number as those projects come through. But the trick here is to try to keep them all going, some are much, some are easier than others. Obviously, some are more difficult and they take time, but we're always trying to find ways to keep the projects moving and I think the MPO is going to be key to make sure, you know, it holds up its end of the bargain so we can keep moving forward.

CHAIR COCHRAN: Thank you.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR COCHRAN: Is that all? Yes, Rowena, you had...Ms. Andaya?

MS. DAGDAG-ANDAYA: I just wanted to add another thing. I know you asked about project delays. A lot of the time we have project delays at the...during...as we're implementing the project. So things like permitting, regulatory requirements, right-of-way acquisition, and even at times when you go into construction when you go out for bid that also causes delays. But, you know, we embrace the new MPO structure and I think it gives us a lot of flexibility, a lot of control over our local projects that involve also State highways as well. So, you know, with that, I think having a good Policy Board and people in place who are willing to meet often and discuss things, having an open mind, I think that's going to be really key, and, you know, we just welcome that opportunity.

CHAIR COCHRAN: Okay. Good, Mr. Guzman? Members, any other questions or comments for Director on this subject? So the 14 million roughly we get, does that lapse or does it just add to the next year's 14 or more that we might receive? How does that work?

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MR. GOODE: Yeah. So the way it works is we'll fill up the bucket with a number of projects and we have until...we have certain dates that we have to encumber the funds, so not just here but encumber on the Federal side, which of course it's administered by State DOT. And so they'll have deadlines that we have to have, what we call our final PS&E, plans, specs, and estimates have to be done by it's usually around May for most of our projects, and then there'll be deadlines for DOT to approve them, and then deadlines to go out to bid so that we meet the Federal fiscal year. So not only dealing with...we have all kinds of different years to deal with, we have our calendar year for CIP expires, we have our own fiscal year, you know, which is July 1 year and the Federal fiscal year starts on October 1st, so we have to juggle all that to make sure that the projects go out. DOT also does what they call over-the-shoulder reviews where they come and they sit down with our staff and literally it's the idea of looking over your shoulder, so show us where you are, what are your plans, show us the land acquisition, show us your soil studies that you've done, show us exactly where you are, and so that way they can see whether we're on track or not. If they start to see or we see we should, you know, if we're, usually if we're behind we're up front about it, let 'em know, and then we'll look at, okay, well this project is not gonna go and maybe it's too close, let's put in something else. So we're constantly having those types of evaluations. The over-the-shoulder reviews I think are very beneficial because that way both agencies know exactly where they are and in that way we can make decisions together if we need to push a project out. So it's a constant evaluation of where we are.

CHAIR COCHRAN: Okay. Very good. And then so this year, I guess, one of your priorities is this rock fall mitigation plan, what, study, is that where you're gonna start first? And then is there a dollar amount behind that right now or are you still in the process of figuring...

MR. GOODE: Yeah. We've presented to the Mayor, I expect it to go through. I can't remember what the dollar amount was, I don't know if Rowena can look it up for me. But there's a lot of area to evaluate, certainly our side of Hana and Piilani Highway going on the backside of the mountain. Hopefully we can add Kahekili to that out to Kahakuloa. But again, we are seeing a lot more slippages on the makai side, we're seeing landslides from the mauka side, in some areas like around Kalepa we're seeing undermining by the ocean. And so it seems to have accelerated the last couple of years, again I don't know if it's because of the...had a lot of rain or its effects from the 2006 earthquake that are starting to show up or it's just, you know, the mountain's a living thing, it's moving, right, so we just have to deal with it. We'd like to get more out ahead of it because all those are potential disasters that could really, you know, set those communities back, and so we want to...and are safety issues.

CHAIR COCHRAN: And don't forget the Honolua area. We've had rock falls there, I mean, not as often but we do get and Kahakuloa because, I mean, Honokohau, I mean, that narrow strip and I know I've --

MR. GOODE: Right.

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CHAIR COCHRAN: --discussed with Angus McKelvey for every year and tries to put that on a STIP to mitigate existing cliff side because it's...that's scary that area. And Gretchen knows, she drives it every day. But so yeah not to forget that corner of our world too in your mitigation plan here. And so we'll look forward to that coming up.

MR. GOODE: Thank you. And yeah, once that plan's done then we can start to budget for those projects.

CHAIR COCHRAN: Okay. And, Members, we good on this subject matter then at this point? Looks like we're okay, Director Goode, you can move on to your next item.

