

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**
Council of the County of Maui

M I N U T E S

Council Chamber

November 20, 2018

CONVENE: 1:32 p.m.

PRESENT: Voting Members:

Councilmember Elle Cochran, Chair
Councilmember Alika Atay
Councilmember Robert Carroll
Councilmember Riki Hokama
Councilmember Yuki Lei K. Sugimura (in at 1:44 p.m.)

Non-Voting Member:

Councilmember Kelly T. King (in at 1:51 p.m., left at 2:32 p.m.)

EXCUSED: Voting Members:

Councilmember Don S. Guzman, Vice-Chair
Councilmember Mike White

STAFF: Maggie Clark, Legislative Analyst
Stacey Vinoray, Committee Secretary

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

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

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

ADMIN.: Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

David C. Goode, Director, Department of Public Works

Keith C. Scott, Planner V, Department of Planning

Michael M. Miyamoto, Deputy Director, Department of Environmental Management

Eric A. Nakagawa, Wastewater Reclamation Division Chief, Department of Environmental Management

Joseph W. Alueta, Deputy Director, Department of Planning

OTHERS: Justin Kekoa Kekiwi, Lineal Descendant of Honua`ula

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Tina Rothman, GIS Analyst and Volunteer Researcher for the
Mo`omoku Project

Peter Landon, Natural Area Reserve System Specialist, Ahihi-Kinohiwa
Natural Area Reserve Manager, Department of Land and Natural
Resources

Bo McQuinn, Maui Regional Manager, Goodfellow Bros.

Lauren Morawski, Compliance Archaeologist, Office of Hawaiian
Affairs (via telephone conference bridge)

Patricia Hunt

Linda Stiles

Steve Parabacoli

Plus (9) other people in gallery

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management Committee please come to order. Today is November 20, 2018. The time is about 1:32 p.m. I am Councilmember Elle Cochran, the Committee Chair. At this time, please silence cell phones, any noisemaking devices. And present here today, we have Member, Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: . . . *(inaudible)* . . .

CHAIR COCHRAN: Aloha. Mr. Alike Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And Mr. Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And Mr. Guzman, Mr. White, are both excused. From Administration, oh, we have Director Goode here in the gallery; also Department of Planning, Mr. Keith Scott; and Environmental Management, it looks like Deputy Director Miyamoto is here. I do not see Mr. Nakagawa. But perhaps he may be in attendance later. Corporation Counsel, Ms. Richelle Thomson; and our Committee Staff, of course we have Legislative Analyst Maggie Clark; also Secretary, Ms. Stacey Vinoray. And in Hana we have Ms. Lono; Lanai Ms. Fernandez; and Molokai Ms. Alcon. So, and for IEM-80 we have Justin Kekoa Kekiwi here with us today, Lineal Descendant of Honua`ula. Aloha, Mr. Kekiwi, thank you for being here, and Ms. Tina Rothman, GIS Analyst and Volunteer Researcher for Mo`omoku Project. Aloha.

MS. ROTHMAN: Aloha.

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CHAIR COCHRAN: Aloha. And Mr. Bo McKuin, Maui Regional Manager of Goodfellow Brothers. Aloha, thank you for being here. And we will get by phone Ms. Lauren Morawski, Compliance Archaeologist of Office of Hawaiian Affairs, and it looks like form DLNR, Mr. Peter Landon, Ahihi-Kinaiu National Area Reserve Manager. Thank you for being here. And, Members, for, let's see, we have three items on the agenda, IEM-80, which is the Traffic Safety and Environmental Concerns Resulting from Development in Makena; IEM-64 Contract C6454, HDR Engineering, Inc., Kihei Wastewater Reclamation Facility Nitrogen Removal Alternatives; and then IEM-20, Wastewater Infrastructure Needs. And I do see Mr. Steve Parabacoli here. I believe he'll be talking to us about that. Good to have you here. Members, IEM-80 was scheduled for Committee's Meeting of August 20, 2018. The meeting was cancelled, but testimony and presentation were received. Pursuant to HRS 92-2.5(D), Members were able to ask questions of testifiers and presenters, but no deliberation or decision making took place. HRS 92-2.5(D)(3) provides, before its deliberations or decision making at a subsequent meeting, the Board shall, A, provide copies of testimony and presentation received at that cancelled meeting to all Members of the Board, which Ms. Vinoray is doing now, and B, receive a report by Members who were present at the cancelled or terminated meeting about the testimony and presentations received. Staff is distributing the copies of testimony and presentation received at that meeting. The Members present at the meeting when it convened on August 20th were myself, Councilmember Alikea Atay, and Councilmember Riki Hokama. Councilmember Yuki Lei Sugimura arrived after the meeting was cancelled. And due to the number of testifiers at the meeting, I will distribute copies of a portion of the minutes for your review, which includes testimony. This shall serve as our Members' report. Also, after public testimony, we will receive the presentation again from the same presenter as August 20, 2018. At this time, I'm going to open the floor up for public testimony. So, anyone here signed up, please do so at the front desk. You'll have three minutes to speak towards the agenda items presented today. And please state name, any organization you may be representing here. So, at this time I shall now open the floor up. And, Ms. Clark, can you call the first testifier?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. CLARK: Madam Chair, the first person signed up to testify is Linda Stiles, testifying in IEM-80, to be followed by Patricia Hunt.

CHAIR COCHRAN: Thank you.

MS. STILES: Hello, Linda Stiles. I live in Makena. I signed up because I wanted to, I thought maybe I'd have something to say after the presentation. But I do want to thank Justin Kekiwi for keeping the awareness up on this project. I had sent him some pictures from my grandson flying over their driveway. You'll see their driveway. And I just, I'm glad the awareness is there of what is going to possibly happen with

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this development. And I guess that's about it. That's all I have to say right now. Thank you.

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

MS. CLARK: Madam Chair, the next person signed up to testify in the Chamber is Patricia Hunt, testifying on IEM-64.

MS. HUNT: Thank you, Council, and, Ms. Cochran and Chairman. I actually was given misinformation and it's not been once or twice, and I would appreciate if somebody at the board of commissions can give the correct information when somebody is calling to find out in reference to meetings. The meeting that I wanted to speak at was this morning and it had to do with the Legal Affairs Committee. So, I am very sorry for wasting your time. But I will ask you on the record, I have asked for FOIA, Freedom of Information Act request for specific police reports to be corrected, 18033036, and 18011240. I have waited several months for this. And it's to the point where it's cost me a very good job and my place of residence. I know it has nothing to do with this matter. But I also would like to know when the next meeting is to speak with the Legal Affairs Committee and also, with the people who are over the zoning for private properties, on two specific properties, 200 West Lanai and 276 West Lanai that had raw sewage backup. And I had been a temporary property manager there and I would like to find out when those Committees' meetings are, and if I could get the correct information on the record.

CHAIR COCHRAN: Thank you. So, yeah, we can take your questions offline, and --

MS. HUNT: Okay.

CHAIR COCHRAN: --then figure that out for you, sorry for the mix-up.

MS. HUNT: Great, thank you so much for your time.

CHAIR COCHRAN: Okay.

MS. CLARK: Madam Chair, there's nobody else signed up to testify in the Chamber at this time.

CHAIR COCHRAN: Okay. Let's check in with Hana. Ms. Lono, do you have any testifiers?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

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

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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. Over on Molokai, Ms. Alcon, anyone there to testify?

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. And if anyone else is in the gallery here that would like to come up for testimony, please come to the podium. And I do not see anybody at this time. So, yeah, okay. So, Members, without objections, I shall now close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COCHRAN: Thank you.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR COCHRAN: And we shall be taking a very short recess in order to get Miss, the OHA rep on the line. She'll be joining us via phone. So, we are, we'll be in a very brief recess. . . . *(gavel)* . . .

RECESS: 1:40 p.m.

RECONVENE: 1:44 p.m.

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management meeting please reconvene. And I'd like to acknowledge Ms. Yuki Lei Sugimura is here. Aloha, thank you.

IEM-80 TRAFFIC SAFETY AND ENVIRONMENTAL CONCERNS RESULTING FROM DEVELOPMENT IN MAKENA (CC 18-225)

CHAIR COCHRAN: So, we are on IEM-80, Traffic Safety and Environmental Concerns Resulting from Development in Makena. Members, the Committee is in receipt of County Communication 18-225, from myself, relating to traffic safety environmental concerns resulting from development in Makena. And it is my intention to have a panel discussion today to explore traffic safety and environmental concerns from development in the Mo`omuku ahupua`a of Makena, including lands identified for real property tax purposes as tax map keys (2) 2-1-005:024, and (2) 2-1-005:026, and

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(2) 2-1-005:129 through (2) 2-1-005:139, and related permits. These issues specifically relate to Public Works, Planning, the issuance of grading and grubbing permits, and development within SMA areas. Additionally, these relate to environmental concerns in the area overall, especially given the proximity to Ahihi-Kinau Natural Area Reserve, which has Class AA waters and some of the most well preserved reefs in the State. At this time, I'll introduce panel members and establish each member's qualifications to serve as resource people. So, first we have Justin Kekoa Kekiwi is Chair of the Iwi Committee for Honua`ula Moku, Aha Moku o Maui Council, lineal descendent of Honua`ula, and also works for Department of Land and Natural Resources. We have Tina Rothman. She is a Professional GIS Analyst and Volunteer Researcher on the Mo`omoku Project. Her background is in historic preservation and geographic information systems and includes professional experience at the Maui Office of the State Historic Preservation Division, Cultural Surveys Hawaii and currently at Pacific Sustainable Consulting and IUE Tech. Peter Landon is a Natural Area Reserve System Specialist and Manager of the Ahihi-Kinau Natural Area Reserve for the Department of Land and Natural Resources. The NAR is located in close proximity to the development we will be discussing today. Bo McKuin is the Maui Regional Manager for Goodfellow Brothers. Goodfellow Brothers has conducted grading and grubbing on the parcels we will be discussing today. Lauren Morawski, we just got her online on the phone, is a Compliance Archaeologist for OHA of, for Office of Hawaiian Affairs, OHA, and has specialized knowledge of the environmental and historic preservation compliance for the development area. Ms. Morawski, can you hear me? Ms. Morawski?

MS. MORAWSKI: Yes, I can.

CHAIR COCHRAN: Oh, okay, very good. Thank you.

MS. MORAWSKI: Thank you.

CHAIR COCHRAN: So, Members, without objections, the Chair would like to designate each of these panel members as a resource person pursuant to Rule 18A of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COCHRAN: Thank you very much, Members. So, at this time, I would like to receive, would like us to receive a presentation from Justin Kekoa Kekiwi on the Mo`omoku development. And, Mr. Kekiwi, you all setup and ready to go at this time? Okay. Very good.

MR. KEKIWI: Tina going open up. She has an introduction and then...

CHAIR COCHRAN: Okay. So, Ms. Rothman, you want to open up? Okay.

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MS. ROTHMAN: Okay. Hello, everyone...

CHAIR COCHRAN: Oh, wait, one sec. Let me see, so...oh, go ahead. Yeah, go ahead, sorry.

MS. ROTHMAN: Hi everyone. Thank you, Chair, and the Committee, the Councilmembers, the departments who are here, panelists, and all the community members who made time to show up today. My name is Tina Rothman, and I'm one of the volunteer researchers on the presentation you're about to see. We've been researching this for over a year now. And at the means that we've used to gather our research, our request for services through Maui County, requests for information through the Office of Information Practices, face-to-face meetings with County staff in Planning and Public Works, as well as meetings with State agencies such as OHA and State Historic Preservation Division. We initially presented this about three months ago. Most of you were here then. It's basically the same presentation. But the main difference between this meeting and the meeting in August is the testimonies. And I would really encourage all of you to review the video footage and the meeting minutes from that meeting on August 20th I believe it was. There is a broad range of views that are represented in those testimonies from environmentalists, water quality specialists, cultural practitioners, and other people who are actively using that land to gather and for some subsistence practices. So, that is a valuable resource. It's not present today. But it's available for you. Let's see...

CHAIR COCHRAN: Sorry, before you go on, I want to recognize Ms. Kelly King, non-voting Member is present.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR COCHRAN: Aloha, Ms. King. And also Mr. Joe Alueta joined us. Didn't see you sneak in there, he's here. Thanks. I think I got everybody.

MS. ROTHMAN: Okay. So, moving on to today's presentation, first of all, I hope you find it informative and interesting. We all worked really hard to parse over a year's worth of research into a clear and understandable presentation. Some of you might be a little bit shocked at what you're going to see. It's equally possible that you aren't shocked because unfortunately this is not an uncommon situation. One of the questions that we're going to be raising in this presentation is, how can an area that is so close to the ocean and a pristine natural area reserve, and also an area that's also documented as being dense with archaeological sites, how can this project be flying in the face of all of our environmental laws, and our historic preservation laws. So, obviously that's a, there's a, the answer to that question is complicated. But I would like to bring up one problem that I think is particularly relevant to the County Council as a, as our law-making body. There are, it seems to be that there are, there's a recurring theme of loopholes in our County Code, in our laws, and that these are being essentially abused in order to evade environmental review and historic preservation review. For now, there are many loopholes, but for now, our research, in our research we've come

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across a couple that seem to come up over and over again and they're particularly in regards to the permitting process. It'll be pretty easy for you to remember, they both start with an A. One is amendments to permits, and the other loophole is after-the-fact permitting. So, I'm, or the community is looking forward to working with the County, and the Councilmembers, and the departments to understand both of these processes better and how exactly they're being abused to avoid laws that are designed to protect our communities. I would like to extend an invitation if any of the Councilmembers or departments need clarification on tax map key numbers, or any of our research, please feel free to reach out to me. I'd also just like to mention that three months have passed since the initial presentation and I haven't been contacted yet by the departments. I would've liked to have been in communication with them. But you're welcome to reach out to me at any time if you need clarification on any of this data. Thank you.