MR. GOODE: Okay. Okay. Next we'll talk about herbicide use, you know, on request of your office and we weren't planning to discuss it 'cause we're still really in the investigation stage, but we understand it's a very important subject for the community and also our, you know, our employees. There's three products primarily...well the main one of course is Roundup or Roundup type product that uses glyphosate, and it's very effective in handling and killing plants in particular, not all plants but most plants for sure. We did some tests this summer where we had test plots and this was out in an area we call 209, which is the 209 acres the Council purchased that will eventually be used for probably, where we are is baseyard type activity. And we moved in there really early, right after the purchase because we needed to move a lot of material off the Waikapu Landfill and we just needed a place to have our road materials. And so we're the first tenants if you will and been using the area, but we set up three areas that I'm going to guess like almost like parking stalls sized. We used Roundup and we used a product called Avenger which is the one State DOT is using and that's citrus oil based so it's an organic or natural product, another one called Weed Zap which is based on cinnamon and clove oils. And we followed directions, you know, exactly as they were listed on the labels including, you know, protective wear that we have to use but also the mixes of the product, does it mix with water and the way it's applied to the vegetation. And unfortunately for us, both the Avenger and the Weed Zap products in that area on whatever we were testing failed to the point where a month or two afterwards you couldn't even tell it's been used. It was just green and lush. So we even asked the staff to do a second application to make sure we were doing it correctly and we just didn't get much results at all and that, you know, contradicts for whatever reason we still don't know yet; but State DOT has had some limited success and some success. And so we've been meeting with State DOT, in fact, I met with Steve Rodgers this morning along with Mark Morgan from the Lahaina side. You know in advance of this meeting 'cause I wanted to understand, you know, today exactly what's going on. And so we're going to continue to work together with them to find out exactly how they're mixing it, how they're applying it, where they're applying it. And if, Steve mentioned that the Beyond Pesticides group is potentially available, would love to participate and learn some more because clearly there seems to a large opportunity for a technology and a product to meet this marketplace.

UNIDENTIFIED SPEAKER (*from the gallery*): . . .(*inaudible*). . .

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CHAIR COCHRAN: Oh no, sorry. No.

MR. GOODE: So, Chair, just to get kind of an order of magnitude of where we are compared to DOT, you know, DOT, of course has all those State highways, you know, they maintain the shoulders, of course, and we have all the County roadways which are typically residential roads and some collector roads. We also have all the drainage basins and flood control projects. We've been using and it's been declining in use as our crews have gotten more judicious about their use; an average of per year, the last three years about \$4,500 a year of Roundup. Put that in perspective, the State in 2012 before they had switched to Avenger was using about 100,000. I thought it was about 50 but I got a...Steve sent me a e-mail a couple hours ago saying it's \$100,000. So they use about 20...they were using about 20 times more than we are. To switch to, say, Avenger using the same ratios to produce the same amount of gallons, Avenger for us will be about 9 times more expensive, actually more like 11 times. So it'd be \$55,000 a year, that's if it's as effective as Roundup. If I have to apply it more times, it's going to be more costly, et cetera. That's just the cost perspective. I'm not saying I'm advocating one use or another, but it's an important aspect to look at. And that's why I'm really glad we have a fiscal analyst in Public Works to help put those numbers together, and work with our crews, and read the labels, and figure it out. So DOT has made a lot of adjustments. Their primary use is along road shoulders so they're very visible; they obviously were using a lot of product. They were, you know, they had...they're getting a lot of heat about using it. They wanted to do something different and so they've been changing their practices. What Steve Rodgers was telling me and Mark Morgan that, you know, they've changed a lot of things: the way they mow, how much they mow, when they do weed whacking and not. But they are finding some success with the Avenger, so we want to learn some more about it. Avenger is a product that may work for us. I'm not sure yet. We don't spray typically along roadsides. We do have certain applications that we do. I'm not saying we don't. We have some that we do; this Haiku School is an unfortunate incident. But typically our roads are adjacent to homeowners who are required under the code to maintain, not us. So if the parcel is 15 acres or more, we would maintain, if the adjoining parcel is 15 acres or more; otherwise, it's the homeowner's responsibility, and how that homeowner maintains is up to them. So we don't have long stretches of road that we typically maintain. We do have our, for our maintenance operations we do, we're doing a lot more slurry seal, we've been doing crack sealing; these are the types of pavement preservation techniques, you know, to make our roads go longer. Well one of the main things is getting the vegetation out of the road. And it's almost imperative to use some type of herbicide that's going to kill the vegetation that's in that crack, otherwise whatever treatment we do, it's gonna come back. We also have certain flood control projects that are regulated by the Army Corps. They have an annual inspection, so if they find something growing way up high in a concrete wall, anything that has to be taken out. It's not the kind of thing that we can just simply weed whack. So our applications are a little different than DOT's. And so for every application it's a question, okay, what's the safest way for the crew, is it the right thing for the environment, is it legal, and in which case, everything we've been doing to date is legal as authorized by EPA and DOH, at least to my knowledge. We also asked for

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an evaluation of our practices by the Department of Ag, who does regulate this activity. DOA gave us a thumbs-up on our practices with a couple of areas to improve on. As a reminder, all the herbicides that I've talked about, Avenger, Weed Zap, Roundup have what they call MSDS, material safety data sheets and label of practices to follow. For example, Avenger and Roundup both say to keep people and animals away while the product is drying. So Avenger's language is exactly the same, with the exception may be one word, spray versus spray solution, as it relates to any access by people or pets afterwards. So for us, we're trying to be proactive. We can see there's concern out there. We want to look at available products that are on the marketplace. Our initial tests were not good. It doesn't mean we're not willing to test it again and learn some more. We want to work with DOT, find more about how they're using it and where they're using it, where it's working, and they admit there's areas where it's not working. But we also think this issue is beyond Public Works, we're clearly not the only agency in the County that uses these products. And so we have asked the 9th floor recently to assist us, because certainly Department of Water Supply, Parks, DEM, Police, Fire, Housing, everybody has facilities, right, of some shape or form and some use it and some may use it. I honestly don't know. So we think it's something that, you know, is a bit beyond Public Works but we're certainly willing to roll up our sleeves on it because we're one of the more visible users of some sort of herbicide. And clearly even if we use Avenger, there's protocols to follow certainly as it relates to public and pet access. So, you know, as a policy issue and listening to the discussion today, to me this is the type of thing that should be an item in a committee. On the Administration level we can initiate and I can ask the 9th floor to initiate some more analysis of it, but, you know, the policy issue, this is the type of item that should be in the committee because then we can have discussion, you can have deliberation, you know, it's thoughtful and managed. When there's a lot of talk going around and internet and Facebook and everything else it's almost impossible to get your arms around, at least for me as the Director of the Department. And we're certainly willing to understand more. There's a gentleman who talked about an organization that was formed on Maui, quite frankly I never heard of the organization or...but I'd love to find out. I think those of are the types of things they should set up, let's set up an appointment, so let us know about it, rather than hearing about, oh, there's going to be a lot of publicity coming out, oh, we're gonna check into if something's illegal or not. I mean that's one way to go. That usually is a confrontational way of going and that produces certain types of outcomes. But I think our Department for long time has been very open to receiving information to having discussion and we can do that here as a Committee, we can do it...I mean this isn't really the forum but I'm happy to talk about where we are, and there's another way of going and we've seen the results of what happens in this community when that goes that way. So we're here to help and I look forward to working with you, Chair, and any of the Members on this item or issue because it is important. And we all want to do the right thing and we want to do what's, you know, is allowed by law. We have to follow our regulators too, right, so that's the hard part where we're at. So we'll keep rolling up our sleeves unless we're required to wear long sleeves and we'll do our best. That's all I have at this point, Chair.

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CHAIR COCHRAN: And, yes, thank you very much, Director. And, yeah, don't you worry, this will become an actual item so further discussion shall be taken upon this particular subject matter, but thank you for that. And, Members, any need for questions or comments for our Director on this subject? Seeing none, Director, actually I saw that report from the State, Steve Rodgers, I guess from the State in regards to you mentioned Public Works use of Roundup versus the State's and the dollar amount associated, 102 for State, Public Works 45,000 [sic]. But there's also a part in regards to their Avenger because they transitioned into Avenger use which dropped the cost to \$65,000. So there is a positive actually with them dropping it down, switching over, and he also mentioned that he spoke to the company that makes that product and that company is creating a new formula that's going to bring the cost of Avenger down by half, the cost and the amount a person needs to use. So I think that so far, from what's coming from the State looks promising and I know this is all a work in progress and we, I'm happy to hear we're all working together and bringing everyone to the table to discuss how we can, you know, create best practices, so just wanted to give you a little more update on that part. And you mentioned that you spray...and I understand with our culverts or bridges or whatever if you have things undermining it versus a crack and now weeds or a tree starting to grow out of it, of course you have to get rid of it so you do spray. How do you...is that occurring in our culverts, our water, you know, collecting type of culverts and thereby you need to spray some type of poison in there to kill the plant?

MR. GOODE: Chair, you know, I don't know the exact specifics of that. It's something I have to look into and get back to you on. But, you know, we again, we follow, you know, all the applicable directions that we, are given to us, and they've made a lot of adjustments over the years to adjust things like the nozzle heads so they're more specific to hitting a particular target, there's no spray, there's certainly no plume. And the...which also, you know, is good for our employees as well. So again it's very spot use, our numbers have been declining. It's \$4,500 a year, not 45,000. Our numbers are declining but we still have a need for some type of product. I'm thrilled to hear Avenger might be coming out with something that's stronger and less costly. That'd be great because I really feel there's a tremendous market opportunity for somebody or some bodies to come out here and find something that's potentially better. And if there are, you know, potential health concerns which again is beyond our Department with glyphosate, if they find something else we would love to use it.

CHAIR COCHRAN: Very good. Well I just thought if take out the weed, plant, whatever and then patch it, thereby, you know, stopping the regrowth of whatever impeded into that crack. So, you know, I mean, I would think that's what you do, right? I mean, you're going to patch the --

MR. GOODE: Yeah. You know ...

CHAIR COCHRAN: --ding on the board, so to speak like --

MR. GOODE: Right, right. I've been asking...

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CHAIR COCHRAN: --keep taking in water or have a plant grow out of it again.