CHAIR COCHRAN: Okay. Mr. Kekiwi, you'll do the presentation?

. . . BEGIN PRESENTATION . . .

MR. KEKIWI: Yeah, you can hear me? Alright. Aloha kakou. My name is Justin Kekoa Kekiwi. I am from Maui, born and raised, Maui, Molokai. And yeah, we just wanted to address this development. We get family aina up here, and there's a lot of concerns from the community. We worked on this for a long time with a lot of different people. So, this is what we came up with. The Mo`omuku development, the community concerns regarding County permitting, environmental impacts, and archaeological sites. There was a stop work order issued due to inaccurate archaeological, the AIS was insufficient, and SHPD requested a work stop order. Our main questions are, was all the work that was done in Mo`omuku properly permitted? Is this project being segmented to avoid proper review processes? So, Mo`omuku is located in the moku of Honua`ula, that's the yellow, the moku. Mo`omuku is a traditional ahupua`a place name of the project area. It has hundreds of cultural sites from pre-contact to ranching era. It also contains one of the last wiliwili dryland forests on Maui. So, the area in red is the area of concern. You can see a lot of wiliwili, and kiawe, and haole koa mixed in together, very dense forest, dryland forest. So, the development occurs between Makena State Park and Ahihi-Kinau Natural Area Reserve System in the State and County Ag Districts. The majority of Mo`omuku development is in the Special Management Area, SMA. So, all the yellow, that's your SMA line, that's, so, this one right here is where the main construction permitting was issued. That's where the house is going to be, Parcel 135. So, the area of concern was the 150-acre parcel owned by Japan Grand Prix in the 1980's. It was subsequently divided into current ownership below under different names with the same contact address. This was a red flag for us because it was a sign of, everybody basically on the same page but they split it up and it just, it didn't look good. So, the parties involved in this development are Evans Holdings and Mo`oloa Ranch, that's the landowners; Frampton and Ward that are planning consultants; Scientific Consulting Services, or SCS, the

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archaeology firm contracted by Frampton and Ward; Goodfellow Brothers, the primary contractor for work, specifically grading and grubbing and the utility infrastructure; Maui County Department of Planning issued SMA permits; Maui County Public Works, grading permits; and State Historic Preservation Division, SHPD, provides recommendations and conditions for historical sites. So, the timeline of the community action, in August 2017 community members noticed increased construction traffic on Makena Road and take footage of historical walls being destroyed. Concerns arise regarding project proximity to Ahihi-Kinau Natural Area Reserve. Lineal descendants of Honua`ula meet with Goodfellow and SCS to discuss the project impacts to culturally sensitive area with hundreds of archaeological sites and a site visit was conducted. On December 2017, Goodfellows reopens a State, reopens a road on State land without a permit to bring three rock crushers in on site to process excavated material. And there was no archaeological monitoring during the rock crushing. In January 2018, we communicate with zoning inspector from Planning and find that six of the seven parcels where work occurred did not have SMA permits. We also find that historic review was not complete and there was no community consultation. In February 2018, community submits multiple Requests for Services. The County response is there are no permit violations. The community reaches out to OHA for support. OHA sends requests to County and SHPD for project information. On May 9, based on OHA, SHPD, and community actions, Public Works issues a work stop order for Evans Holdings, based on outstanding archaeological work...archaeological reports and work is scheduled to continue when SHPD approves these reports. So, concern number one, the permitting process, there's grading permits issued without SHPD review. So, a grading permit was issued by Public Works prior to completion of SHPD review. This permit allowed excavation to occur in an area containing 50-plus archaeological sites without a plan to mitigate impacts to these sites. This was the basis for the work stop order. So, this is the, standing on Makena Road looking mauka of the entrance easement to the project area. That's during construction, and that is the night that they paved, and they were paving until honestly, I want to say, I showed up like around 11 o'clock at night and they were still working on that. That was another red flag. But yeah, they was really jamming to get that thing done that weekend, that night. So, Public Works issues a grading permit for parcels that did not get an archaeological review. Grading occurred on a total of seven parcels. Only one of the seven parcels had an Archaeological Inventory Survey, or AIS. So, the only one that had the approved, or AIS was the one in red. All the ones with white lines, work was done but there was no AIS, archaeological report submitted or reviewed. And there was walls that were breached or widened for access for that driveway. That driveway, by the way, is about three-quarter mile long up to the property. So, this is one photo, we didn't have this last time, but somebody went up with a drone and took some photos. So, you can see Makena Road is all the way at the bottom by the ocean. Ahihi-Kinau Reserve is right here, this is the parking lot, this is the bay, the reserve starts around in here, but very close to the reserve. And you can see how dense the forest is. I mean, it's just a lot of red flags. I just went to a meeting last month with the State, the County, we had National Parks come down about fire awareness and where the important areas that we got to protect and

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communities like Launiupoko, and Olowalu. And this is way worse than those areas. We have a thick dense forest with a lot of fuel. And I did wild land fire for six years and I know just walking in the aina, I go up there to gather la`au, it's not a matter of if, but when this place burns. And it's going to burn hot and it's going to burn fast. So, if you're gonna put houses in there, be ready to send all your County workers and State fire land...wild land firefighters in there to attack that area. So, this is just another angle of the driveway. This was just an old dirt road like the one over here, that little loop. Now, it's paved all the way up. So, Frampton and Ward applied for major increases in the project scope from the original application. From 2014, this was just the amendments that were made as the project, as it went on. And it was large increases of excavation of the grading area, of the fill. And I'm sure those numbers have been changed and more amendments have been made. So, Goodfellows conducted additional grading on neighboring parcels. The parcel on the left is the State of Hawaii Parcel 005. They accessed and graded, this road is the old road, without the permission from the State, and transported rock crushers to this site. Parcel 137 in the middle is Mo`oloa Ranch. It was kind of like their staging area for all the fill and excavated material. And that's where they did the rock crushing. And there was no permits for this area as well. And then, Parcel 108, ATC Makena, that one I believe they made an amendment to add that parcel on. And there was no SMA in that area. And you can see how close it is to the ocean, how close it is to the reserve, major excavation. So, this was the, when they were doing the rock crushing, I went up one day for holoholo and I seen these guys and took some videos and pictures. So, they said they didn't need archaeological monitoring because it was a lot of rock. There's a lot of rock in there but there's a lot of dirt. And I know where on this, one of these parcels where there's iwi, iwi kupuna buried in caves and I'm sure there's more. And yeah, so, just no monitors while this was happening. They turned it into that fill. So, the State land and adjoining parcel were grading without permits. So, the area in blue, that's the State of Hawaii's parcel. This is, this one is 137, this is where they had the staging area. And then the road that they came in through Ulupalakua Ranch, the State land, it came through here and it ties into this road. But yeah, there was no, I talked to Land Division and there was no permission or permits granted for using that access, or regrading that road. So, a summary regarding grading permits, the Department of Public Works approved grading permits without SHPD review, the grading permit included four parcels that did not have an AIS, and Goodfellows graded parcels without permits, specifically 137 and State Parcel 024. The environmental impacts, so, we're concerned that Mo`omuku development is being piecemealed to avoid proper environmental review. Because of the interlocking ownership of the parcels and infrastructure being put into place, community members are concerned that this is a large-scale project in the SMA that is not receiving proper environmental review due to parcel-by-parcel permitting. So, they're saying all this infrastructure going in is for one house and that's millions. Mo`omuku development is almost entirely within the SMA area, again that's the yellow line. Purpose of the SMA permit, the SMA permit was established in 1976 with enactment of Act 176, known as the Shoreline Protection Act. The SMA extends inland from along the shoreline. It is a safeguard to protect the most sensitive area of the coastal zone. And right now, we're

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giving out, the County's giving out a lot of exemptions yeah, for these SMAs which defeats the purpose of having an SMA. So, the SMA permit violation exists for six of the seven parcels where grading occurred. Technically from what I was told, every parcel that has work done in the SMA is supposed to receive its own SMA permit. For this specific project, there was only one SMA which is the one in the red. And I heard, I don't know if we have that information on hand, but there was amendments recently made and approved, signed off, after our last meeting that added on these other parcels. So, the SMA permits issued to Evans Holdings includes a 1.8 million farm dwelling, an injection well, a gate, two municipal wells, a water treatment facility, and a 100,000-gallon water tank were also approved. So, the SMA permits, there's a few of them, like I said, some got minor, some got exemptions. One major one is the disposal well, and we'll talk about that soon. So, the questions we have was, with SMA permits being reviewed on a parcel-by-parcel basis, how can the County examine the cumulative impacts for the project as a whole? If you add the value of the project improvements, shouldn't it trigger an SMA major? So, the approved infrastructure does not match the Evans Holdings' farm plan. In their farm plan, it states 51 percent of the parcel will be kept as agricultural land conservation. Located on the parcel are wiliwili trees and buffelgrass, which serve as a habitat for the deer population. Like I said last time, this doesn't make sense yeah? I worked for Forestry and Wildlife for nine years and you cannot raise wiliwili trees and natives with deer in the same area. It just doesn't make sense. So, that's, but that's what they're saying they want to do with their farm plan. Why is there a need for a 100,000-gallon water tank and two municipal wells for a single farm dwelling with a farm plan that requires little to no water? So, basically with the habitat that they have, they don't need a large amount of water for farming. And yeah, so, why you need so much water and two municipal wells? Municipal well is for, it's for a privately-owned system that you can actually turn into drinking water. That's not just for farming. So, is this water to support a larger development in the future? This is me standing on the State parcel. That's the water tank and that's their treatment facility going up, and that's your wells. So, Natural Area Reserve System, NARS, is approximately a quarter mile from the Mo'omuku development. The State...we don't need that...so Ahihi-Kinau is the only NAR on Maui with a marine component. It was the first designed, designated natural area reserve in 1973. In 2007, DLNR Division of Aquatic Resources conducted a coral reef survey within the NAR boundary waters and it was the only reef from their test sites that was not declining overall. That is major, yeah? Like out of all the tests that they've done in the islands, in our island, to have only one area with the reef that is still intact, there's a reason for that. There's no development, it's protected, not anymore. So, community submitted an RFS requesting an Environmental Impact Statement to assess the project impacts. Planning Department responded there are no EIS triggers. Our question to the County is, how does a highly protected State reserve that is in close proximity to a large project in the SMA with an injection well have absolutely no review for environmental impacts? And as managers of the reserve, why was DLNR, specifically Aquatics Resources and Forestry and Wildlife not consulted about this infrastructure? So, the water quality classifications, it falls under Class AA from HAR Title 11, 54. It is the objective of class AA waters that these

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waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or water alteration, or pollution or alteration of water quality from any human-caused sources or actions to the extent practicable, the wilderness character of these areas shall be protected. Potential impacts are silt runoff, injection wells, groundwater extraction. All of these negatively impact the coral reefs and marine resources. This is when they were doing the road. It was raining that weekend, or that day. And I noticed silt crossing the street and going across. And you can see the mud. This is makai side of the road already, mud was crossing and going into the water. That's the road when it was complete. So, the potential impacts are not being reviewed by the County due to piecemealing of the permitting process. The impacts of new wells pumping groundwater have unknown short- and long-term negative impacts on ecosystem and shoreline cultural practices. Effects from disposal well of reverse osmosis brine has negative impacts to our water quality. So, they have these wells and they don't have enough, it's too salty basically. And what they're going to do is the reverse osmosis treatment to clean these waters. It's going to pump it out, it's going to clean the water. And all the brine that they're getting from it, all that bad stuff, that's what they're putting back into the disposal well. That's a big concern 'cause that stuff is not good for the reefs, it's not good for our limu, our fish, and I don't know, maybe for us even swimming in it. So, those are the kind of things that need to be looked at that, especially that injection well. Negative impacts, the Natural Area Reserve marine resources, long-term impact of silt and dirt carried off by the new paved driveway to ocean, impacts on important cultural sites such as the aupuni wall and pre-contact sites. The aupuni wall was built in the 1800s by Kamehameha III to protect the farmers' crops from free-ranging cattle. Besides fishponds, this is one of the few large-scale public works projects remaining from this era. So, that's the aupuni wall, yeah. And when they were doing this work, that's what we heard, like one of our friends went up and they seen cultural sites being knocked down. And we went out for check 'em out and they were right. And that's the aupuni wall breached to make that. And yeah, so I went up with one of my uncles. We went up just for holoholo and just check out and see what was really going on that day. And that was kind of the beginning of what sparked this whole thing. So, concern number three was the historic preservation. And yeah, so, this is just some pictures of during construction. And up here, guys, there's hundreds of cultural sites. This is an old farming, fishing village that was very active at one point and it's in jeopardy now. With this development underway, with the review that SCS has given, all of these sites are basically ready to be destroyed. So, all public agencies in the State of Hawaii, including the County of Maui are obligated to comply with HRS 6E Preservation Laws. According to HAR 13-284-5, for historic preservation regarding private projects, the agency, in this case, Maui County, shall ensure whether historic properties are present in the project area. And if so, Maui County shall ensure that these properties are properly identified and inventoried. This is another wall you can see coming up by the wiliwilis kind of just pushed material on. Oh yeah, this is something else I wanted to mention. So, you can see that pipe sticking out of the ground right there with the caution tape around it? There are five of these, these are what looks to me, you can ask the owner, is its infrastructure for fire hydrants, yeah. And there are, there's only