MR. GOODE: Yeah. I agree. I've been asking about, you know, there's certain roadways you'll see like where the asphalt meets the gutter, the concrete gutter and the asphalt. There a natural crack there, two different materials and oftentimes there's, you know, a little bit of dirt gets in there, and the next you know a seed lands, and next thing we got something growing, and the longer it goes. And I've asked our guys, is there a way to kind of like rout that stuff out, you know, and patch it with a crack seal type thing, thinking like here's an asphalt sealing product, and they're like, yeah, we've done that, and six months later it comes through. Primarily because it's had to join two types of products where, you know, the water that comes off the road would go in there. So, I mean, unless they, you know, put in a lot of effort and herbicide into it, I guess they can't get it to go out, so even the best patches find ways of things coming back in.

CHAIR COCHRAN: Okay. And so I guess with this and I hear you're saying you want to work with...how...and I'm not sure if you put more deeper thought into the budget process and how we can assist you in, you know, creating this integrated pest management system of some kind or what have you. So at...maybe just preliminary thoughts at this point, but, you know, that's what I'd like to kind of wrap this Committee's head around to see how we can assist you especially in the ensuing months for budget at this time, if you have any comments.

MR. GOODE: Thank you, Chair. Yeah. At this point because we haven't really identified, you know, a process, we...and again, we've asked is it gonna be taken a little more holistic look at it from all the departments. So I'd say if anything, to me there's an opportunity, you know, to fund some effort more on a Countywide basis. But until we can identify, you know, a process or a change in processes and products that work for our applications, you know, which are similar but slightly different than DOT's, we're not quite ready to ask for that yet.

CHAIR COCHRAN: Okay. All right. Yes, Director?

MS. DAGDAG-ANDAYA: I think what we also need to do is some, create some goals for ourself and that will help us develop performance measures that can also help us create a budget.

CHAIR COCHRAN: Okay.

MS. DAGDAG-ANDAYA: So I think by learning more about the integrated pest management or creating an integrated pest management program, developing the goals, seeing where we're at, and where we want to be, that's how we're gonna get to creating a budget for this for some sort of alternative.

CHAIR COCHRAN: Okay. Well very good. And you folks are open to looking into that. Okay. Excellent. Very good. Thank you. Yes, Mr. White?

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COUNCILMEMBER WHITE: Thank you, Chair. Mr. Goode, what is the number of miles of State highway versus the number of miles of County roads just in rough terms? Do you know?

CHAIR COCHRAN: Director?

MR. GOODE: Madam Chair, Mr. White, I think we, we have about 1,000 lane miles. So says there's 500 miles, roughly if you have 2 lanes, so yeah, I guess that'd be a 1,000 miles of shoulder. My recollection was State had about 200 miles or lane miles. I think it's 200 miles of roads. So they have like 400 miles of shoulder, something like that. It's in that...I think they have less. They definitely have less than we do.

COUNCILMEMBER WHITE: Yeah. I think, Chair, I think it's, I think the Department should be congratulated because it sounds based on that if the State is using \$100,000 worth of herbicide on roughly 400 miles of shoulder versus the County's using only 4,500 on close to 1,000 miles of shoulder, that shows that we're being much more restrained in our use than the State is. But I just want to thank them for being proactive and testing out the new chemicals and looking at new options. So thank you very much. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. White, good point. Thank you. Members, any further discussion or comments for Directors here? Okay. Well, thank you for those updates.

MR. GOODE: Thank you.

CHAIR COCHRAN: And, Members, without further discussion on this item, I'll just recommend defer.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH).

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Thank you, Members.

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ITEM NO. 10: LOWER NAHIKU BRIDGE HEALTH AND SAFETY CONCERNS (NAHIKU) (CC 14-308)

CHAIR COCHRAN: And so the next item we have on our agenda is IEM-10 and this is the Lower Nahiku Bridge Health and Safety Concerns. This is a County Communication 14-308, from Council Vice-Chair Robert Carroll, referring the matter of health and safety concerns relating to this Lower Nahiku Bridge. So at this time, I'll turn the floor over to the Department once again for discussion on this item.

MS. DAGDAG-ANDAYA: Thank you, Chair. Rowena Dagdag, Deputy Director of Public Works. And I have some photos that I wanted to share with the Committee, so if I could provide you with that as well.

CHAIR COCHRAN: Okay. Thank you.