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one fire hydrant right now on Evans' project and I think there's some on, up by the wells. But there's five more of these along the driveway, their new driveway that is there. And they've all been covered up and there's like rock walls, like little rock, little rock walls covering them. So, you can't see them now and they're just there with a valve. So, that's something that looked kind of weird and fishy that should be addressed. The County is obligated to uphold the Kihei-Makena Community Plan. Under implementing actions, require development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process. Further, require that all proposed activities include recommendations to mitigate potential adverse impacts on cultural resources, including site avoidance, adequate buffer areas and interpretation. Particular attention should be directed toward the southern areas of the planning region which Mo'omuku is in. So, Evans Holdings, Inc hires SCS to do two Archaeological Inventory Surveys that were completed in 2015. So, these, those areas in the red was the only ones that they actually had the AIS for. The community has serious concerns about the quality of SCS' archaeological work. SCS did not identify known archaeological sites within their project area. A previous AIS conducted in 1991 for the 150-acre parcel resulted in identification of numerous sites. SCS claims none of these were in the AIS project area. So, the one in the red is where SCS is saying their project area is. The one in the green is the actual project area. And this information was provided from OHA from their GIS data. And there was nine previous known sites there. The results of SCS archaeological work, so, they did find 50 new sites consisting of 82 features. And that's a lot, yeah. And, but 43 of those 50 sites have no further work, which basically means it's okay to remove it, destroy it, throw it in the rock crusher, whatever they want to do with it. Four of the 50 sites had data recovery, which is they're going to do excavation and if they find something cool, they get to keep it. And then, three of the sites are deemed for preservation. And these sites are recommended with a five-meter permanent buffer zone. Ironically, these sites, let me go back, I'll show you, those preservation sites are in the top-left corner, way out of the way of anything. So, that's kind of one bummer. And yeah, this is just some more of the sites in there. So, SCS did not seek community consultation when deciding on site recommendations. The community consultation is the cornerstone of understanding the true significance of Hawaiian archaeological sites. SCS has knowledge of Honua'ula Moku cultural consultants but did not attempt to reach out to them during significant assessments or recommendations for these cultural sites. And regarding Criteria [sic] 3E [sic], that long paragraph basically says they're required by law to do consultation and they didn't. There's a bunch of lava tubes, like I said, up there, a bunch of caves. Some of them have iwi in it. All these dots on that map are cultural sites. All the ones in black are the one SCS found. All the one in yellow are previously found sites. As you can see, there's a lot of cultural history in this area. And basically, getting ready to just destroy it. So, the community recommendations to the County for improving the current process, support the Kihei-Makena Community Plan. That's why it was implemented. The Cultural Resource Commission and all County departments involved in the permitting process should have a consultation list provided by Aha Moku. The SMA permit should be the first permit required when

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multiple permits are required for a development. That one is specifically, they're able to do this thing called after-the-fact permit now, which is wrong. If it's a new development, they shouldn't have that right to do an after-the-fact permit. They're using that as the loophole to go in and do their development and they're like oh yeah, sorry, we never know and then do the SMA. That's, that needs to be fixed. Introduce legislation to close these loopholes in the County Code. And yeah, so the Code should ensure accountability and protection to our resources. So, that's another thing too yeah, the accountability part is, these guys who are doing these types of projects, they the big boys. They know what they're doing. They don't deserve warnings and slaps on the wrist already. You guys gotta hit 'em hard because that's the only way they going learn. If they keep getting hit with minor kine fines, nothing will ever change, and they'll continue to do these types of developments. So, ensure the accountability. And then, the County and State needs to figure out a better communication process to avoid misinterpretations of comment letters. Basically, it took us a whole year to get this thing at a work stop order. And the whole reason was because the County was saying oh it's not us, that's the State, that's SHPD. And SHPD was like oh no, that's not us, it's the County. And it went back and forth like that until we finally went to the high ups and OHA and a letter was submitted and, but if you guys communicate better between agencies, these kinds of things wouldn't happen. We wouldn't be here wasting everybody's time and the aina would be protected better. Requested actions, look at Mo'omuku Development as a whole to examine cumulative, long-term impacts; conduct an Environmental Assessment or an EIS. Regulate historic properties through ordinances according to HRS 6E-15. If the County wanted to, they could enact their own laws to protect cultural resources. So, the County, and that was the thing yeah, like how the County keeps saying oh it's not us, it's SHPD who does the historic properties. You guys have the right to create your own laws and to protect cultural resources and you guys gotta use that. Reopen the AIS to include all parcels that had grading, consultation with community and Aha Moku to develop conservation for the wiliwili forest and preservation of cultural resources. Going back to the cultural sites, so, I went up there after the last meeting that we had and SCS, they did their, I guess they were forced to do more work yeah, because they didn't do it right the first time and they dug holes, these big three-foot holes by like two, three feet deep until they hit rock or whatever it be. In, I want to say at least, I went to about 15, 20 different sites and to this day, I went up there this weekend, those holes are still there. And for me as one kanaka as one lineal of the area and family of that place, that's very disrespectful yeah. You dig holes in our hales and you leave 'em there. My kupuna always told me, my papa them, when we dig holes you cover 'em, or you put something over for cover 'em and you cover 'em as fast as you can. That's wrong for leave holes open like that and it's still like that, and I want that to be fixed 'cause that's not right, that's not pono. This is the heiau, the koa by the ocean. This is not on the parcel, but what I wanted to share with this picture was that from makai touching the ocean, all the way up mauka, we have like I said, hundreds of sites in this village. They all connected. And with this process, they're like oh, but that's not, this is just that parcel. No, it's one whole village and you guys need to start looking at these areas as a whole. That piecemeal'ing is making it difficult. In conclusion,

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Mo`omuku has a very rich cultural and natural history. The dryland wiliwili forest, countless historical sites, pristine marine ecosystem, cultural practices, and the sacredness of these lands deserves to be protected. The current construction avoided environmental review processes that protect these resources. In the past 200 years, development has erased so much cultural history and depleted our resources. We need to start saving what history still lives and give back to our aina. If we don't make drastic changes now, we will fail our kuleana as makua to our keiki. Thank you to all who have contributed their energy and time to this presentation, including everyone in this room today. It represents the efforts of many and was only possible through collaboration. We hope that the County continues to collaborate with the community because in the end, what we want is the same, to protect the place, the people, and the values of what we love. And this is one wiliwili that was up on that aina. And like I said last time, yeah, the wiliwili is very important to our culture, very important to our future. And that's one sign of new life right there yeah, the pua. And after that comes the seed, the hua, for pass on for our keikis. So, with that being said, I mean, I just hope we can work and come to one conclusion for protect this aina and do what's right. Mahalo nui.

. . . END PRESENTATION . . .

CHAIR COCHRAN: Thank you for that, Mr. Kekiwi, and everyone involved for that presentation. And, Members, let's see, so, at this time I'll invite, I guess, Public Works will need to come and join us, and we have Planning here too. I'm going to take a really brief recess, and then come back and we'll have everyone in place and we'll get to it. We'll get to the meat of the matter here. So, thank you, just a couple minute recess. . . . *(gavel)* . . .

RECESS: 2:27 p.m.

RECONVENE: 2:32 p.m.

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management please reconvene. So, before we begin our in-depth discussion with the Members and the panel, I'd like to get Public Works, and then Planning Department to provide any additional background information on this matter. And I did ask departments to provide documents relating to permits on the reference parcels and have been gathering background information for the Committee available as part of the Committee records. So, at this time whoever, I have Planning and Public Works here to my right-hand side, and I'll open up the floor for whoever would like to begin. Would that be Mr. Alueta, or Mister...

MR. ALUETA: Thank you, Madam Chair. I don't think we have much to add. I mean, with regards to the presentation, it was very well done. A lot of differences in opinion, I guess. I mean, with some of the allegations or, and some things that were presented

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as facts as to whether they're alternative facts, I would probably go with that on some of those statements. For the most part, he did recite State law out of, and SMA law, and how it applies to this project it depends. For one thing, the one that we did notice is that these are original parcels. So, these go back to the Great Mahele. So, this is not like he had one parcel as was indicated as being the Japan Grand Prix, or whatever the name was, and they had subdivided this and then gave everybody the same name. No, these parcels were all there already. If I was doing a development, I wouldn't subdivide it like that. So, these are all the original TM, I mean, original parcels that were there. So, it happens to be owned by one, or we don't know. So, as to whether or not it's part of a larger development, that hasn't been determined yet. On the face of it, it could be. Right now, there's only exemption for one parcel. So, when the next parcel, if someone else comes in, we would look at it and again, see if there's any interconnection and if it's being developed as one. Some of the things that he made, presentations we're definitely going to take a look at 'cause it does appear that there are some interconnectivity between the parcels besides the owner, but with regards to the infrastructure to the parcels. Right now, we're trying to determine, so we want to find out when certain exemptions were granted and for specific what improvements were granted under those exemptions. Some people call them exemptions, some people call them loopholes. But they're, and I try to point those out, I'm the, whenever we have ordinances, we try to point out exactly what's being granted and what's being exempted so you know, when the Council or whoever adopts those laws. And so, a lot of times you have specific exemptions to allow for development specifically with regards to development of single-family homes. So, and that again was also in there within the State law under the SMA rules which does allow for the construction of a single-family residence, a single-family residence. So, if this project is going to include multiple, and we can determine that it is one project, then potentially any future development would not be exempted. But we'll have to again take a look at that. It's a very tricky situation. Again, you're dealing with parcels that have existed. It's not like it's a new, if it was a subdivision then yes, it's part of a, it is a new subdivision or part of, it is a development. But in the case, what we have is multiple parcels that existed for hundreds of years. So, and the law does allow for an exemption for a parcel to get that. But there's other criteria that we'll look at in going forward.

CHAIR COCHRAN: Thank you, Mr. Alueta. So, wait, let me, if Members, if you don't mind, so this is, was one large lot of 150 acres. That's not true? That part's not true?

MR. ALUETA: It was one tax map key and then, but multiple lots existed. So, your developmental rights is based on your lot, or your parcel. Or I mean, your lot. From the tax purposes, they will combine your developmental lots when it's owned by the same property and assign it one tax map key number.

CHAIR COCHRAN: Okay. And then, this very recently went through a separate lot determination to be subdivided, and that's what we see here?

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MR. ALUETA: Not...

CHAIR COCHRAN: Isn't that what occurred three months ago?

MR. ALUETA: Was that a subdivision?

MR. GOODE: . . . *(inaudible)* . . .

MR. ALUETA: Okay. I'll let Mister...

CHAIR COCHRAN: Oh, that would be with Public Works?

MR. ALUETA: Yes.

CHAIR COCHRAN: Okay. Okay. I guess, Mr. Goode, if you have further comments?

MR. GOODE: Thank you, Chair. Good afternoon, Members. David Goode here, Director of Department of Public Works. We've responded to the Committee with three separate letters to questions that were presented to us on September 6, September 24, and November 13. So, those questions and answers are in your binders, Members. And we appreciate the opportunity to respond to written questions because it allows us an opportunity to research them. But in, specifically regarding the question of lots and TMKs, that was the subject of our September 6th response to your August 27th letter. So, essentially, you know, tax map keys usually are for a single lot like the house I own is one TMK, one lot. But sometimes, and a lot could have two or three, or multiple TMKs perhaps because there's an old lease. You'll see a lot of old sugar lands, they would lease the gulches to ranchers and they had different TMKs, usually for taxing purposes. They were given certain tax benefits one way or the other. Often the opposite happened and that a tax map could include six, eight, ten, or more parcels because owned by the same person, they wanted to have one tax bill sent, perhaps to keep the minimum tax down or for whatever reason. And so, you could have a tax map key involves a lot of separate distinct lots. In this particular case, that was probably the case that they had a TMK that included what they thought were a number of lots. And so, they asked us to determine if indeed they had separate lots under that one TMK so that separate TMKs could be issued for each of those lots. And this happens fairly frequently because they're existing lots. It was just a tax, for tax purposes that they put them under one TMK. And so, the person requesting separate lot determinations would have to send us paperwork showing us the chain of title from the Mahele, or wherever, far back they need to go, to show that those lots still exist today. And so, these folk submitted that and our surveyors in DSA went through that information and saw that, essentially in this case, the original lots from Mahele still existed, had never been changed. So, we said yes, those are separate lots, you can go get separate TMKs. So, as far as we know there was no subdivision done. It was just a recognition that the existing lots are still intact. Anyway, that's explained in further detail in my, our September 6 response. And so, other than that, we'll be happy to

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respond to any specific questions. . . *(inaudible)*. . . I can answer them here on the floor or further written questions. Thank you.

CHAIR COCHRAN: Okay. So, just to reconfirm then, these lots have been in existence and the developer just wanted a, I guess, reconfirmation of sorts, or redetermination that these separate lots are predetermined? I mean, these separate lots are here, have been here, and you, and they've been assigned TMKs? Is that --

MR. GOODE: Yeah, that's correct.

CHAIR COCHRAN: --putting it simply?

MR. GOODE: And we do this fairly routinely.

CHAIR COCHRAN: Okay. And basically, it's for, just to I guess be able to sell off particular parcels or to now pursue a development on this TMK? I mean, it's obviously for taxation purposes too.

MR. GOODE: I think in this case you'd have to ask the developer why they did it. But they're essentially asking us to confirm that these are in fact individual lots and are allowed to have their own individual tax map key number. And so, we did the research and we agree yeah, these are original lots. And mind you, there are cases where we go back to the folks and we say no, those lots don't exist because they've been consolidated in some other subdivision maybe back in the '60s or some other time. We find a subdivision and say no, these had been consolidated, that lot doesn't exist. But in this case, they've, based on the records that we saw, and our own records, these original lots have never been altered.

CHAIR COCHRAN: Okay. And I guess with that, the owner, is that you, Mr. McKuin? You're the --

MR. MCKUIN: Negative, we --

CHAIR COCHRAN: --grader, grubbing guy.

MR. MCKUIN: --you know, I'm the Regional Manager for Goodfellow Brothers, and our role in the project is the site work contractor. So, we were there performing the work for the owner, which includes the grading for the roadway, the utility work, and the water improvements.

CHAIR COCHRAN: Okay. And I guess I'll just go, Mr. Landon, did you have some comments at this time? And I guess your participation here or lack of participation, or however.

MR. LANDON: Yeah, I mean, we do have comments for the Natural Area Reserve. We did not receive any notification or request for consultation in the permitting process. And I

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did want to make some clarification with our boundary if I'm allowed to.

CHAIR COCHRAN: Oh sure, yeah, you need to point out.

MR. LANDON: Okay. So, in this slide is probably the best one you can see it. Our actual boundary is beyond the terrestrial portion. We have a marine component. And as you can see in this faint line, hopefully everybody can see it, we are directly in front of this red marker, be it many lots, one lot, one development, piecemeal, whatever we're calling it for the time being. I did want to clarify that. So, you know, our jurisdiction extends to here. This is basically 750 yards from the land at its furthest point. Right here I think we're directly adjacent. Another really important fact to consider with permitting in this area is that the reason for the Natural Area Reserve designation in the 1970's was not only the pristine marine water and coral reef ecosystem, but we have an anchialine ecosystem and it's arguably the best in the world. We have endemic organisms that you will find only here on Maui, some of them only in Hawaii. But you cannot find these things anywhere else in the world. And the one slide I wish we had is if you could see the division of the aquifers on Maui. If you can imagine kind of a mauka to makai line starting at about right here at La Perouse Bay and going directly up to Haleakala, on this side you have Lualailua Aquifer, but on this side, you have the Kamaole Aquifer. And so, this subterranean environment, I mean, for those of you that aren't familiar with anchialine ecosystems, it's basically where the water from the mountain meets the water from the ocean. And all of this is happening underneath the ground. It's not something that's ever been mapped hydrologically for us to be able to say like okay, you know, I mean, this lava tube comes up here and feeds water, you know, that's never happened. But we can make the assumption that if the Kamaole Aquifer is on this side, that, you know, everything that's happening right here directly affects the ecosystem right here because it's the same aquifer. And I think that's a really important thing to kind of note when we're talking about developments in the area. So, you know, a big concern to us is the wells, and then the injection well for the waste. I mean, from a biological, ecological standpoint that's something that we could probably never support in the area. And we are guided by a community-based management plan. It was created or published in 2012. But it included the effort of many community members. It also created an advisory board that helps to, you know, advise the management in not only the reserve, but the Keoneoio area. And this is something that's been, you know, longstanding I believe before even the permitting for these developments took place. So, it is important to note that that management plan guides us and directs us to try to, you know, limit development in adjacent lands to the reserve for those purposes. So, you know, we didn't have a chance to really review this. You know, just on its face if you didn't look at anything else, you saw the slides of the road just coming straight down to the ocean. I mean, it's undeniable that water will travel that pathway and it will end up in the ocean. It will affect the waters of the natural area reserve as well as surrounding Class AA waters. And you can guarantee that the Lualailua Aquifer is connected to these anchialine ponds that you won't find anywhere else in the world. So, it's, you know, I'm not here to make any judgment calls. But as an information for

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you guys to have, that is the reason for the reserve. It is protecting not only Maui's most recent lava flow, the coral reefs, the dryland forest kipukas that you see, and the anchialine pool ecosystem. So, I can answer questions regarding that. But I offer that information. Thank you.

CHAIR COCHRAN: Thank you very much, Mr. Landon. Yeah, I share your concerns. And so, Members, at this time did you have any further comments, questions, discussion with any of our panelists here, Department? Mr. Hokama?

COUNCILMEMBER HOKAMA: I heard some comment earlier this afternoon about exemptions or what have you, Chair. I ask what was granted and who, what authority granted those approvals?

CHAIR COCHRAN: Okay. Perhaps, would that be via Planning? Yes, so, Mr. Alueta, you have comment to Mr. Hokama's question?

MR. ALUETA: Yes, there was granted an exemption for the single-family house that was done on the upper lot.

COUNCILMEMBER HOKAMA: What was the request on, regarding that exemption, to just be allowed to build a single-family house?

MR. ALUETA: Yeah, it was a farm dwelling. They also had a farm plan that was also mentioned in the presentation in which they were doing Ag conservation.

COUNCILMEMBER HOKAMA: And what did the Commission exempt them from, please?

MR. ALUETA: It was an SMA exemption for a single-family dwelling.

COUNCILMEMBER HOKAMA: And that was the only, so-called exemption or approval granted by the Commission?

MR. ALUETA: I can't see the light. It wasn't by the Commission, it was done, the exemptions are processed by the Department staff. And so, it was during the building permit process. There was also some minor permits that was also issued for some, a gate.

COUNCILMEMBER HOKAMA: Did the Commission review any part of the SMA application?

MR. ALUETA: No, they do get a list of the exemptions --

COUNCILMEMBER HOKAMA: Okay.

MR. ALUETA: --as part, as required.

COUNCILMEMBER HOKAMA: The main reason was because this was a minor application?

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MR. ALUETA: The other ones were minor permits, yes, and exemptions are just listed, are presented to them in a list to the Commissions.

COUNCILMEMBER HOKAMA: Okay. So, there was no discussion at all from the Commission level, I understand your Departmental discretionary authority. But the Commission itself never discussed whether they might have thought this was part of a larger potential development that is being, by how we allow things to be segmented and come in separately? So, the Commission never had this discussion at all?

MR. ALUETA: No, the Commission never reviewed it at all, and I don't think when it was reviewed, we're not sure yet as to whether or not it's still, it is part of a larger development. If we had made that determination, then the property would not have been granted an exemption if we thought it was part of a larger development. So, we'll have to review that. And so, when the next part of it comes in, we'll have to take it on face value as to whether or not it qualifies, or we determine that it's part of a larger development.

COUNCILMEMBER HOKAMA: Okay. I appreciate your response, Deputy. If I may ask another question, Chair --

CHAIR COCHRAN: Yes, go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: --so I can kind of get a grasp of what we might want to consider, Chair. Hearing our representative, Mr. Landon from State DLNR, and some of the comments he made about the uniqueness of the NAR, because I feel the same way about Lanai, did we ever have a question for CWRM on whether or not they had some jurisdictional issue regarding groundwater and interconnectivity with the, whether it's the brackish water or the ocean component, was there any thought of asking CWRM for what they thought as it impacts this regional area?

CHAIR COCHRAN: Your light, your mic is not on.

MR. ALUETA: Sorry, I was still thinking on that one. Probably in hindsight, yeah, it would be good to get their input on what they thought of the projects. Again, part of the development was not in the SMA and didn't necessarily qualify. You see what I'm saying? So, it's hard, how do you drag them into a non-existent permit process, per se.

COUNCILMEMBER HOKAMA: Well, you know, I appreciate your comments. And maybe technically, you know, I see your point, Deputy. But one thing I've adjusted my position on is expanding from a very narrow perspective of a small dot on the map. You know, I've decided I'm going to look at things more regionally and have it expanded to see how it impacts abutting properties, as well as the region whether it be on traffic, whether it be on historic preservation, natural resources. I can see the

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concern of the NAR. Okay. I mean, it doesn't take a lot for me to be convinced mauka to makai it goes downhill. I know which way the water's going to flow. I know which way the water's going to come out 'cause we're islanders. We ma`a to this stuff. So, we get it. So, you know, Chair, I'm, my concern is about the, more regional-wide impacts 'cause I can project like anybody else. And so, I have my concerns. If there are areas that was not done properly or according to the law currently, I would like to know that. And I appreciate your comments about after-the-fact, because for us, after-the-fact doesn't really work because they still do the work before the permit. Yeah, and this is not the only example. We've got it Countywide. So, I can appreciate on after-the-fact unless, Chair, we're going to look at fines and penalties that really make it sore to do it, which I'm open to --

CHAIR COCHRAN: Yeah.

COUNCILMEMBER HOKAMA: --as well. Or they can take down what they built like we've forced in Federal historic districts. We can have them take away the improvement that they built illegally. So, I don't know if Corp. Counsel wants to chime in. But that's what I'm considering, Chair. Thank you.

CHAIR COCHRAN: Yeah, thank you for your comments, Mr. Hokama. Yes, Ms. Thomson, you had some comments?

MS. THOMSON: Thank you, Chair. Just a quick comment that CWRM may not be the agency that we would notify. But it's a likely, and I don't know the specifics of this project, but the injection well likely would need a permit, an operating permit from the State Department of Health, the Drinking Water, Safe Drinking Water Branch. And also, the grading permit would require likely a NPDES permit, general permit.

CHAIR COCHRAN: Yeah, Mr. Hokama?

COUNCILMEMBER HOKAMA: So, we're talking about the Corps of Engineers? We're talking about the Feds involvement now?

MS. THOMSON: Thank you. Chair?

CHAIR COCHRAN: Yes.

MS. THOMSON: I don't know. Perhaps Goodfellow Brothers' representative would have information on what permits were required on the State or Federal level for the grading activity.

COUNCILMEMBER HOKAMA: Well, that's again, one of our issues as a County, Chair, yeah, depending on Congress and the EPA, Waters of the U.S. will impact this project. Okay. The definition of Waters of the U.S. And so, it will involve us somehow. And the Feds will get involved somehow, as I understand through past experience, Chair.

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CHAIR COCHRAN: Yeah.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COCHRAN: It's kind of a, like our wastewater in Lahaina, issue right now. But another day, another subject. So, I'm looking at one and unfortunately the presentation pages aren't numbered, but there is a page probably midway through about SMA permits. So, 2015, SMA exemption was that main farm dwelling, Mr. Hokama, at 1.8 million. And at, no environmental impacts were claimed there. Then, in 2016 SMA minor was given for an existing gate at 22,000, amended to 36,000. Again, no environmental impacts. We did see photos and walls, and rock and things. Twenty seven SMA minor, brine disposal well at \$220,000, just under the dollar amount there. No environmental impacts claimed there. And as we heard from Mr. Landon, should they have been consulted, I'm sure that would've been a different determination actually on all of these. So, there's, you know, I mean, I'm going back to the thought that this is one lot. They came in to figure out there's existing sub, multiple lots. But then, they come in and do this sort of piecemeal'ing SMA, you know, exemption, or minors and whatever. And how is it that our Department doesn't catch this? If they...so, I, it just seems, I don't know, sort of not done thoroughly or whatever, a lot of oversights here and what have you. And I think in the end I just want to know how do we avoid this from happening? Or what kind of over, I don't know, triggers, or what kind of, you know, oversight or more inclusive type, let's connect the dots here, rather than from avoiding this type of situation of it. I mean, how is it that a \$1.8 million farm dwelling, per se, gets this exemption? And then, the other big question is the farm plan. What kind of farm plan is that, wiliwili and deer? Oh, I don't know, Mr. Alueta, or Mr. Scott? I don't, I mean, I can grow plum trees and African tulips, that'll be my farm where I live.

MR. ALUETA: Well, it was under the Ag conservation. So, that's how they did it. And so, there is a, the wiliwili trees out there. Again, it's, again, one of the things you saw through that is that the permits were spaced out, you know, over several years. So, it's...and they're minor permits. So, it's very difficult to sometimes track those. And so, but again, we kind of have our full attention now on this area. So, it makes it, it will be a little more, more scrutiny I guess you could say, for this area. But again, if you think about it this way, if you had the same situation, or you have the same situation going on all out through Kihei, right, you have existing lots, existing vacant lots that come in, multiple different owners, all individual, and they come in one, each lot comes in individually for a house, and we, and if they're, just so happen they happened to be in the SMA. So, we review them against the SMA criteria. Yes, they can be exempted. But we still have to make that determination that that exemption is not going to have any adverse or significant impact on the surrounding coastal area. So, they get their exemption. The neighbor's going to come in. He's got a totally separate owner, comes in, can come in to, I mean, it's very difficult to, you know, assess all of that when they're, when you have people with their individual rights to

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develop each lot as they see fit. And we try whenever possible, you try to do conditions. If they come in as a larger subdivision, we're able to establish more stringent environmental conditions. But once the land has been subdivided, or in this case it's lots that had been pre-existing, you do your best. You know, you try to catch, and try to do, mitigate. Fortunately, it is a multi-jurisdictional, I mean, we can take care of certain areas. Public Works is very good at, you know, some of their grading, the BMP requirements, and other, DOH is also, you know, good at it. But it does take a team effort, multi-jurisdiction, to try to get, or to protect one, the environment, but also cultural sites. But we also rely on it, you know, Department of Land and Natural Resources, Historic Preservation. Although OHA is valuable, I do not believe that HRS has them as the authority with regards to, you know, the mandating or mandated in the protection of cultural and burial sites. So, it's very, for us, we have to go with who is listed as the authority within, under the existing State law. It was very interesting that, you know, yes, the County has a role and should play a more active role. But OHA has a role. And maybe they should lend a hand with what DLNR is doing, Historic Preservation 'cause they are clearly understaffed. So, clearly OHA has lots of staff to come here. Maybe they need to start reviewing plans, start reviewing archaeological reports and helping them out in processing these permits and review and making, having, and have that authority with DLNR and so, we can get significant comments to protect that. That's again, what we're looking for is protect the environment, protect our cultural sites. But at the same time, we have to, there's a balance with regards to existing land use rights and current exemptions for single-family development. So...