MS. DAGDAG-ANDAYA: So thank you, Chair, for bringing this as a agenda item for today's meeting. This has been an issue that our Department has been dealing with for a number years now even prior to when Dave and I entered into our office. We have some history on the project or history on the discussion and have seen communication between the State and the County going back to, I think, 1985 in some cases about this road and the bridge. So before you is...are some photos. The first page is just a photo that I got off of Google Maps of the bridge itself. And then if you turn to the next page, this is a map that was provided to me by State Department of Land and Natural Resources, the Maui district staff. They put together this map using GIS and aerial photography. So just to orient you as to where the bridge is located, there is a yellow circle on the map. You can't see it very clearly but the blue line is Makapipi Stream, and you have that yellow circle, there are parallel lines there that indicate the alignment of a roadway that passes through the parcels. So what I want to do is start where it says school lot. So if you head over to the right side of the page there is a triangular lot labeled school lot and across from it is the church. Our responsibility--and this is documented in an e-mail back in 2010 from our Highways district or our Highways Division Chief--our responsibility actually ends at the stop sign on Lower Nahiku Road where the old Nahiku School lot used to be. The stop sign or actually now I don't think there is a stop sign, but in one direction it goes toward the bridge and the landing and in another direction it parallels Hana Highway. So if you see that there's a set of parallel lines that head further to the right, that is that road that's parallel to Hana Highway. Our jurisdiction actually ends at that intersection there. A portion of the road traverses onto private property and if you follow along pass the church there's a lot identified as Cullen and then you see EMI and Uchiyama. The road passes through there and then continues on toward the bridge that crosses Makapipi Gulch and it appears in private property, the EMI portion. And then the road also follows along toward another private property labeled Miller and then ends up at the State-owned landing area and you can see that portion next to the ocean. We have records as to the repairs of the bridge that were done in 1988 by the Department of Public Works using operational funds. And then it was...it's our understanding that the work was never considered a Capital Improvement Project, that this was just something that the Department wanted to

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assist with and shortly after that there were discussions with staff and the community and the State as to whose responsibility it was. At the time, they didn't have any records as to ownership or title as well and there had been no other records as to, yeah, any title or documentation that the County did create the bridge or construct the bridge. There are anecdotal reports from members out in the community that EMI did the work on the bridge and then others said that County also helped out with the bridge but there's nothing formal in our records that state that. So since 1988, there had been no additional work done on the bridge with exception to changes on the side barriers and some of the decks. What started all this was that there were requests made by the community to have guardrails fixed on the State property. The guardrails are in an area that's exposed to a lot of the salt air, so with that you have a lot of deterioration and rusting. So requests were made to the State and the County agencies; however, ownership of the road and whose responsibility it was to maintain the guardrails had always been disputed. In 2011, our Hana District staff suggested to have an engineer inspect the existing conditions and the safeness of the bridge. A bridge inspection was conducted in September 2011 and it indicated that the bridge was in fair condition. Our Department went ahead and got a structural engineer to come to Nahiku to inspect the bridge. The inspection report made a number of recommendations. We had both short-term and long-term recommendations. One of which was to post a maximum, post a sign specifying the maximum weight that could be handled by the bridge and to post these vehicle weight limits at the ends of the bridge. The inspection report also recommended temporary shoring and bracing of the elements of the bridge until it could be replaced with an upgrade of major structural elements. The long-term repair options would be to replace the existing bridge with a new bridge that meet current acceptable bridge design standards. Shortly after the report came out, Public Works Highways did replace some wooden timbers and this is in accordance with past practice, staff again would usually help out or kokua when they could. Weight-limit signs were also placed at the mauka end of the bridge. And then in early, the early part of 2012, our Engineering Division did go out to research and receive cost estimates for the installation of an Acrow metal bridge. We thought, you know, in the meantime let's try to see if there are other alternatives to rebuilding this bridge, why don't we use one of the existing temporary bridges that we have stored in Hana. So we sought estimates from a contractor. The price of the installation alone was estimated at \$798,000. That's just a estimate for the installation. What was not included were the cost for the removal of the existing bridge, any modifications or upgrades to the existing bridge structure, and permitting requirements. The actual cost may go up or it could go down slightly relative to the final design and any other changes or additional work that might need to be constructed. So we did some temporary short-term fixes to the bridge, we posted signs, but then in September of 2014, we received a report from a resident saying that they witnessed the contractor damaging the old bridge with their truck; no name was left, it was an anonymous tip. Our Highways district staff investigated the following day and saw that there was some plywood that were placed on the bridge to stabilize the deck. There were also indication of rotted-out wood and staff recommended that the bridge be closed. Now not knowing whose responsibility the bridge was, we convened a meeting with our Corporation Counsel representatives from Department of Land and Natural Resources, our Engineering and Highway staff, and we also had one

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staff member from the office, the Mayor's Office meet with us on the following day on September 25th. At that meeting, all parties agreed to restricting vehicular access over the bridge, and the follow-up call was made to Mark Vaught of EMI that same day. EMI supported the restriction of vehicles over the bridge; pedestrian access however was still made available. We then went forward and got a title report and had that ordered. Staff also went ahead to order another structural assessment, and the assessment determined that the existing timber bridge didn't have any sufficient capacity to support vehicle loads but it could still be used for light pedestrian traffic. The report recommended that any repairs should include seismic retrofit of the timber bridge to meet current code and that we consider a bridge replacement instead of repairing the existing bridge. In December of that same year, 2014, the title report was concluded and the title report indicated that there was no evidence of title to the government of Hawaii and that the road passed along portions of Parcels 13, 19, and through Tax Map Keys 25, 35, and 43, which means that the road traverses onto private property, it was said so on the title report. The title report was also shared with EMI so that they were aware that we had gone out and sought a title search. And since then without any funding or clear ownership, the Department has held off on any additional improvements until we receive guidance from this body. So at this time, we haven't done any additional work, the bridge is still closed off to vehicular traffic, but we are just awaiting some guidance as to how to proceed. And that's the report that I have, Chair.