CHAIR COCHRAN: So, thanks for bringing up OHA and I'm so sorry, Ms. Lauren, who is on the phone and she is representing OHA here today. I'd like to get your comments at this time. I'm sorry you're out of sight, out of mind, I guess. I'm sorry about that. But as I know you folks were not consulted so, it's kind of hard to comment on something when you're not asked for a comment. But you can comment now. Ms. Morawski, please?

MS. MORAWSKI: Thank you, sorry but I really haven't been able to hear a lot of the discussion. But, you know, I think that we're all coming back to a lot of similar points and that the consultation is part of these requirements so that we can get these issues out and work on them before we move forward with development. And that intention is there to make sure that we take care of our natural and cultural resources for the future generations. And I feel like when we circumvent the process, which is relatively too common, we're missing out on those opportunities to consult with the neighboring property owners, we're, the ability to consult with agencies who can direct you to descendent communities who have important things they need to discuss about these properties before we move forward on these kinds of developments. Again, you know, like we have incompatible land use agricultural plans here that don't work with the neighboring properties and so many other issues here that we're, you know, looking like we are piecemeal'ing, and we are, you know, we're just looking at things that are just under the threshold for doing more studies. And I know if we look at these things

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collectively, then we, of course, should've done that study of the area. And we still should. You know, the issue with the agencies responsibility to consult is sort of like the hot potato that nobody wants to deal with. But we need to deal with it.

CHAIR COCHRAN: Yes, thank you very much. So, what, when were you brought awareness to this project? 'Cause it was obviously not during any of the permitting and what have you. How were you notified, or when were you brought into this, the picture here? Can you hear me, Miss...

MS. MORAWSKI: I'm sorry. Can you repeat that? Yeah, I'm having trouble hearing.

CHAIR COCHRAN: Oh, okay. When were you made aware of this project? Or how...

MS. MORAWSKI: I'm sorry, what was the, when was I made aware of the project?

CHAIR COCHRAN: Yeah, yes.

MS. MORAWSKI: Sorry. I was, it was brought to my attention by the community members in I think it was February, this last February. And I was on island for another site visit, and they kind of brought this to our attention, and then, I went in, back to our office and researched the issue and the permitting. And that's when I discovered that the SHPD had been asking for the contractor to follow the HARs, the Hawaii Administrative Rules, relative to Archaeological Inventory Surveys. And we discovered that the rules had not been followed. We followed up with the State Historic Preservation Division and they agree with our recommendation that this project should be, you know, "stopped" because they did not follow the rules and they misrepresented that in the work that they submitted to the agency. So, while there was a place for consultation here, a small place for consultation that would've allowed us to put our community concerns into the process, again, this was circumvented, and the County issued the permit.

CHAIR COCHRAN: Okay. And so, I guess going back to our departments, having heard that comment, where are we? Stop work order is in place? Again, is that Public Works?

MR. GOODE: Yes, Chair, so the, I think our last letter we sent, we said the stop work was still in place and I checked again today, they're still in place. So, we're awaiting word from SHPD. Whatever process they go through with OHA or by themselves, or however they do it, we're waiting for the green light from SHPD.

CHAIR COCHRAN: Okay. And I think this, so, Mr. McKuin, you folks are stop work?

MR. MCKUIN: And thank you, Committee Chair and Councilmembers, for having me here. So, I'm definitely just very thankful I'm here 'cause I do hope I can bring a little bit of clarity to some of the stuff in Justin's presentation and then also just to, you know, we've been doing work on these islands for 50, or nearly half a century and it means

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everything to this organization to, that we put out there that we are working under permits that were issued by the County and, you know, following all applicable State laws. And from every person I get to spend the morning with, whether we're out there in our safety meetings or not, I can tell you that they are doing this work, you know, with the, you know, cultural sensitivity, the environmental protection, all in their, in everybody's interest. And we owe that, we owe that to you, Justin, we owe that to everybody here on the Councilmember [sic] and to our employees and to everyone we work for. So, hopefully I can bring some clarity to that. My understanding, we are still under a stop work order. They're, and my understanding is it's to do some data recovery on three sites where work was not being performed. And so, that's what's being waited to be reviewed. But as far as the inventory surveys for the work where our work took place was completed and we worked hand in hand with the archaeologist for everything that we put in place and feel very good that we were out there in compliance with the permits that were issued and being guided by the archaeologist, the project archaeologist. Thank you.

CHAIR COCHRAN: Okay. Members, any questions, comments? Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I have a couple of lines of questioning. I just wanted to get clarification. Mr. McKuin, I'm trying, I need help here. So, there was a photo of this black pipe standing out of the ground with the yellow caution tape, can you tell us what that is?

MR. MCKUIN: A, that's a, unfortunately that's one of the first times I've, can recall, or at least that picture. I'm not sure if that's a, I think Justin's probably right, that's a hydrant bury for a fire hydrant. I'm not familiar with it specifically just being out there to see it. But I would imagine Justin may be correct that that's for the fire system.

COUNCILMEMBER ATAY: Would you be knowledgeable about how many of these black standing pipes would be out there?

MR. MCKUIN: I can get that information.

COUNCILMEMBER ATAY: Or if maybe if Justin, would you recall?

MR. MCKUIN: Yeah, I can get that information to you. I just, I should, I can research that. But offhand, I'm not out there every day on that project. But at the same time, I, this information is readily available for how many fire hydrants were required by the Fire Department.

COUNCILMEMBER ATAY: Okay. Thank you. Justin, would you recall how many black freestanding pipes would you?

MR. KEKIWI: So, there's five of 'em that are covered with rocks right now. And I don't know

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what the reason is for that. Maybe Bo them can answer that. But there's five of 'em that have been, put a valve on top and they're kind of hidden by this little rock structure.

COUNCILMEMBER ATAY: Right.

MR. KEKIWI: And then, there's one with a fire hydrant on Evans, on Parcel 135, and there's I want to say maybe two more up by the treatment facility.

COUNCILMEMBER ATAY: Okay. So, my, I'm just trying to get clarification here. My understanding then, according to your statement, there's probably seven to eight pipes which would connect and be freestanding fire hydrants?

MR. KEKIWI: Yes.

COUNCILMEMBER ATAY: So, I want to turn to I don't know which Department, whether it be Planning, or Public Works, in regards to fire hydrants, how many permits do we issue to a single-family dwelling that has eight fire hydrants if it's not an indicator of a possible subdivision?

CHAIR COCHRAN: Does anyone have a answer?

MR. ALUETA: If it walks like a duck and quacks like a duck it's probably yeah. So, the, if they are hydrants, or they, and it looks like it's done for a larger development then, we would definitely classify it as being part of a larger development. That doesn't necessarily mean that the issuance of the exemption was incorrect because I think it was issued correctly because we're not aware of any requests for the hydrants being installed if those are truly hydrants. We're not aware of that work either. So, the only, like I said, the only work we're aware of and the only work that we've inspected, as indicated in our letter, sending our inspectors out with the work that was granted either an exemption or minor permits for. I do not believe any of those permits covered what was being described as just now. Thank you.

COUNCILMEMBER ATAY: Thank you. Thank you, Chair. My line of questioning was just to, it's very clear to me that it's not for a single-family dwelling. Okay. But I would be in line with Mr. Hokama. If we cannot collect in fines, then ask them to remove them. Moving to another direction, my bigger concern, I'm very familiar with this area. I'm very familiar with the importance of Ahihi-Kinau. I'm very familiar with the importance and connection to Keoneoio. I'm very familiar to the importance of the endemic species of the anchialine shrimp that is only located there. That is one of the only places in the entire world that we will see that. Keep in mind, I'm very familiar that this bay is pristine, pristine. And if it merits, or at one day because of your development no longer is pristine, the people of Maui going look at you and say you was the one, yeah? You get big kuleana to make it good and keep it pristine. Pristine, I have concerns about is this brine disposal well, you know. You guys going take

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water, what Mr. Landon shared, I'm very familiar. The aquifer of Kamaole, adjacent to this location, you going put your well in there, it's very brackish so you're going to desalinate yeah, to get drinkable water. What you going do with your waste? What you going do with your brine? The brine disposal well right? Where is the location for the discharge of the brine that you guys made?

CHAIR COCHRAN: Would that, is that your purview, Mr. McKuin, or no?

MR. MCKUIN: Well, and I'm not, you know, I can't speak on that from a standpoint of the design and the engineer and how the disposal of the brine works. I know one of the engineers is the, probably the most reputable water resource engineer for the state. But I'm not familiar enough with the injection, you know, how that process works in those injection wells. They are located I'd say about halfway up the property --

COUNCILMEMBER ATAY: Yeah.

MR. MCKUIN: --is where they're located, or halfway up the roadway.

COUNCILMEMBER ATAY: Chair, my concern is, and strictly an environmental concern of this area being that it is in the SMA area, being that it is, it merits a deeper study of the environmental impact of this brine disposal well. I have a research study that says an assessment of environmental impact of brine disposal in marine environment. Brine disposal is one of the major concerns of many environmental issues associated with desalination. Brine has serious impacts on the production and growth of marine organisms. My red flag is up to the pristine, we need to protect our environment. This is a natural area that we have committed to protect. It is pristine. Now, you going put in a well that going be disposing of brine which will change the marine environment. We are experiencing that in West Maui with the injection wells from the wastewater and it came up on the reef. What you think where your disposal of this brine going show up? It's going to show up in the adjacent reef. So, I think studies need to be further relooked at, in the, especially with the State area, State and OHA, you guys should be stepping forward and complete the study of this environmental impact. Thank you, Chair.

CHAIR COCHRAN: So, thank you, Mr. Atay. I just had a follow-up. So, permits had to have been given, correct, from I don't know, for the hydrants and what have you, this brine, the tank, the, you know, all the infrastructure that's existing? So, who has the detail on that, outlet or any studies, you know, about the discharge and into porous lava, and NARS right below? Would that be, I mean, wouldn't there have been questions about that or details?

MR. ALUETA: I'm going to say that we believe the Department of Health is the regulatory agency on that. That's why we're concerned on, at least for, with regards to the concern. That's why we're surprised that that, that the coastal, the gentleman from the coastal water area was not consulted by the Department of Health from, 'cause

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that's, you're part of another State agency correct? So, I would think that that State agency would've contacted another State agency. But that's where...

CHAIR COCHRAN: But you gave a minor for a brine disposal well.

MR. ALUETA: Correct.

CHAIR COCHRAN: And you're just gonna, okay, and then not tell any other agency who has oversight on that? You're just gonna leave that and not...

MR. ALUETA: Well, they would have to meet the Department of Health regulations with regards to that well. We're only reviewing with regards to the construction of that. And then we're, because if they have to get a Department of Health permit the assumption would've been that they've met the requirement with regards to that impacts.

CHAIR COCHRAN: I don't...

MR. ALUETA: So...

CHAIR COCHRAN: You're giving a permit to something without even knowing what its impact is. That's my issue going on right here. And you're just saying it's those guys. We just gave them the permit to do it. But yet, you know, we're, how does that work? You just issue it and then don't care what happens? 'Cause that's not your jurisdiction?

MR. ALUETA: According to our staff, the permit was not issued until DOH gave them a permit. So, they would've had to have met their requirements to that point.

CHAIR COCHRAN: So, Mr. Landon, DOH consulted you folks?

MR. LANDON: No, I mean, we went back and did some research because we were present at the original presentation. But we did not and were instructed not to make any comment because we had to go back and look through our archives to see if there was a time period where this may have been sent to somebody else that, you know, and we didn't get to look at it, or somebody made comments. But we did go back and do the research. There were no comments made by DLNR. I'm kind of confused because, you know, we as the reserve have completed SMA permits in the past. And I'm not sure which way it worked, whether the SMA triggered the EA, or the EA triggered the SMA or something like that. But it seems to me that the information that would be most helpful for us would be the, what went into the 2017 SMA minor for the well because having that experience, I know that you would've had to put some sort of environmental, you know, write-up in there to say that you don't have an impact or you do, or it's not significant, or you know, there's various ways to, you know, categorize or classify the impacts. But, you know, the interdepartmental

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communication, I mean, that seems to be an ongoing theme, interagency communication. It is difficult and, you know, turnover in staff and things like that, you know, contribute a lot to breakdowns in communication. But yeah, I do believe that Mr. Hokama brought up an important point about the NPDES permits that would be required. And then, also from the Clean Water Branch of the Department of Health, and if they were consulted, I, you know, I'd really like to see that as far as what went into the SMA minor. But it seems like we have a stop work for SHPD to, you know, fill in some blanks. But I think it really would be appropriate to revisit that minor permit with, you know, a panel of sorts, or some sort of experts, or, you know, and the, you know, the applicant to see what went into that, right? That would be my starting point, I guess, for research and, you know, where to go with this. But, you know, definitely, if you do, you know, if you can bring up the aquifer map. That, all of the groundwater is connected in one aquifer. So, if you're taking freshwater out of the aquifer and only throwing back the junks, I mean, it's pretty common sense to say that that's not an environmental impact that we could support. And I'm not sure that the Department of Health could support that either without some sort of, you know, permitting to allow that to a certain degree, what have you. So, yeah, no we weren't consulted. No, the Department of Health didn't contact us. And I would, my thoughts are that, you know, the SMA 'cause it is funny because we've gone back and forth over this. But us as the State, we do apply for SMAs as well. So, it seems that the SMA would be kind of the authority here --

CHAIR COCHRAN: Sure.

MR. LANDON: --in my opinion.

CHAIR COCHRAN: Oh yeah, definitely. Thank you.

MR. LANDON: Thank you.

CHAIR COCHRAN: Mr. Landon, I did have a question for you. So, say there becomes negative impacts that is damaging to reef and the NARS, the anchialine pools, what have you. Is there some type of penalty or fines or what happens? You get jailed, what?

MR. LANDON: There is a process where you can go to the Board of Land and Natural Resources, and they are, they have the authority to fine offenders for violations. You know, I haven't seen anything to, you know, this effect. But I think, you know, the most recent case you can remember is the guy that was killing Nenes or whatever. He got fined like 14 grand per bird or something, right? So, that would be the process where you can hold somebody accountable for damages to the environment that don't necessarily trigger, you know, a law violation that they could cite somebody for. That would be the avenue. So, yeah, that does exist. The Board is allowed to levy fines and I believe they do determine the, you know, the severity of the fine. They don't have a, you know, some sort of list like a misdemeanor, felony, or these kinds of things, right?

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They determine the impacts and the fines.

CHAIR COCHRAN: Okay. Thank you so much. And, Members, if you don't mind, I'm going to turn the floor over to Ms. Thomson, if you have any, with the whole Lahaina wastewater thing going on with us, do you have any reference here with the Department of Health being involved with this brine disposal well thing and any NPDES, UIC permits, anything of that nature here?

MS. THOMSON: Thank you, Chair. I can speak generally. I don't know what specifically has been required by the Department of Health for the operation of this injection well. But it's likely they would require a UIC, an underground injection control permit. And that would include limits on what constituents are disposed of into the well with the goal of protecting the aquifer. And they can also include some limits regarding effects on ocean water quality. So, they have done that in the State and Federal UIC permits that the County has for its operation of injection wells in Lahaina. Like I said, I don't have, I haven't seen the UIC permit for this well. But I believe that that would be necessary. As far as an NPDES permit, currently, injection wells are not required to have NPDES permits. Like you said, that's, the case is pending before the U.S. Supreme Court. So, that may or may not change in the future, in the near future. So, we'll wait to see on that one. There are different types of NPDES permits required for other activities, you know, such as when you're grading a certain area of land, you'll have an NPDES permit related to runoff controls, sediment controls, and things like that. So, that's, hopefully that's helpful.

CHAIR COCHRAN: Okay. Thank you. Members...yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I'm not sure where you want to go, but I just have a few questions for clarification if I may?

CHAIR COCHRAN: Yeah, sure.

COUNCILMEMBER HOKAMA: And again, Mr. McKuin, thanks for being here. I know you're just the contractor for the ownership. So, who is your local contact for Evans Holding? Is it a company, is it an individual? Who do you deal with?

MR. MCKUIN: Yes, all our work is coordinated through their owner's representative.

COUNCILMEMBER HOKAMA: And that is?

MR. MCKUIN: Mr. Johnson.

COUNCILMEMBER HOKAMA: Based on Oahu?

MR. MCKUIN: Correct.

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COUNCILMEMBER HOKAMA: Okay. Would you know why they, before we leave this area, why they chose to pursue an injection well versus a septic field for a single dwelling?

MR. MCKUIN: Yeah, and I'm not able to speak on that.

COUNCILMEMBER HOKAMA: Okay.

MR. MCKUIN: That part of the engineer, or design, and engineering system would be best an appropriately --

COUNCILMEMBER HOKAMA: Okay.

MR. MCKUIN: --responded to by the engineer.

COUNCILMEMBER HOKAMA: Okay. Well, either for you or Mr. Goode, I'm just curious about this driveway. Is this so-called driveway, you understand what is the specifications of what you folks built, Mr. McKuin? Because I'd just be curious to know if the specs of this driveway qualify as meeting the requirements of a County road. Because that means it'll qualify for possible dedication to us. So, did you build a driveway to County road specs?

MR. MCKUIN: That is, I'm not able to answer that question. I haven't, I don't believe, I have to look at the road section. I don't, that's something I'm not able to speak on at this time.

COUNCILMEMBER HOKAMA: Okay. No, that's fair, that's fair. I would prefer you answer accurately. So, that's fair. Thank you, Chair. That was all I needed at this time.

CHAIR COCHRAN: Yeah, yeah, thank you. So, Mr. Hokama, in answer to what is my intent today, not to, no Legislative action here, it'll be a deferral. It's a, you know, I think this is a item to, for us to learn from. This is an item that, you know, how did it come to be and why are we here today talking about it and how did it go through the motions, you know, without consultation with some very key stakeholders in the area and, I mean, the list does go on and on. As you can see, we have, we're left hanging with a lot of open-ended questions. And yes, stop work order has occurred. So, that is a good thing until we can vet through, you know, and get answers to a lot of outstanding issues and concerns here. So, and that's the reason for this. And again, I want to just thank the people who brought this to the attention to all of us. And, you know, from the site developer to the NARS, DLNR, our departments, what have you, we're all part of this. And I think we've had some, you know, there's been concerns, legitimate concerns brought up. OHA here and SHPD and others and is something where we definitely need to learn how do these things occur. And I think Ms. Rothman and others had said, this isn't the first, this isn't the last example. And so, well how come, you know, and we need to address it. 'Cause I think it's very, very important that these things don't slip through the cracks, if that's what it is, and what

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have you. So, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, thank you. I just have one last thing as just a slight comment, Chair, 'cause I've been bringing it up for half a year or so last year. So, for Mr. Kekiwi and Ms. Rothman, I thank you for your good work. One of the things though that can also help us, whether it's this project or other projects, especially in your review of parcels is whether or not we should be aware of easements or access, makai or mauka as traditional cultural areas also within the project sites because I would like to know that and when appropriate, let's protect and enhance those accesses. Thank you, Chair.

CHAIR COCHRAN: Yeah, good point. Mr. Kekiwi, you had a comment?

MR. KEKIWI: Yeah, just that, so, I know right now there's a work stop order for the SHPD occurrence. But when that gets lifted, does that mean we're going to continue with this development? Or will the County issue a work stop order for everything we've been addressing? And on top of that question, too, after the last meeting, like I said before, from what I was told, there was amendments made to one of the SMA permits that were recently signed off. Could we be specific of what those amendments were, and speak to that?

CHAIR COCHRAN: This amendment, was this, so, with, oh is this Mr. Scott, has comments?

MR. SCOTT: Yes, the plans for the single-family dwelling, or the farm dwelling included the roadway. However, that was not recorded on the permit itself and should've been. And so, we went back and amended the permit to show the correct TMKs.

CHAIR COCHRAN: So, Mr. Scott, is that that, the gate, and you amended it to the \$36,000 figure to include the road? Is that what...

MR. SCOTT: No, no. That is with respect to the farm dwelling, the single-family dwelling.

CHAIR COCHRAN: Okay. So, the value is even more than that 1.8 mil, or is that dollar amount for this main farm dwelling, inclusively?

MR. SCOTT: I can't really speak to that because I did not process the original permit.

CHAIR COCHRAN: Okay. Does that help you, Mr. Kekiwi, as to what, I don't understand why there is an exemption?

MR. KEKIWI: So, specifically, was it the driveway that was added to the farm dwelling?

MR. SCOTT: The driveway was part of the original plans. What was added was the correct TMKs that are covered.

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MR. KEKIWI: Okay.

CHAIR COCHRAN: So, I think I have a general question to the Environmental Assessments, EISs, AISs, or I guess AIS was done, but it was deemed no, I don't know, complete, whatever which, I disagree. But where, so, now that we know what we know, is that what, and I think Mr. Kekiwi's saying now that we know what we know, the stop work order is in place, yes great. But then, what are we, I mean, is it going to, what, I guess for me, what aspects of this do they need to present, or whatever, show, for that to be lifted? And then, is it just going to be business as usual and, I mean, we can obviously see when you got eight fire hydrants and big old road, and it's not just for one farm dwelling, and 100,000-gallon water tank, and injection wells, and, and, and, I mean, we're all not that, you know, we've been around a little bit. So, it's not just for one home here, people. So, what, where are we going with this? What's going to happen in the end? I mean, I think we want some protection for the NARS, we want, you know, somebody to be accountable here to do the right thing.

MR. ALUETA: Well, for us, it definitely will be, put on flags on the parcels, too, and then go back to review and look at our laws as they are, and whether or not we can assess this as being part of a larger development. But again, it's going to take more than just Planning. So, you just can't throw the whole load on Planning and expect us to be the, either the bad guy, or the good guy, depending on your point of view. There's going to, we're going to have to look at this, and then, and go to other agencies that have authority and to make calls. Sometimes, again, we hearing, play Monday morning quarterback, and criticized certain calls. But that's, those who have the authority make those calls. And sometimes you don't, you may not agree with them all the time. So, we're going to try to look at this again and see whether or not we can legitimately say this is part of a larger, the next permit, or the next single-family development within this area, is this part of a larger development? As I said, it looks like it is. You've developed what would not necessarily be a driveway but would be serving multiple lots. You're putting in infrastructure that would be necessary for multiple homes. But again, I gotta, there's, right now we got one side of the story. There's always another side of the story. So, I'm, I want to go back and, you know, go back to the owner, or owners, depending, I don't know what the full story is on that, and I definitely will go back to my staff to make sure that we don't have someone shopping around, a planner. Sometimes you get that where one permit again comes in, one planner sees it. They're looking at just that permit. They can, they don't necessarily see everything around it because it's a separate TMK, separate parcel. So, they're issuing the exemption or issuing the permit. Another permit comes in next door, if they don't communicate, you know, or they're not aware that some, there's work on an adjacent parcel it can get missed. So, we try to keep it to regional planners. But I'll go back and, especially for this area knowing the sensitivity of it.

CHAIR COCHRAN: Okay. Thank you. Ms. Rothman?

MS. ROTHMAN: I had a question for Goodfellows. You had mentioned that you were

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working closely with the archaeological firm. And as you saw in the presentation, on Parcel 137 which doesn't have a grading permit, there was not an archaeological monitor at the time of the rock crushing. So, I'm just wondering what Goodfellow's process is in terms of contracting monitors.

MR. MCKUIN: So, you know, anytime we'll start a job, I mean, that's, just fully sensitive, you know, to cultural, you know, any sites that we're going to have out there. And so, the first thing that we're going to do is make sure we're with the archaeologist and understanding and coordinating all our work with them. And that's how the entire project has gone. And we worked closely with SCS for that process. We did have a grading permit. I know it was shown up there that that grading permit was not in place on Lot 137. It is in place for where the processing happened. And that's our whole point is to try and do the right thing for the community. We bring in the processing plant, so we can put the material back, it _____ back where they come from. It eliminates all the trucks off the road, it's the more green thing to do. So, we're always trying to, you know, ensure that we're doing the right thing for the community in that spot where that processing happened and the stockpile that you showed in your picture there were the trench spoils from the utility work. So, that stuff, when we do that, we, you know, obviously every step of the way we are, we're talking with the project archaeologist. And that work didn't require a fulltime monitor. So, we're solely relying on, you know, their expertise. They're the professionals and experts in their field, and on any project that we do, we're going to follow the monitoring, you know, any monitoring recommendations that are provided by the archaeologist. And so, for those spoils that were coming out of the trenches, those were stockpiled and then processed, to go back in the trenches and then be utilized for road base. And, Mr. Hokama, the road section is not, it's, it would be consistent with a driveway. It's a two-inch pavement section. It's not built per County standards, so, just for clarification.

MS. ROTHMAN: . . . *(inaudible)*. . . for Mr. Goode. My question also relates to monitoring in regards to the grading permits. Do the grading permits make recommendations based on SHPD review of archaeological reports for archaeological monitoring? Do the grading permits list archaeological monitoring?

CHAIR COCHRAN: Director?

MR. GOODE: Thank you, Ms. Cochran, and to the questioner. So, we send stuff out to SHPD, and then they work with the applicant to come up with typically an AIS, you know, and a monitoring plan. And then, we rely on SHPD to tell us, you know, if something is wrong with the monitoring plan. So, we've had this similar discussion here in these Chambers regarding like the Maui Lani area. So, I think most Members are pretty aware of that. We are not trained to monitor the monitors. We're not trained to read the reports, all that is solely with SHPD. And so, in this case, when SHPD wrote to us and said, hey they're not following, which I think was the data recovery portion, not the monitoring portion, and they said please stop work, we

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abided by their request.