CHAIR COCHRAN: Okay. Thank you, Deputy Director. And, Director, you had anything to add? No? Okay. Very good. And I'll open the chair, the floor up to Member Carroll. Member Carroll, you have some comments or questions?

COUNCILMEMBER CARROLL: Thank you, Chair. First of all, I'd like to thank Public Works. We've been working with them all this time on that bridge and trying to see what could do and I appreciate the report. It's difficult because I'm sure as all the Members look at it, the road itself is on EMI land and it goes through State land and it goes through a private property owner's land; it makes it very difficult. Two sides of the road where the bridge is is not property that we own, and that, I think that makes it difficult for everybody on this Council to go over there and spend large amounts of money on something that we don't own. Besides which I wouldn't want somebody coming into my house and doing some work over there without my permission, written permission and to do any kind of work and that's the same thing. It's difficult, the road where it seems it's supposed to be, it's way in front of Uchiyama's house that ends by the river. And that's supposed to be the, where the road was but somehow they went and made it around. And in those days, nobody really paid attention, it was, hey, that's the best place for a road so let's put it over there. The other thing that they've been saying that the County and the State have argued over the road and that's why we're not doing the bridge, that is not true. There was never an argument over taking care of the bridge. The County always took care of it. It's only lately that the ownership of the land and where the bridge is sitting has become a problem and that needs to be resolved before the Administration or this Council, I think, can move forward. We need to resolve the land ownership and if we are on strong ground to go over there and do the work that's necessary. But again, I thank Public Works for pursuing it and I look forward to

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having to where it comes before this Council looking for funds to go over there and put the appropriate bridge in its place. And for the community, the community would like us to meet over there but that's difficult to have a public meeting over there. We do have restrictions to have meetings accessible. Site inspection, even site inspections we have to go through a criteria to make sure that it's safe, that the public can be handled, that it's accessible to handicap and everyone else. So it's very difficult to have a public meeting over there which is why the next meeting I'm having on the 9th concerning Nahiku is in Hana. But I appreciate the, again, the Chair. Thank you for bringing this up. And I hope to add this onto the agenda that we have in Hana on the 9th so we can have it over there. It's not too late; I can still add that on. Thank you, Chair.

CHAIR COCHRAN: Okay. Very good. Thank you, Mr. Carroll. And, Members, any questions? Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Thank you for clarifying that it's private property on both sides. Do we have other situations in Maui County where we are taking responsibility for bridges that are essentially built on private property and have private property both upstream and downstream of the bridge, not the stream?

MS. DAGDAG-ANDAYA: For myself, Chair, I don't have any...I'm not aware of any other bridges that have the same, that it's in the same situation.

COUNCILMEMBER WHITE: And what...and, Chair, maybe I'm not sure the Department knows this, but what is the access needs for the State land that the road ends on? Is that frequented by the State or not?

MS. DAGDAG-ANDAYA: According to the State, Chair, they don't really have maintenance. I mean, they haven't been sending maintenance crews to the site. And our...very little is what I'm hearing from the State. It's not a park. And it's also our understanding and we're not quite sure...according to State DLNR, they said there might be just a few squatters in the area but...and then there is one property owner who has property next to the State land but that property is undeveloped and considered Conservation. But as far as usage, I believe the community, yeah, the community uses it for gathering and recreational fishing. But I think maybe we can get a better understanding talking with the State DLNR.

COUNCILMEMBER WHITE: Do you have a sense of how far it is from the bridge to the State parcel?

MS. DAGDAG-ANDAYA: Yeah, I'm not sure.

COUNCILMEMBER WHITE: Okay. And it looks like there's, after the bridge, it looks like there's only maybe only one private residence.

MS. DAGDAG-ANDAYA: That Miller resident or the Miller property, again, that property doesn't have any structures on it. It's Conservation land.

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COUNCILMEMBER WHITE: Are there structures on either of the EMI lots?

MS. DAGDAG-ANDAYA: According to EMI, no structures; however there may be some people just squatting on the land and creating...on tents or...

COUNCILMEMBER WHITE: And Uchiyama has a structure that I can see there but his access is prior to the bridge, right?

MS. DAGDAG-ANDAYA: Yes. That's correct.

COUNCILMEMBER WHITE: I think that may be why it's, the use and repair of this is somewhat of a challenge because if there's no one living below the bridge, I don't know...I can't tell from this map how far the, what the distance is but it doesn't look like it's too much of a walk to get to the beach from the mauka side of the bridge.

MS. DAGDAG-ANDAYA: Chair?

CHAIR COCHRAN: Yeah?