MS. ROTHMAN: So, my question is, my follow-up question is, how is it that grading permits are issued before historic preservation review process is complete? Because an AIS was done for this project. A data recovery plan, which expresses the intentions of the data recovery work was carried out. But the data recovery reports, which document the field work for the work that's being done out there, was not done yet, and that's the basis for SHPD's recommendation for a monitor. So, how can a permit be issued before SHPD has a chance to determine whether monitoring is required or not?

MR. GOODE: I'd have to look at the specifics of this. But we have other cases where data recovery is an ongoing process while the construction work is ongoing with an approved monitoring plan. So, I don't think this case is unusual. Perhaps the data recovery was taking longer than SHPD expected. But normally, the data recovery areas are away from the construction or they're protected so the data recovery can continue. So, I don't know, we'd have to look in the specifics of this case.

MS. ROTHMAN: Okay. Thank you.

CHAIR COCHRAN: Members, any other questions, comments before any panel...yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. If I may, I do want to say thank you very much to the community members for your vigilance and diligence. And I recommend, you know, the involvement of the Aha Moku representatives throughout all of Maui to continue your vigilance and diligent work. Thank you.

CHAIR COCHRAN: Thank you. And yeah, thanks everyone. We're really running into time constraints here 'cause there's two other items on my agenda. And we're going to defer this item because obviously there's further vetting and discussion to be had. And so, Members, if you have any questions for departments or any entities that are here today, please run it through this Committee and we can get that in writing. So, with that, I'm going to defer this item.

ACTION: DEFER.

CHAIR COCHRAN: And I know we haven't had any breaks. So, you folks want like a ten-minute break at this time? Yes? Okay. Alright, so, we shall have a ten-minute break at this time. . . . *(gavel)* . . .

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RECESS: 3:45 p.m.

RECONVENE: 4:00 p.m.

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha will the Infrastructure and Environmental Management please reconvene. And, Members, thank you folks for staying. And we do have two more items.

IEM-64 CONTRACT C6454 (HDR ENGINEERING, INC.), KIHEI WASTEWATER RECLAMATION FACILITY NITROGEN REMOVAL ALTERNATIVES (MISC)

CHAIR COCHRAN: But the next item, IEM-64, which is a contract for Kihei Wastewater Reclamation Facility Nitrogen Removal Alternatives, I'm going to defer just to, that our time constraints today. Members, without objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR COCHRAN: Okay. Thank you.

IEM-20 WASTEWATER INFRASTRUCTURE NEEDS (CC 17-99)

CHAIR COCHRAN: And then, I'm going to jump into IEM-20, which is the Wastewater Infrastructure Needs. And this is, this Committee is in receipt of County Communication 17-99, and it is from myself, Elle Cochran, relating to Wastewater Infrastructure Needs and Transmitting a Report dated July 20, 2016 from the Maui Nui Marine Resource Council entitled, Options to Improve Wastewater Management in South Maui. And the report provides background information and recommendations relating to wastewater management in South Maui from Maalaea to Makena and recommendations for Kihei Wastewater Reclamation Facility, which is located in Kihei, Maui, Hawaii. While the report focuses on South Maui, I believe it is important for this Committee to consider wastewater management and wastewater infrastructure needs Countywide. And this time I think a lot of us know we have Mr. Steve Parabacoli here with us who once upon a time used to be with our County Wastewater Reclamation Division. So, Mr. Parabacoli, thank you for being here. I think don't need to introduce yourself 'cause, or if you want to say a few words about yourself that's fine. And I'm going to, Members, without objections, designate Mr. Parabacoli as a resource person, pursuant to our Rule 18A of the Council with no objections?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COCHRAN: Thank you so much. And at this time, I'll, I will turn the floor over to Mr. Parabacoli for his comments on the, our needs and his, I guess, yeah, just some comments from him. Thank you so much for being here with us.

MR. PARABACOLI: Thank you for having me.

CHAIR COCHRAN: Yeah, yeah, of course.

MR. PARABACOLI: I appreciate being here, Chair. Good afternoon, Chair and Members. Again, Steve Parabacoli, I did work for close to 31 years with the Wastewater Reclamation Division. Just for your background, I was a supervisor at the Kahului Treatment Plant for close to nine years, and then I was the water recycling program coordinator for around 20 years, and my last couple years I was a superintendent of operations. So, I've, you know, I've worked with the folks in the Division and I have a very high respect for them. They're true professionals and do a great job. So, the background on this report, Robin Newbold asked me to prepare a report per, you know, basically outlining recommendations for improvements of our wastewater management in the South Maui area, ranging from the Maalaea area, where there, there's ten condominiums, each with their own individual wastewater systems, package plants, all the way down through Makena. So, of course, the Kihei Wastewater Facility is a major, you know, generator, producer of wastewater treatment. And as you know, quite a bit of that water is recycled, it's R-1 quality water, and it's used for beneficial irrigation projects throughout the South Maui area. It is an example of a centralized wastewater system, large regional facility that serves several homes over a wide area. So, it includes miles and miles of collection systems and pumping stations, and of course, a very large treatment plant. And the challenge with centralized treatment, of course, is once you treat the water, you, and if you want to recycle it, you have to, you know, put in miles and miles of waterlines to get the R-1 water back to where it came from so it can be used for irrigation. And that can be very, very expensive. And this has been a major challenge that we've faced over the years, trying to increase the use of recycled water just because of the high cost of building this distribution infrastructure. So, in Kihei, we have probably the best system for recycled water. So, I think the County is moving in the right direction, trying to maximize the use of that water by slowly but surely expanding its recycled water distribution system. A challenge there, of course, is seasonal variations of irrigation demands. Even if we're recycling say 50 percent of our recycled water on an average basis, during the winter time it gets cooler, it's wetter, and a lot of these projects, especially the golf courses and whatnot, they really cut down the use of irrigation water. As a result, more of the R-1 water has to be injected, especially during the wintertime. So, during the summertime, you know, we're pumping water, R-1 water, like crazy trying to keep up with demand. But during the winter, we inject a lot more. So, we have to rely on injection wells, that's a requirement. The

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Department of Health requires us to have backup disposal at these facilities. So, what the recommendations in the report were, if we're going to have to rely on these injection wells, we should try to put the best quality water down those injection wells that we can. The, some research done by Miller-Pierce and Rhodes indicated that the Kalama Park, Cove Park coastal water quality was very much degraded. This area is in the plume of the injection well discharge, very high levels of pollution indicators. So, the report basically recommended improving the water quality. The first thing that I recommended was that if we're going to have to inject, we should make sure that all the water that is injected is disinfected to R-1 standards. Now, the County did move forward and start doing that. And I'm not sure if they, Eric Nakagawa can comment on this later. But my recommendation was to put a permanent piping system in from the ultraviolet disinfection channel, directly to the injection wells. I think what has been done was they were simply letting the holding pond with the R-1 water overflow, and then go into the injection wells. Not really the best solution because, you know, the holding pond probably hasn't been cleaned in a while and there's a lot of excess energy expended to pump water to a holding pond, only to let it overflow. So, I think a capital improvement project could be implemented to have a direct piping installation going straight from the UV channel, to the injection wells. Another recommendation that was made was to improve the nutrient removal capability. As you know, nitrogen and phosphorous are contributors, nutrients that contribute to macroalgae growth in the coastal water, the seaweed blooms. And that's a real concern, especially the nitrogen. And there is a biological nutrient removal process at the Kihei facility, as we have at all the County facilities here on Maui. But I did place a recommendation to have a consultant come in and take a really good look at the biological treatment process and see if they could come up with some recommendations to enhance that nutrient removal process. And I believe that was done, Eric. I did have a call from Mr. Roy Abe from HDR, and he was asking some questions about the report. So, again, I ask Eric if he could comment on the status of that and see if, exactly what was done to increase nutrient removal at the facility. Now, another recommendation that I think is kind of a trend now in our industry, I mentioned centralized treatment, this is where, you know, years ago the Department of Health was really an advocate for centralizing, shutting down a lot of the condominium treatment plants like in West Maui, for example, and building a large facility and sewerage the area and sending all the wastewater from this large region to one big facility. Of course, there is the challenge then, what do you do with all the water? Once it's treated, you gotta put it somewhere. And it's costly to build recycle waterlines. So, the trend in the industry now is to decentralize where you build smaller localized facilities that treat wastewater from a smaller geographic region, and then recycle that water right there. This is, this can be done in a number of ways. For example, a project that I'm working now on with my company called Mana Water, we're working with Mike Atherton at the Waikapu Tropical Plantation. He's going to, planning to build his own facility. There may be some changes if other partners want to join him. But he wants to build his own facility, treat the wastewater right there, and then irrigate his agriculture. That's one way to decentralize. Another way is to look at our existing system, say the County Wastewater system, we could build scalping plants. And I know you folks have heard

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about this in the past where we intercept flow from a pumping station and build a smaller, regional plant in that area and then treat it to R-1 standards, and then use that R-1 water right there. A good example could be, say the Wailea area. Wailea has a tremendous irrigation demand for, they import over a million gallons a day of potable water from our Central Maui aquifer system to irrigate landscapes at the hotels. They also have two or three golf courses out there that use brackish water. So, if we were to intercept wastewater from Wailea and build a scalping facility right there and then use that R-1 water in that area to irrigate landscapes, I mean, it would be a lot more cost effective, or in my opinion, more sustainable than trying to send a recycled waterline all the way from the Kihei plant to Wailea. That would be, it could be 30, \$40 million to do that. But you have the added benefit of displacing, you know, up to a million gallons a day of potable water that's used for landscape irrigation from our Central Maui aquifer system and at the same time, have a high-quality source of irrigation water right there in the Wailea area. Another potential location could be in Wailuku. As you know, the Wailuku Pump Station, it's right on the ocean, we have very little water reuse from the Wailuku-Kahului facility at this time. Perhaps, we could intercept some flow from the Wailuku Pump Station and build a treatment plant further inland and we could irrigate the War Memorial Complex, Keopuolani Park, Maui Community College, or UH Maui College, all, lots of grass that needs irrigation water. So, those are just some ideas that, you know, we floated in this report. Certainly, not all these ideas may be perfect. But I think they're worthy of discussion. And I guess I'll turn it over to Eric if he could maybe update us on the status of some of the nutrient removal studies and R-1 disinfection at the Kihei facility for the injectate. Thank you.

CHAIR COCHRAN: Thank you, Mr. Parabacoli. Mr. Nakagawa, did you have some things to add? And thank you for being here.

MR. NAKAGAWA: Alright, thanks, Chair. So, many of you guys know, you guys are part of our budget, annual budget. So, you do know that a lot of the things that Mr. Parabacoli talked about we did fund for studies. And it's kind of funny he probably could've read all the studies and he presented it to you guys right now. And basically, that's kind of the direction, you know, that we did head. I know he talked about, the first thing he talked about was the direct piping to the injection wells for our R-1 water that we do UV in. So, that is part of our plan in our, we are going to do this year, which I had to get the amendment through the Budget Committee, extra money for the reuse tank. And part of those improvements will be covered for that, to help address that. And the other things he touched on was reducing nitrogen levels. And although we do not have a nitrogen limit like we do in Lahaina, we do look at, you know, overall, I guess, what do you want to call it, limits that, around the nation we go to our wastewater convention, I mean, wastewater conferences and that kind of stuff, and always nitrogen is ammonia. That's part of, one of the high, I guess, nutrients that they're looking at and trying to reduce that. So, the report that Steve is, was talking about was a study done by HDR, which was our second item, actually. That was recently completed in September, a couple months ago, and the recommendations

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were pretty similar but a little more in detail than Mr. Parabacoli's study that he did. And so, what they did identify was they wanted to target real low capital cost improvements that would allow us to try to strive to do basically what Lahaina, our Lahaina plant is doing. And it's kind of hard to compare the two, only because the, and Steve knows a lot more about this, but the geometry of that, and the design process of that plant in Lahaina is a lot different than Kihei. But they did identify ways where we can recycle . . .(inaudible). . . , just return some sludge, return some wastewater as well as lower our oxygen in our anoxic zones in Kihei to optimize those, to reduce the nitrogen levels. And it was a good report, they did various modeling for it. And it looks like we kind of have a little checklist that we can try to go through just to make sure that, you know, we can do this, see if we actually achieve those nitrogen level reductions, and then, kind of monitor it. And then, if it does work, we can take it to the next step and try to see if we can reduce it more. And so, that's pretty much what came out of that report. And then, decentralization, that is a great topic. And we've been researching that a lot. We did scalping plants, we did, we also researched some, we called it satellite, recycle satellite facilities where pretty much like Mr. Parabacoli said, we can pretty much identify these areas that we have existing infrastructure, take the water, recycle, clean it to R-1 standards, and send the solids back down into the collection system to be processed at our centralized plan. And there are some areas that potentially we could do. He mentioned Keopuolani, that's one of them. There is one near the Wailea, I believe the Blue Course I think it was, somewhere around there, and there's also one in the Wailea residential area. Like anything, you know, I come to you guys and if it, it's a high cost, right? And so, the capital cost, you know, I look to you guys for your guys' direction on, you know, what do we want to set sewer rate increases every year, what do we, how do we as a County want to be fiscally responsible in trying to decentralize, as well as trying to meet these objectives in, you know, in a responsible manner. And one way that, you know, I've been talking to Corporation Counsel, Ms. Richelle Thomson, is, you know, as Councilmembers in the future, you know, when you have large projects, and usually it comes from my mouth, and maybe if when they do come in with these large development projects, that there is mandates for such as Atherton in his development, to develop their own centralized plant. And in a way, that pretty much in a way turns the burden back to the developer, 'cause they need to develop their own treatment system. They'll be able to reuse the water right there. And not all places are ideal. But that's kind of the concept. And so, without it always coming out of the taxpayers' dollars. I know Mr. Parabacoli touched on in his report on a bunch of different ways to try to fund these different type of expansion projects and hopefully either decentralizing, upgrading cesspools and septic tanks to better systems and that kind of stuff. And like he said, you know, it is a constant battle with us, or with me as far as understanding what the Council wants, what the Administration wants, and then, trying to reasonably come up with a budget and a plan so that everybody's kind of happy, yeah? I mean, so, decentralize, in the study it does identify that, and that the cost is pretty significant. And so, it's, you know, when I present it, or give it to you, this body, I mean, I look to you guys 'cause you guys are the ones who really set policy and that kind of stuff, set it going forward for the community and what's best for the

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community. I'm here to, like always, be transparent and give you guys all the information you guys need to make your best recommendations. And I'll always give you my recommendations also. So, but other than that, I think, like I joked with Steve outside, I mean, it's just like he never left. And he just rewrote the report like he was at his desk and these are the things we went back and forth, you know, I hired him as the Superintendent and we just went, and these are the kinds of things we talked about and the struggles. And he's very, he's also very straightforward, transparent. And, you know, in his report he tells who's really responsible for certain things and how it is, you know, not always financially and technically feasible. But those are options out there that we all know, you know, the question just comes down to whether or not financially yeah, and whether we can take on that burden.