MS. DAGDAG-ANDAYA: If I may? It is a...it's a steep incline as you go down. So I know Mr. Kahookele, the testifier earlier today, he did mention that a lot of the kupuna they like to access that area so someone who has difficulty walking may have some, a challenging time accessing the area because it is a steep incline down. But as far as vehicular traffic, that we had to close it just because of the bridge, the existing conditions, but it is open to pedestrian traffic.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR COCHRAN: Thank you. Members, any other questions, concerns, comments? So, Deputy Director, the County...is it barricaded? Do you folks, what, put a chain across it or a jersey barrier or something to completely cut off vehicular but not motorcycle/ATV, that's allowed?

MS. DAGDAG-ANDAYA: Chair, it's only for pedestrian traffic. The barricades are situated at a slight angle to allow for pedestrians to pass through. As for motorcycles, we also restricted the use of those types of vehicles over the bridge.

CHAIR COCHRAN: Okay. So that, the weight of those also would be a safety issue?

MS. DAGDAG-ANDAYA: Yes.

CHAIR COCHRAN: So, I guess, there's no official...like that Miller, I guess, doesn't have...he doesn't live down there? There's no official, actual tenants or owners so it's the squatters or whatever people who technically don't have, own the land there that are living and traversing the bridge and things. And of course the residents who want to go down and do their gathering rights and what have you, I mean, there's not a whole

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lot going on in Nahiku so that is kind of a nice area to go and picnic if you want or go hang out and just gather in the ocean and everything is right there, it's beautiful. So, you know, I can see why just 'cause there's no one living there that access, you know, ought to be there. So I guess my question for the Department is are we wanting to push further in getting, what, ownership or some, the private people deeding things over to us so now we official are the caretakers of this or do we not want to go down that road? Are we trying to get buy-in from all the different entities to help assist in, you know, fixing this or, I don't know, where is this Department and Administration wanting to go with this?

MS. DAGDAG-ANDAYA: Chair, that's the...that's actually the kind of guidance that we wanted from the Committee. Again our jurisdiction or according to Highways Division it stops at that intersection. Prior to and, you know, a long time ago, the Department did...they would always go out and help as much as they could and that's very indicative of a lot of our rural communities. They like to try to help as much as possible but, you know, given the way things are today and liability, you know, of course costs associated with the maintenance of our infrastructure. Staff has, you know, their priorities are more on the areas that we maintain, that we have record of ownership. But, you know, we do want to know what the Committee would be interested in and, you know, we can engage in that discussion with you as well.

CHAIR COCHRAN: So do you guys...do you folks find...and I know we're not all expert bridge people but is it to the point of no return where it needs to just totally be yanked out and an entirely new one put in or is there a way to kind of beef it up a little more to make it again safe for passage? Are there...do we have options in that aspect?

MS. DAGDAG-ANDAYA: Yes, Chair. The 2014 report, structural assessment report that we received recommended that the bridge not be repaired, that it be taken out and a new bridge be installed and constructed.

CHAIR COCHRAN: Okay. And then at that point, did you folks even venture to try and price it out, get a kind of ballpark figure of what that would cost?

MS. DAGDAG-ANDAYA: Yes, Chair. The price of the installation of an Acrow bridge and, you know, one of those temporary bridges that we use when we have bridge replacements out in Hana, just to install it alone was about \$798,000 and that's just installation. It didn't involve any of the permitting, regulatory requirements by the State or Federal agencies, and any other additional work needed to be done. It was just strictly the installation of the bridge.

CHAIR COCHRAN: But that's the cost of the materials or no?

MS. DAGDAG-ANDAYA: Yeah. Let me just...

CHAIR COCHRAN: So they could get an entirely somewhat new, I mean, I guess that's just considered temporary though or it would end up being a sort of, a permanent structure?

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MS. DAGDAG-ANDAYA: That would be a permanent structure so...

CHAIR COCHRAN: For 798?

MS. DAGDAG-ANDAYA: For 798. It would just be the Acrow bridge components that we currently have. It would be concrete abutments...or actually the price, yes, the price would include any kind of excavation for the Acrow footings without having to disturb the existing abutments. And, let's see.

CHAIR COCHRAN: Okay.

MS. DAGDAG-ANDAYA: Temporary striping and signage.

CHAIR COCHRAN: Okay. Just so I get a, kind of an idea. But I guess if...Mr. Carroll, Mr. Carroll, if you don't mind to give the question to you. What do you foresee or you're hearing from your community to, you know, I mean...or you personally, I guess, 'cause we're the ones here whose gonna have to work it out on floor during budget if this is like kind of like the dollar amount to put in new, a new bridge or are you in favor of us picking up the tab on this or are you wanting to go and get the other, you know, associated landowners involved too?

COUNCILMEMBER CARROLL: Well what we need first, of course, is to have...we don't have an engineering study, right, for...well, we haven't decided on what type of bridge, right?

CHAIR COCHRAN: Well, Deputy Director mentioned an Acrow bridge, I guess. They did look at a type already --

COUNCILMEMBER CARROLL: Yeah.

CHAIR COCHRAN: --and got a figure, so there's...they have kind of an idea of what to install.

COUNCILMEMBER CARROLL: Well as soon as possible.

CHAIR COCHRAN: So you're...okay.

COUNCILMEMBER CARROLL: Yeah.

CHAIR COCHRAN: So...yeah. And I have this...

COUNCILMEMBER CARROLL: I'm really open so --

CHAIR COCHRAN: Okay.

COUNCILMEMBER CARROLL: --no problem.

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CHAIR COCHRAN: Thank you. And I have the same sentiments, you know what I mean. Everyone's our community. I understand ownership is this and that but we are here and public safety is number one, and regardless if you're in some, you know, backwoods place or right here front and center in main drag of town, we want to address it. So, I mean, personally I'd like to see this taken care of but I know we have other issues as in the ownership and all that. So that's just my kind of thoughts at this point to give you folks that guidance and thinking, and then you heard Mr. Carroll's thoughts. And, Members, I don't know if anyone else wanted to chime in in regards to this issue at this time but the floor is open. Otherwise I think we've discussed the two items that I set forth today on the agenda, and if there's no further discussion then...oh, yes, Ms. Deputy Director?

MS. DAGDAG-ANDAYA: So just to clarify, Chair, are there any action items that you'd like the Department to take on or...

CHAIR COCHRAN: Well I think just what would be the next steps if we were to go ahead and look to replacing this.

MS. DAGDAG-ANDAYA: Okay.

CHAIR COCHRAN: I mean, do you need to start speaking to the other owners and again I'm not sure, you know, I...we need to obviously talk with Corporation Counsel and liability. I mean if we take over something and it's not truly ours per se, where does that leave us? We want to make sure we, you know, tackle that issue and do we need to have like a swapping or of some sort or we're gonna take care of this issue, it's your land but here the County's gonna step up to take so why don't you deed it over to us so we're free and clear and everything's, you know, copacetic on paper, I guess, or something. I don't know. I don't know how to work all those details.

MS. DAGDAG-ANDAYA: Okay.

CHAIR COCHRAN: But whatever we can take the steps to heading towards that end result of getting this, yeah, redone and a safe...because visitors too, you know, we're not just talking none...couple people who like to frequent the area kind of thing but there's visitors that go on down there. And, you know, I was there with actually a workshop and sort of a class where we went down to visit ahupuaas and different gatherings, and what's on the stream, and what's in the forest, and what's growing on the land, and what's in the ocean; so it's also a cultural experience in teaching and you need to get down there in a safe manner. So I'm very much in support that we do something to improve the area.

MS. DAGDAG-ANDAYA: Okay. Chair, thank you.

CHAIR COCHRAN: Okay.

MS. DAGDAG-ANDAYA: And maybe just a suggestion just to...maybe if the Committee could send a letter asking for --

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CHAIR COCHRAN: Okay. We can draft a letter.

MS. DAGDAG-ANDAYA: --the type of assistance that you need from our Department --

CHAIR COCHRAN: Okay.

MS. DAGDAG-ANDAYA: --in terms of cost, steps, and any other questions that you have. That would be very helpful to us.

CHAIR COCHRAN: Sure. And so as Mr. Carroll mentioned next Tuesday, I think, the 9th, February 9 it is, they'll...at 4 o'clock, Helene Hall in Hana.

COUNCILMEMBER CARROLL: At Helene Hall.

CHAIR COCHRAN: Helene Hall, yes, in Hana, and we'll be having a meeting, and this item will be brought up on the agenda.

COUNCILMEMBER CARROLL: This item will be brought up. I didn't have it originally on the agenda for my public meeting but I just added it. It's nine days so we can put that on there, so it will be on there, along with another line, other Hana concerns.

CHAIR COCHRAN: Okay. Very good. And so what I was getting at, gather information from this meeting to hand to you folks to keep you folks in the loop if you won't be having a representative there. And also vice versa, is there a message that you would like us to share, I guess, with the community if the questions arise, I guess, like what is our status as County in regards to the bridge. Did you folks have, I guess, a comment to send forth to the community there?

MR. GOODE: Yeah. Madam Chair, right now we're kind of at a halt.

CHAIR COCHRAN: Okay.

MR. GOODE: We've done a fair amount in terms of helping to protect the area. We've done some studies, the initial cost estimates, and, you know, without funding we can't really move forward and land acquisition.

CHAIR COCHRAN: Okay. Okay. Very good. Thank you very much, Directors.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH, DG).

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: And at this point, Members, without further discussion, we've completed our agenda and this meeting is adjourned. . . .(gavel). . .

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ADJOURN: 3:30 p.m.

APPROVED:

A handwritten signature in black ink, reading "Elle Cochran", written over a horizontal line.

ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:160201:mb

Transcribed by: Michelle Balala

**INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE
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CERTIFICATE

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

DATED the 22nd day of February, 2016, in Makawao, Hawaii

Michelle Balala

Michelle Balala