CHAIR COCHRAN: Well, thank you, thank you, Mr. Nakagawa, for your comments there. So, just a brief, and is going over to R-0 just super, just out of the question cost prohibited for us ever in our lifetimes? Is that just, I mean, it, both of your, I'm, you know, comments I guess on that R-0, would that be Mr. Parabacoli, I guess you wanted to say...

MR. PARABACOLI: Yeah, I'll take a stab at that first. Well, you know, the question would be why would you, first of all, why would you want to go to reverse osmosis and normally the reason you would do that is that you really need super high-quality water that is essentially mineral free. And they do this on the island of Oahu in the Ewa area, at the Campbell Industrial Park where they use R-0 water that's produced at the Honouliuli facility and they use it in their boiler feed. And they were using potable water, but they had to treat it to remove all the minerals to reduce scale. And they actually found that the R-0 is more cost effective than treating the potable water. So, in that case it makes sense. But unless we have a reason to use R-0 water, I would recommend against doing that 'cause it, I mean, R-1 is plenty good enough for what we are planning to use it for if it's for irrigation, including irrigation of food crops. So, R-1 is perfectly suitable. So, I would suggest staying away from R-0, unless we have a need for that type of quality water.

CHAIR COCHRAN: Okay.

MR. PARABACOLI: Thank you.

CHAIR COCHRAN: Okay. Thank you, Mr. Parabacoli. Mr. Nakagawa, are you in agreement with that? That we really don't have a need to go to that high of a treatment level? Is that... 'cause... yeah.

MR. NAKAGAWA: Yes, yeah, so, Chair. So, one concept that probably Steve is aware of also is in the past, maybe three or four years that's been going around the nation is this one water and it basically looks at not where the water source comes from, but what you need it for. And so, kind of what he's touching on is really if you have certain areas that, for instance, like Kauai, they have all these small treatment plants right

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next to golf courses. And so, they treat it to, I mean, golf courses can technically be R-2. But I think they go to R-1 and they reuse all their water. Now, you look at, you flip that thing to California or Singapore, you know, where they have zero potable water. So, what do they do? They convert all of their water into, through R-0 and create drinking water. So, yes, so if you do go to Disneyland, you're drinking reclaimed water. But that's, I think the whole concept of this R-0, I mean, it's been done for hundreds of years. I mean, basically, the person on the top discharges water into the river, the guy on the bottom takes the river water out, they treat it and they drink it, right? I mean, it's no different than any place else. So, now coming to us in Maui, you know, if I do not have the Director of Water Supply here, but for instance, Lahaina, you know, I know they have certain, I wouldn't say shortfalls, but they, you know, they could use an extra million gallons, or 2 million gallons of water, whatever it was, I forget what it is, in that Lahaina area. So, now is it fiscally totally out of there? I don't think so. But the question comes down to like either California, Texas, they all went through the regulations. They all developed, had to go through this long road of community input, community acceptance, kind of similar what we had to do for our recycled water in the beginning stages. And Steve was the pioneer of it. He sold R-1 water that it's safe, it's good to do, and it's totally acceptable now. It's the same process in which we need to do with the R-0 water, if we choose to do it. Now, there are challenges. For instance, I kind of just overheard, I wasn't part of the communications earlier, but R-0, you do have, you clean it more, which means you have some type of waste. That waste is typically some type of brine and what do you do to get rid of brine, injection wells. So, and it's a total different, to be straight and honest, it's a total different injection well. DOH doesn't look at it as a wastewater injection well. So, it is acceptable to do it. It's just, that's just the methodology of getting rid of that brine. And so, if we are trying to as a community, solve two birds with one stone, trying to help with the disposal issue, as well as create potable water, then the cost all of a sudden becomes a little easier to swallow, versus if you're totally just doing it for one reason or another, then maybe it's not as feasibly acceptable, yeah? So...

CHAIR COCHRAN: Thank you.

MR. PARABACOLI: Okay. Can I add something to share?

CHAIR COCHRAN: Sorry, oh yeah, go ahead.

MR. PARABACOLI: Getting back to, you know, the funding issue for recycled water systems has always been a challenge. And as you know, it's basically been the Wastewater Department that is the primary funder of all recycled water system improvements. And it's not like that everywhere else. In many cases, it's the Department of Water Supply that funds recycled water and actually operates recycled water distribution systems. And that's actually what's taken place quite a bit on the island of Oahu where the Board of Water Supply is really the champion for recycled water on that island. Here on Maui, it's the Wastewater Reclamation Division who's the champion.

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But, you know, about eight years ago, we had a community working group that was formed by Mayor Charmaine Tavares. And the goal, the initial goal of that working group was to totally discontinue the use of injection wells. And then, after, we had a number of educational sessions in the early days of that year-long process to educate our members. We had members, a wide, diverse group from the community. And after we educated them about the ABCs of, you know, managing wastewater and at a treatment plant, they realized that perhaps that was not an obtainable goal was to like just fill up the injection wells with concrete. And then, the goal was kind of modified to reduce the use of injection wells as much as possible. And the number one challenge to doing that, was who pays for it? How are we going to afford it? And basically, as you may know, the recycled water program is subsidized by sewer user fees by about 75 percent. So, about 75 percent of the cost to run the program, including all the debt service, and the operation and maintenance, and all that, is paid by sewer user fees. And the rest, the 25 percent remainder comes from the revenue generated from recycled water sales. But the community working group actually came up with a number of other funding ideas and a report was published. It still may be on the County website. I haven't checked recently. But it basically identified a number of other revenue sources, including the Department of Water Supply because, quite frankly, the recycled water program here on Maui is saving millions and millions of gallons a year of potable water by displacing, instead of using potable water for irrigation, we're using R-1. Another idea was perhaps create some type of an environmental fee as part of property taxes, where you spread out this tremendous financial burden over a much, much wider base. You know, it could be five bucks a year or something for every taxpayer. Some people call that a flush fee, you know. But I like the word environmental fee. An environmental fee could be used for just about any worthy environmental project, you know. But certainly, recycled water distribution is very worthy. And then, some other ideas would be perhaps just for general wastewater funding is to do public-private partnerships. This has been done successfully on the island of Kauai. Kauai County has done a couple of these already, one at Lihue Treatment Plant to upgrade the facility to R-1. They worked in partnership with Kauai Lagoons. And then I believe in Waimea area to upgrade that facility to R-1. They worked with a number of partners over there. And I think that might be something, we could look to see what they've done over there. We don't have to reinvent the wheel, you know. And so, those are some other ideas that come up that we might want to just delve into at some point and just trying to figure out how to pay for it. That's always the challenge. We don't like raising fees. But if we want to reach a goal of, you know, shutting, or reducing injection wells to mere backup, there's a price to that. And we have to accept that. And so, just, I'll just leave you with that. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Parabacoli. Thank you. And so, I know this, the subject heading is Wastewater Infrastructure Needs. But I think we're going to focus on South Maui stuff in particular. But I am, I wanted to follow up on Mr. Nakagawa's comment in reference to 2 million gallons. I know today there was a CWRM meeting in West Maui which I wasn't able to attend. So, did you get a comment from that meeting

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about CWRM making it, I'm sure they didn't make a designation today. But about the 2 million that the kuleana, you know, kuleana families would like to put back to their lo'is in Kanaha Valley, which would offset, you know, the take that this County utilizes for Lahaina water supply. So, to make Lahaina treatment into an R-0 type process to feed, to offset, I guess, that 2 million should that decision come down on us, is that what you're kind of referring to? Or no?

MR. NAKAGAWA: Yeah, Chair, no.

CHAIR COCHRAN: No? Okay.

MR. NAKAGAWA: Mine was more, I know that Water Supply was, is doing some type of water development on that side. And I just couldn't remember the capacity of the wells --

CHAIR COCHRAN: Okay.

MR. NAKAGAWA: --that they were trying --

CHAIR COCHRAN: Oh, okay, okay.

MR. NAKAGAWA: --to get over there. And so --

CHAIR COCHRAN: Alright, thanks.

MR. NAKAGAWA: --yeah, it had nothing to do with the CWRM stuff.

CHAIR COCHRAN: Okay. And then, I know, Mr. Hokama, you said you need to depart, right, quarter 'till?

COUNCILMEMBER HOKAMA: Yeah.

CHAIR COCHRAN: Is that right? Okay. So, any...yes, you had some...yeah?

COUNCILMEMBER HOKAMA: Yeah, Chair, so, again yeah, thank you for doing this. I know the report was more for South Maui. But I think it can apply to some Countywide --

CHAIR COCHRAN: Sure.

COUNCILMEMBER HOKAMA: --areas. And why I am appreciative of the options is that I think this Council is looking at various ways of addressing our issues. So, another committee was talking about another funding option as a way to address concerns such as this because while we're talking about the plants and improving the plants, what I need to know is, what happens to the plants if we're going to make the 2050 deadline to get off cesspools? Okay, which means, we changed, I don't know, you use

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the word geometrics, you know, for maybe Mr. Parabacoli it might be the structural, how we address it structurally. But, you know, my concern, and part of this wastewater discussion this afternoon, Chair, is also for . . .(inaudible). . . how we're going to deal with the compliance of the cesspools issue. And of course, we want some of the potentially technology, good news is the Bill Gates toilet. Okay. It's going to possibly cost a thousand dollars instead of \$30,000 of traditional approach. So, I'm kind of interested and curious about how you do this waterless toilet that gives you fertilizer, which means then, what do you need the plant for if everything's done at the toilet? Again, I may just over, be simplifying it, and I apologize for that. But I'm not underestimating the ability of technology to provide us future options that can address it and take care of the big burden of the gorilla of how to pay for things. 'Cause we understand Federal law as it regards to the system. They made it that the users will pay for the system, we get it. But if we go decentralized, how does that approach our current funding structure? Because they were looking at, as I understand the Feds, we're looking at big centralization type of projects, and that's how we funded it, and that's why we wanted more users on the system than less, because we're trying to spread cost and lower the individual amount. So, you know, again, Chair, I like this discussion 'cause I think we have time to make smart decisions. Not today, but I think we're having the right discussions because we're already invested through Council, through our Budget, the investigation. And again, it may not be today, but I think we need from the Department, a status report on what's happening with our scalping study because that's something we supported to move forward and see if scalping is one of the things for West Maui as Mr. Parabacoli has provided in his recommendations for us. So, I know we've provided money to do this scalping study, yeah. And that tells me we're at least looking at the right options, the willingness of options to move our program forward. So, I appreciate that. Other than that, Chair, you know, again like I said, I'm happy that where we, what we're talking about, I'm looking forward to additional technology options for us. But I think we're heading in the right direction. And I am interested in decentralizing, to see if that can make smart use of reuse. 'Cause I think that's the way to go on the reuse. And I would agree with both gentlemen. At this time, I cannot see R-0 until, like they said, it makes sense for us to invest in R-0. So, thank you, Chair.

CHAIR COCHRAN: Thank you for your comments, Mr. Hokama. Members, any other questions, comments, decisions? Since we're, Mr. Hokama needs to leave, and then we shall not have quorum anymore. So, but I think we had some good discussion. And I want to thank Mr. Parabacoli, Maui Nui Marine Resource, Ms. Newbold, for all their efforts in our community, and Department for all their efforts, too. So, with no further discussion, I shall defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

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CHAIR COCHRAN: Okay. Thank you very much, Members. And we are adjourned.
... (gavel) ...

ADJOURN: 4:37 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:181120:mt

Transcribed by: Marie Tesoro

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CERTIFICATE

I, Marie Tesoro, 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 13th day of December 2018, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro