

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

SPECIAL MEETING

Tuesday, October 15, 2002

8:12 a.m.

Kahului Shopping Center

Kaahumanu Avenue

Kahului, Maui, Hawaii

Reported by: Katherine Eismann, RDR, CRR, CSR #439

APPEARANCES

CHAIRPERSON:	PETER RICE
Vice Chairman:	MICHAEL NOBRIGA
Board Members:	KENT HIRANAGA
	HOWARD NAKAMURA
	JONATHAN STARR
	GINNY PARSONS
	MICHAEL VICTORINO
	CLARK HASHIMOTO
Corp Counsel:	EDWARD KUSHI
Director:	DAVID CRADDICK
Deputy Director:	GEORGE TENGAN
Board Secretary:	CATHY HOWARD
Engineering:	HERBERT KOGASAKA
Staff:	ELLEN KRAFTSOW

(Tuesday, October 15, 2002, 8:12 a.m.)

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CHAIRMAN RICE: Good morning. I am going to call

to order the Special Meeting of the Board of Water Supply,
County of Maui. It's Tuesday, October 15th, 8:00 o'clock
a.m., Kahului Shopping Center.

Present Kent Hiranaga, Clark Hashimoto, Michael
Nobriga, Howard Nakamura, Ginny Parsons, Jonathan Starr, and
Mike Victorino, myself, Peter Rice, Director David Craddick,
Corp Counsel, Mr. Ed Kushi, Junior.

MR. STARR: Mr. Chairman.

CHAIRMAN RICE: Yes.

MR. STARR: I just call a -- just a point of

order.

CHAIRMAN RICE: Yes, sir.

MR. STARR: I'd like to have an understanding of what procedures were followed regarding the filing for the agenda of this meeting.

MS. HOWARD: I prepared the draft agenda. I sent it to -- I gave it to David to double check. I sent it to the Chair. The Chair was out of town. I spoke with Mike Nobriga. Actually, faxed Mike a copy of the agenda, and I spoke to him on the phone. He was away from his office. I read him the items on the agenda, and he approved it.

MR. STARR: When was it filed? I am sorry.

CHAIRMAN RICE: And it was filed --

MS. HOWARD: It was filed six days prior to this
meeting.

MR. STARR: Was the time -- the 8:00 a.m. time
filed at that time or was that changed later?

MS. HOWARD: It was filed 8:00 a.m. on October 9th
at 1:18.

MR. STARR: Okay.

MS. HOWARD: Six days.

MR. STARR: But it was originally set at

8:00 a.m.?

MS. HOWARD: Yes, sir.

CHAIRMAN RICE: Okay. All right. We will move on. Attendance, we have done attendance.

Any testimony from the public? Written or oral?

Hearing and seeing only this document that was submitted by Board Member Adolph Helm, with regard to the issue of the Supplemental EIS, Final SEIS, and I guess I will read that when I get to it.

Mr. Williams, good morning.

MR. WILLIAMSON: Good morning.

CHAIRMAN RICE: We are on the SEIS. We just started the meeting. We are on the Final Supplemental Environmental Impact Study item on the agenda.

Okay. The first item, discussion, acceptance, rejection of Final SEIS.

MR. NOBRIGA: Mr. Chairman.

CHAIRMAN RICE: Yes, Mr. Nobriga.

MR. NOBRIGA: I'd like to again move to accept the Final Supplemental Environmental Impact Statement, for East Maui Water Development Plan, including amendments proposed by

consultant Mink & Yuen and an amendment provided by Adolph Helm concerning riparian and appurtenant rights, amend the SEIS to state that if there is further study that shows riparian and/or appurtenant rights are affected by the East Maui Plan, the Board will do everything in its power, up to and including, sealing of the East Maui Plan wells.

MR. VICTORINO: Second.

CHAIRMAN RICE: Okay. It's been moved and seconded to accept the SEIS with the amendments.

Discussion. Mr. Nakamura.

MR. NAKAMURA: Mr. Chairman, as I stated at an

earlier meeting, I will be recusing myself from voting on the matter.

CHAIRMAN RICE: Let the record show Mr. Nakamura has recused himself from voting.

Mr. Victorino.

MR. VICTORINO: Mr. Chair, I would like to also add another amendment, if this is an appropriate time, to the final draft. And the amendment would basically state that in all areas where 36-inch pipe has been stated in the draft, that that be changed to no more than 24-inch pipe. And this is in request or in response to many people in the East Maui

area feeling that -- that we were going in there and raping
their water.

So, I felt it would be appropriate if this Board
would look upon no more than 24-inch for the project itself,
and that way, it would show, in good faith, that we are
understanding, and we want to share not to take away water
from the East Maui area.

CHAIRMAN RICE: So, you are making a motion --
your motion is to amend the motion.

MR. VICTORINO: Yes, to replace 24-inch pipe where
36-inch pipe was stated in the draft.

CHAIRMAN RICE: I understand. Is there a second to that motion to amend?

MS. PARSONS: Second.

CHAIRMAN RICE: Moved and seconded to amend the main motion to provide for a change in the SEIS to reduce the size of the pipeline from 36 inches. Discussion.

MS. PARSONS: Discussion.

CHAIRMAN RICE: Yes.

MS. PARSONS: First, I'd like to know what that would do -- ask Mr. Craddick what that would do to the system.

Would it be enough pipeline to flow, and maybe that should be looked at. It doesn't need to be 36 inches anywhere? If we are going to be okay with that? Should it maybe be in a specific area?

MR. CRADDICK: We have looked at trying to do that, and what would happen, and there's -- let me show you on the map over here. This is the shoreline here along the top. This is mauka. These are the wells. This is coming into the transmission line going out to Makena.

The portions of the project that are 36-inch are from the Cane Haul Road to the 36-inch line out here going out

to Makena. Over here on Baldwin Avenue, we have a four-million gallon tank. Out of that four-million gallon tank, we will be able to provide for peak hour demands on this portion.

This portion of the line cannot be changed if the project is going to work. Up to this tank, the -- if you change this portion in here, from 36 to 24, which is from the Cane Haul Road to Baldwin Avenue, we would be able to bring in nine million gallons a day of water, which is not the 10 million gallons being looked for.

And if the Board sees their way clear, I believe

the project could still physically function with this portion being reduced down to 24-inch, because there is the possibility of some of the wells being drilled at a higher elevation. And if that happens, there is probably going to have to be a separate pipeline. And we won't know that until much further along in the project.

So, I would concur, if it was the portion from the Cane Haul Road to Baldwin Avenue that is reduced in size. But, to go from the peak demand tank, you need the large pipeline in order to provide the peak flows. The project will not work without that.

MR. VICTORINO: So, David, are you saying that if we change that to 24-inch from the Cane Haul Road to Baldwin Avenue, that would also insure that we reduce the amount, 10. We can't go more than nine million gallons a day.

MR. CRADDICK: Yes, and the project is to develop 10, but like I said, if we -- we haven't drilled all of the wells. I suspect some of them are probably going to be at a higher elevation. So, those higher elevations there probably would have to be a separate pipeline coming across anyways, and possibly, even for strategic reasons, you may not want all

your eggs in one basket, so to speak, crossing Maliko Gulch.

So, you know, in recent events that have --

everybody is familiar with there on waterline security or

water system security issues. It's a vulnerability point

having only one crossing at Maliko Gulch.

So, if, again, like I say, for staff, we have

looked at this and saw what would happen. It would reduce the

carrying capacity of the whole system from 10 to 9 million,

and that's not a critical defect in the project.

MS. PARSONS: So, in essence, it's a compromise.

Last week when we were talking about the fact they wanted it

12, and they were at 36 before?

MR. CRADDICK: I don't know. Mike is making the motion there. I don't know if I can answer that one, why he wants that.

MR. VICTORINO: That's in response to people from the East Side of Maui, saying that they felt like that 36 would be not only 10 million, but possibly even more. And they felt like East Maui was going to be -- being raped for water to supply the central and southern side of the island.

And I agree with them. There's got to be some kind of a mechanism, beyond just the Board ruling on

something, or even the State Water Commission coming in to make sure we limit the amount of water coming out to be fair to those people who live there.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: Mr. Chair, once again, I feel that this document is -- is a flawed document, and that it has about zero chance of getting through the courts in the next 10 years.

And I just heard the Director do something that further flaws it. If reason for it not to succeed had not existed up to today, he just compromised it by saying that

it's his intention to run a second pipeline across Maliko Gulch at a higher elevation, in like -- in doing discussion on this plan.

So, if nothing else, that alone will compromise this process. At the previous meeting, his discussion, where he revealed confidential negotiations that had taken place regarding the court matter, and he was stopped, thankfully, from continuing further on that by Corp Counsel, it was another item that will compromise this when it gets to the court.

So, proceeding without having legal counsel, examining this, adjusting it, and being involved in the process of the filing and the court action that will pursue, is an act of folly.

And I see that members of this Board are intent on following that path of folly. Perhaps, they are happy to see this thing go and wither away as it did 10 years ago and fail.

I, for one, am not. We put a lot of work into it. I'd like to see it done properly. And filing it in its current form, including the way that it's been diminished by the Director, first of all, in his letter, answering

Mr. Hall's points, which has not been reviewed by legal counsel, and what has gone on in these past meetings here, will further diminish any likelihood that the thing is going to fly.

So, I, for one, will be voting against the main motion, though I do acknowledge and appreciate what Mr. Victorino is trying to do, which is a step in the right direction. However, by stating that there's -- the Director plans to run another pipe across Maliko Gulch, that point has been made.

CHAIRMAN RICE: Miss Parsons.

MS. PARSONS: I didn't hear him say that he intended to move another pipe across Maliko Gulch. I think he left that up to the Board to make that decision, and I think that's something that we may, once we get the wells drilled and see what's going on.

I have another issue that I think we have got to consider with all of this, and I -- I can't figure what the specifics are that anybody's brought up that you don't like about the SEIS. There is nothing specific, other than you said counsel hadn't reviewed Mr. Craddick's letter.

Well, counsel said, in the last meeting, that they

had reviewed Mr. Craddick's letter.

Is that correct, Mr. Kushi?

CORPORATION COUNSEL KUSHI: Yes, Board Member.

MS. PARSONS: Thank you very much. So, that's a

folly in itself. There is no specifics in here that you are

pointing to. It's all innuendo why you don't want it. And

you can't tell me whether you want a consultant to review this

or whether you want an attorney to review this. And an

attorney is only going to review it for legal procedure.

Another consultant is going to review it for the product

inside.

And if you didn't think that Mink & Yuen were qualified consultants, in the very beginning, you never should have hired them. I was not part of that Board at that point, so I didn't make that selection. But, apparently, I think you were, Jonathan, and you picked them to do this.

So, what specifically? Lay it on the table. I don't want any more shroud of secrecy, innuendo. Lay it on the table specifically what you think is flawed, so that we can address it, rather than the innuendo. And if you don't have anything specific, then say so.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: I will repeat, for the numerous times, a few of the points that have already been made. One is that the protocol for the court-ordered monitoring well, that was drilled on Hog Back Ridge, specifically called for water levels to be measured every morning.

MS. PARSONS: Okay. Let's start with one at a time. Let's start with one at a time.

MR. STARR: And --

MS. PARSONS: No, one at a time.

MR. STARR: Are you interrupting or are you asking

me a question that I am willing to --

MS. PARSONS: Okay. If you don't want to address one at a time. I think it would be good if we addressed one at a time.

MR. STARR: Why don't you just speak for a while, Ginny.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: Thank you. That protocol demanded that every morning the water level in the well be measured. Now, let me read to you from some Board minutes here. This is a meeting of October 25th, 2001. Okay.

"Mr. Starr: But I just want to be clear, that as requested, at the end of the day, we clean out the hole, and then at the morning, we measure how much water is sitting in the hole. And it goes into a log book. Is that being followed?

"Mr. Craddick: We weren't doing that, because the amount of time it would take to do that we would probably end up drilling three hours a day.

"Mr. Starr: Excuse me, but that's the entire reason we are drilling this well is to get the test results of

how much water is sitting in the hole. If we are not doing that, then the court is going to reject us, because you are not following the court's demanded protocol.

"That's the item on the agenda right now, because

I want to be sure every morning we measure the amount of water sitting in the hole. That's the whole purpose of why this hole is being drilled.

"Chairman Rice: Mr. Craddick.

"Mr. Craddick: No response. We have already responded really to this letter to Issac, and the protocol we have established is if there's -- okay. If there's water in

the hole, we will measure it. If there is no water in the hole, there is nothing to measure, and we won't measure it.

"Mr. Starr: If there is is no water in the hole, you write zero, correct?

"Mr. Craddick: No, we won't measure. If there is no water in the hole, we don't measure.

"Mr. Starr: You are double talking me, David.

"Mr. Craddick: No, I am not.

"Mr. Starr: If there's no water, there is no water, you write zero water. If there is water, you measure it, is that correct?

"Mr. Craddick: If there is no water, we are not measuring it.

"Chairman Rice: We are having a problem with semantics here. The procedure whereby we measure is what?

"Mr. Craddick, once we hit water in the hole, we will measure every day. If we don't get water --

"Chairman Rice: So, if today, at the end of the day, there is no water in the hole, tomorrow we won't measure, right?

"That's what he said. If there is nothing to measure. If we find water, then we measure. And what do you

write in the log book? You mean if there is no water in the

hole? Yeah. The person would write no water.

"Okay. I can accept that. You are not writing no measurement, right? You are writing no water.

"Mr. Craddick: I will leave that up to Herb there.

"Mr. Chang: We are required that in the driller's log to record if they hit water or not.

"And Mr. Rice: I think what Mr. Starr is saying that in terms of protocol, it may seem to be a bit picky.

Protocol and recognition of no water is important, rather than some other entry.

"Mr. Starr: That's what the judge will be looking for when he reviews this. Either there is water -- either there is no water, or there's so many feet of water. So, I want to be sure they are not just blanks.

"Chairman Rice: Mr. Craddick, will you make sure this is taken care of?

"Mr. Craddick: Yes."

There is another similar minutes, which I won't bother reading from, from another meeting, where we went

through about the same thing. Where it was said that we would state every morning whether there is water in the hole. And now when we filed the EIS, there is no mention. There is no log attached to it that shows whether there was water in the hole in the morning or not.

So, just on that basis alone, this will fail, because it does not follow that protocol. However, I understand we have logs which show whether there was water in the hole every morning, and they have not been included. So, why don't we include them? That's one point.

You know, there is another very strong point where

the -- we were mandated to consult with interested parties, from that area, from that neighborhood, and they have not been consulted with. And those people who asked to be consulted and were not consulted with are the ones who are going to be paying for the lawsuit against us.

So, why don't we create a process to consult with them, before we file this thing, rather than have them have the ability to go and -- go to the court and say they were not consulted, when the court mandated that we consult with them.

I mean, I can go on and on. There are a number of points. Frankly, there are points I am aware of that I would

rather not mention it in open session, but, for whatever the reason, I feel that this is a court document that's being filed, by the court, a very, very important one. And it's crazy not to have legal counsel when you are filing a document to the court.

The -- that's -- that's what lawyers do, in these cases, is review them before they are filed, correct them, and make sure that they are -- that they are defensible. Because I think that when we do go to court, and we have to go out and get counsel to follow up, at that point, he's going to say why

didn't you ask me to look at it before you filed this darn thing? And we are not going to have a good response to him.

So, anyway. I won't belabor this anymore. I think you have heard my point, and I -- I stick with it.

Thank you.

CHAIRMAN RICE: Mr. Hiranaga.

MR. HIRANAGA: I guess I am curious as to how the 24-inch diameter of the pipe was determined. Not being a civil engineer, I am just wondering how the diameter was determined.

MR. CRADDICK: The change in pipeline size you

mean?

MR. HIRANAGA: The proposed amendment of Board Member Victorino suggested we downsize the pipe to 24 inches, and I am just wondering what was the basis of that? What was the basis for that recommendation?

MR. VICTORINO: Well, the basis was basically from people that I have spoken to from that area wanting some assurances that we were not going to rape the area of water.

MR. HIRANAGA: Clarification, like why not 30-inch? Why not 19-inch? How did you come up with 24-inch?

MR. VICTORINO: In consulting people that

understand this 12, 24, 36-inch, the compromise 24 seemed to be a very appropriate number. I could have used 20, 19.

Again, you know, I picked 24, because it was a compromise in the right direction, that is to make sure that a certain amount of water can be limited coming out of that area. With 24-inch, it would be nine million gallons, like David stated, probably be the max you can pull out per day, not the 10 million.

So, this way the people there would have some assurances that we are not going in there just to grab water for some other area and leave them high and dry.

MR. HIRANAGA: So, the pipe can be any diameter?

It can be 26-inch, it can be 27-inch, or are there standard sizes -- diameter sizes?

MR. CRADDICK: That's exactly it. Standard sizes are 12, 24, 36, 48. 60-inch, 20-inch, 18-inch, 16-inch are not standard sizes, and it costs a lot more to buy the pipe.

MR. HIRANAGA: Wasn't one of the goals to bring 10 million gallons per day to be transported? So, why would we want to design something that can only bring nine million?

MR. CRADDICK: Yeah, I -- you know, that's an

issue that I don't think I can help you with there. You are right. It will reduce the scope of the project if you change that to 24.

MR. HIRANAGA: There was testimony, at the other meeting, I believe, with Mr. Parker, who was concerned that we would bring in more than 10 million gallons. So, I don't see why we are designing a system to bring in less than 10 million gallons per day. That's just a question. I don't understand the logic.

CHAIRMAN RICE: Miss Parsons.

MS. PARSONS: Mr. Craddick, on page 46 through 47,

just to address Mr. Starr's issues, it does discuss the

monitor well. I see we have a video set up in the back.

Could we just see that video, please, so that we can, as a

Board, know what you have on your monitoring -- on your

monitoring schedule.

It does say right here, video of fully streamed

upper boring to the depth of 150 feet, video of 12-inch

diameter pilot hole depth below depth of 150 feet. It says a

video log was made of the full depth of the uncased borings.

And it goes on to tell us what the -- what they saw until they

got to water.

MR. CRADDICK: We have that, but it's in the back.

It would take a couple minutes to roll it out here.

MS. PARSONS: I'd like to see it. I'd like for everybody else -- I've seen it, but I'd like for everybody else to see it just so you know, so you are comfortable.

CHAIRMAN RICE: I don't care. Board Members, do you want to see it?

MR. NOBRIGA: I would prefer to take action on the amendment, Mr. Chairman, if we could, and then go back to the main motion as or as not amended.

There was a question by Mr. Hiranaga about the

intent or reasons behind the amendment being offered by Board Member Victorino. I would like Mr. Victorino to explain that for Mr. Hiranaga.

CHAIRMAN RICE: I think he did when you were out, Mr. Victorino.

MR. VICTORINO: I thought I did, too. But --

MR. NOBRIGA: Okay.

MR. VICTORINO: Basically, again, as I stated earlier, this was an important compromise to insure that the amount of water being taken from the east end, with this

project, would not exceed 10 million.

And as Mr. Craddick has stated, with a standard 24-inch pipe, the maximum probably would be nine million.

This would at least show -- am I correct in saying that?

MR. CRADDICK: No, your amendment is to change all the 36 to 24. And if -- if you do that, I don't know what you will get in, but you will not get much water in. And the problem is, is that you have got to provide peak hour flows, which come from the four million gallon tank on Baldwin Avenue. So, what you are talking about is only to change it if from the Cane Haul Road to Baldwin Avenue.

MR. VICTORINO: Okay. So, I may have to correct that. But anyhow, the intent was to reduce the amount of water that can be taken from the east end with this project.

MR. CRADDICK: That would do it.

MR. VICTORINO: That was my intent. That has been my intent from the beginning, and we may have to dress it up properly, but I apologize for that.

CHAIRMAN RICE: Yes.

MR. HASHIMOTO: May I ask Mr. Victorino who requested or what group?

MR. VICTORINO: It wasn't any particular group.

It is just people that have come to me, the public.

MR. HASHIMOTO: How many people are you talking about?

MR. VICTORINO: Groups from the public. There was no particular group that came to me. I do not recollect, but they were people, the public. And you know I am accessible to the public in many areas, and that was one of the big concerns I kept hearing time in and time out, is that they don't want to be raped of water from the east end.

So, I thought this would be an appropriate compromise, however you want to address it, but going from 24

to 36-inch -- I mean, 36 to 24, especially if we go from Cane Haul Road to Baldwin -- may have to change the amendment -- would insure that that water supply or the water taken out of the east end will not be excessive.

CHAIRMAN RICE: Yes.

MS. PARSONS: I think one of the statements that Mr. Parker made last week was that he didn't want more than 10 million to be coming out of there. That was a real concern.

So, maybe if we are at where we know we are going

to be nine, we have addressed maybe one of the issues that's a problem, and it's a compromise. So, if we can only get up to nine out of there, maybe that's the way to do it. We are compromising, if this is the -- if this is one of the issues.

CHAIRMAN RICE: Board Member Nobriga has got a point of order here, and there's a motion on the table for Mr. Victorino's amendment to the main motion.

Mr. Kushi.

CORPORATION COUNSEL KUSHI: Yes, Mr. Chair. You can hear me, right? I need to say something at this point. And with all due respect to Board Member Victorino, and I

think I know where he's coming from. However, as I understand it, the project, as proposed and as reviewed by the various agencies, provided for a 36-inch line.

Now, if you are changing it to a 24-inch, the impact is less, but I hate to say this, but it may be a point that -- that the court might find needs to go back and get reviewed again, because you may be changing the scope of the project that the public has not reviewed.

And I am saying this only as it may. But, again, you know, I know it's a lesser impact. However, I would caution the Board and have the members consider that by doing

this, you are doing a unilateral amendment to a plan which has not been reviewed.

CHAIRMAN RICE: Thank you, Mr. Kushi. I am going to only say one thing, and I have already said it in several meetings. All this Board is doing is strengthening the position that I raised.

If we are, at this point, making amendments to the plan, without the aid -- at the last minute, without the aid of expertise, then I don't think we are doing the right thing. We should get experts to help us. We may have some ideas that may provide -- make the plan more salable in the end.

So, that's my position, it's been my position, and you seem to be only adding to the reasons why we should do that. So, if there's any discussion on the amendment --

Mr. Hiranaga.

MR. HIRANAGA: Just for the Board's information, I plan to vote nay on the proposed amendment, because, again, I don't see us -- I don't think it's appropriate to be making last minute changes to a plan that, again, we don't have experts providing expert opinions as to the feasibility of this proposal. And again, I am not a civil engineer, so I

don't know the impacts of reducing pipe sizes. So, that will
be my intention.

CHAIRMAN RICE: Any other discussion on the
amendment? The amendment which is to reduce the pipe size
from 36 to 24-inch?

Okay. I am going to call the question. All in
favor of the amendment to reduce the pipe size say aye.

MR. VICTORINO: Aye.

CHAIRMAN RICE: Opposed say nay.

(Chorus of nays.)

CHAIRMAN RICE: Okay. The amendment fails.

The motion to accept the SEIS, with the staff recommended amendments and the language proposed by Board Member Helm is on the table. Discussion. No discussion?

Mr. Nobriga.

MR. NOBRIGA: I would like to go to Miss Parsons to continue her line of investigative questioning.

MS. PARSONS: Well, I would like to address Mr. Starr's issue. Thank you, Mr. Nobriga.

I just think -- take a look at the video. It won't take very long. Take a look at the video.

MR. CRADDICK: It takes a while.

MS. PARSONS: Not in the scheme of things as long as 10 years has taken.

MR. CRADDICK: Yeah, that's true.

MS. PARSONS: So, take a look at it, so you can see there was no way to monitor water until we got to water. And it is -- it is my understanding it's in the logbooks. As soon as we got to water, we are in there every day.

MR. CRADDICK: And that's correct.

MS. PARSONS: And if that's an issue, that's a major issue. I agree. But if we have got an answer for it, let's see if we do.

CHAIRMAN RICE: If there's no objections, we are going to play the video, Board Members.

Go ahead, Mr. Craddick.

MR. CRADDICK: Turn this on here, and kind of follow this as we go around the hole here. This is a cross-section of the well. This is the way the well looks right now, today. It's capped off up here. While they were drilling it, they had some structure over it. They had some equipment to drive the bit, and that's what you are looking at when this first starts here.

This is -- it says zero feet, but it's
approximately 10 feet above the ground.

They drill with foam, and this thing here keeps
the foam from blowing out.

MS. PARSONS: Do you want to hit the lights,
David, for the glare?

MR. CRADDICK: This is inside the -- there is an
upper piece of pipe that goes down about maybe 20 or so feet.
Now you are actually looking at the side of the rock there.

MR. SHEPHERD: Is that a 30-inch hole?

MR. CRADDICK: Yes, yes.

CHAIRMAN RICE: Technical difficulties.

MR. CRADDICK: That's all we needed, huh?

MR. NOBRIGA: Is that the end of it?

MR. CRADDICK: No. I am not sure why it did that.

MS. PARSONS: May have had a blip in Maui

Electric, too, a surge.

MR. HASHIMOTO: How deep is the well?

MR. CRADDICK: It's -- down to water I think is

about 600 something.

MS. PARSONS: 670.

MR. CRADDICK: Yeah, that order of magnitude,

yeah. No, it says 518.10 feet sea level, so -- oh, no, that's the solid casing. I take that back.

MS. PARSONS: It says on 669, we have a large void. On 67 point -- 670.4 we had entered water table full saturation.

MR. CRADDICK: Anyway, the ground elevation is 667, and then the water -- doesn't show it on here, but the water was approximately five feet above sea level, five or six feet, in that area. And as far as those logs go, they could be added in to this Supplemental EIS. That's not a problem.

MR. SHEPHERD: Did you say the logs are not

accurate?

MR. CRADDICK: No, I said the logs are available.

They are just a real awkward shape. They are International Association of Drilling Contractor forms, and they are maybe like 14 by 17 sheets.

You can see here right now there is -- the wall surface is -- is wet, but there's no standing water in the hole. I don't know how to make it fast forward.

MS. PARSONS: Need a better machine.

MR. NOBRIGA: Normal.

MS. PARSONS: Or a videotape head cleaner. Head cleaner probably.

MR. CRADDICK: It's locked up here. I am going to go back to the one about 140 or something.

MS. PARSONS: Can you fast forward, Dave, to get up to maybe 4- or 500 feet? In that event, if anyone wants to see it, we can get the head cleaner, and clean the thing, and then put it back in.

MR. CRADDICK: No, it's not the head cleaner. It's what Brian is saying. Somehow the tape is locking up at a certain position, and the tape gets tight, and that's what's

causing it to -- I am not quite sure what causes that.

This is cased hole here. This has the steel casing in the hole. That's 400 feet. 500, I have got the same problem here.

MR. STARR: This will impress the judge.

CHAIRMAN RICE: Not working. Okay.

MR. CRADDICK: No, it's rewinding. Back at the start again.

CHAIRMAN RICE: All right.

MR. NOBRIGA: Okay.

CHAIRMAN RICE: Forget it. Let's go.

MR. STARR: Mr. Chairman.

CHAIRMAN RICE: Yes, Mr. Starr.

MR. STARR: I'd like to read from the EIS some data pertaining to this videotape and also the well and drilling house.

CHAIRMAN RICE: Thank you, Mr. Starr.

MR. STARR: Okay. This is -- I am actually reading it here out of a letter by Mr. Hall, the opposing counsel, and --

MS. PARSONS: What's it referred to in the EIS?

MR. STARR: It's toward the very back, toward the

back. There's no item number. It's just in the back of the book. And it's his August 7, 2002, letter, and he's referring to the protocols, which Judge McConnell had accepted.

And remember, the protocols were written by William Meyer, who, at that time, was head of the USGS Pacific Region. And this is item, I guess, 6 D.

"The test protocol were not followed properly. The test protocol, agreed upon by plaintiffs and the Board of Water Supply, were not followed properly. These protocols are repeated again below.

"A, prior to startup every morning, the driller will try to best determine if formation water has accumulated in the well. If so, measurements will be taken.

"B, the well driller will decide whether or not water has been encountered in the test hole at the beginning of each day, and, if so, will record the amount of water which has been encountered at the beginning of each day.

"A video log of the completed pilot holes will be taken. The daily drilling logs will be submitted by the contractor. And as has been pointed out by William Meyer, water or saturation was noticed in the well at the Honomanu

layer. However, measurements apparently were not taken and samples of the saturated rock were not kept. A record of the amount of water encountered was intended to be kept."

Now, going back to another letter that was written by William Meyer, who was the man who wrote the protocols which were accepted by the court. And on page three of his letter of June -- July 30th, 2002, which is also included as part of the EIS, it says, "It is obvious from the video log presented on page 43 of the SEIS, some moisture was encountered in the Honomanu basalt, and that these rocks are not completely unsaturated as stated in the DSEIS.

"Water in the unsaturated zone will not enter into the hole owing to the fact that the water is under less than an atmosphere of pressure. If the Honomanu basalt is completely unsaturated, below the Kula volcanics and above the presumed basalt water line, there should be no evidence that there is water in the Honomanu basalt in the video, but this is not the case.

"The video records that the bore hole is moist between the depths of 105 and 135 feet in the Kula volcanics. In the depths of 156, 200, 207 to 210, 343, 387 water is actually dripping and 520 feet in the Honomanu basalts. The

moist zone in the Kula volcanics between 122 to 135 could be well demonstrated to be the sort of first water body in the Kula volcanics. But this is the same type of information concerning moist walls in the Honomanu basalt as ignored as an indication of the saturated rocks."

And he goes on and on. And I will be honest with you. I don't really understand what he's talking about. But since he's the guy who wrote the protocols, and he's saying that what we presented as evidence does not agree, it behooves us to look at this before we file this thing and accept it

as -- as the opinion of this Board.

So, I, for one, think that it's a lot easier to deal with before we accept it, and have the thing filed, and have it contested in a court than after that process is already ongoing. Thank you.

CHAIRMAN RICE: Yes, Mr. Craddick.

MR. CRADDICK: What I would like to do is provide the response that was provided to Bill Meyer here. And this is right after his letter, on our second page, down at the bottom.

It says, "With reference to measuring water levels

either at every hundred foot increment of drilling or every morning once drilling proceeded below the Kula volcanics, which was cemented to prevent downward leakage, there was no standing water to measure. When the lack of saturation was validated, drilling continued through the unsaturated zone into the basal lands.

"The video log, as explained in the DSEIS, conclusively demonstrates that saturation was not struck until the basal water table was reached. The moisture in the walls of the bored hole in the video log description is simply fugitive moisture, simply fugitive infiltration, not

saturation. Moisture conditions in the unsaturated zone are noted in virtually all Hawaiian wells."

And on the front page of that, there is a -- let's see. Where does he talk about Gingerich here? Okay. One, two, three, four, five paragraphs above that, there is a reference made to the USGS East Maui Groundwater Study that was currently underway.

And it says, "In that study, the portion in the study by Gingerich referenced in the Draft Supplemental EIS relating to the Haiku Region does not support the existence of high level saturation of Honomanu Basalt."

Furthermore, we have a note right here in the drawings. This long dotted line here is a well where PVC plastic pipe, that goes down to that area, where there was this wetting of the walls. If that was saturated, this would fill up with water.

To this day and as of -- the last time we measured it was two or three weeks ago. There is no standing water in the hole which proves conclusively there is no saturation in this level right here in this particular well. So, regardless of what Bill Meyers is saying, it is not correct.

CHAIRMAN RICE: Thank you. Any other comments?

Mr. Sheehan, quickly, please. We are moving through.

MR. SHEEHAN: Good morning. My name is Mark

Sheehan. I am a member of the Coalition to Protect the East

Maui Water Resources. I will try to make it very brief. I

know you all serve here on a voluntary basis, and I appreciate

the service that you render to the county.

I have read Mr. Hall's brief on this thing, and I

want to just point out that the Hawaii Environmental

Protection Action states that that EIS is meaningless without

the conscientious application of the EIS process as a whole

and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action.

I live -- I will make this also very short. I

live in Haiku. I own a section of Kuiaha Gulch. I do have a perennial stream that flows through my property. And I did write some testimony, which you may have read, that my stream, which I have watched for 10 years, very closely, monitored very closely, does not flow anything like the way it used to flow.

I probably get half the flow from the stream that

I used to get even though Mr. Craddick asserts that there is

no connection between surface and groundwater. That is just a little report from the field. Last year was a very wet winter, as wet as any that I can remember. And the stream flow just isn't what it used to be.

My suggestion is that the Board has a chance here to do it right by rejecting this Draft Environmental Impact Statement. And it's my assumption that it will be the Board's fault if the EIS is declared inadequate. There will be a court challenge if it is approved.

Since there are vast sums of money on the table here -- the estimate was, 10 years ago, this was going to cost

\$50 million. I would guess that's pretty close to \$100 million in today's terms. Why not spend a fraction of that money and buy the Brewer lands, and get the Brewer waters, and avoid this, and meet the demands that you are trying to meet through this action by looking to a readier resource that is far less complicated. That is my recommendation. Thank you.

CHAIRMAN RICE: Thank you, Mr. Sheehan.

MR. STARR: I have a question.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: A question of Mr. Sheehan.

Mr. Sheehan, did you request to be a consulted party in this?

MR. SHEPHERD: No, never.

MR. STARR: Do you know if other people did?

MR. SHEPHERD: No. I have neighbors who live

along the stream. Mr. Lee Lopez, my neighbor below me, on the

ocean side, has lived there for four years and has observed

this for 50 years. Has observed that stream for many, many

years. He reports the same testimony that the stream flow --

and that is a perennial stream. Flows all the time. He

reports the same thing. Other -- other people who live in the

area report similar findings.

MR. STARR: Yeah. What I was asking, did you request to be consulted -- a consulted party, or have your neighbors asked to be consulted on this or give comment?

MR. SHEEHAN: No one that I know in the neighborhood was ever consulted or was ever contacted for information.

MR. STARR: Okay.

CHAIRMAN RICE: Thank you, Mr. Sheehan.

Okay. Board Members, is there any other discussion on the motion to accept? Mr. Hiranaga.

MR. HIRANAGA: I guess I have some concerns about proposed amendment to the motion. Hoping that all Board Members clearly understand the exact wording that is being proposed. First of all --

CHAIRMAN RICE: Mr. Helm's proposal.

MR. HIRANAGA: Right. Is that the amendment proposed?

MR. STARR: Can we get copies of that?

MS. PARSONS: What is it? I don't understand.

CHAIRMAN RICE: Mr. Nobriga read it when he made his motion.

MS. PARSONS: Oh.

MR. HIRANAGA: I guess my question is, one question is should the word effected be affect. And should it be reasonable, significant? When you say affected, if there's a one percent impact, does that mean we have to shut the wells down? So, I think that's a very general motion, and I think -- I have concerns about the way it's been written.

MR. STARR: Mr. Chair.

CHAIRMAN RICE: Yes.

MR. STARR: Can --

CHAIRMAN RICE: Mr. Starr.

MR. STARR: I'd like to have this read. And I am
kind of confused.

CHAIRMAN RICE: Mr. Nobriga did read it when he
made his motion.

MR. STARR: Yes, let's -- I am wondering who is
supposed to do this further study that's -- that's called for
in this amendment? Since we are not -- since we are not
embarking on the path of further study, but this amendment
calls for further study to be done. And some people have
joined us. Ginny, will you read that?

MS. PARSONS: Should further study show riparian
and appurtenant rights.

UNIDENTIFIED MAN: Could you speak up louder,
please?

MS. PARSONS: Are affected by the EM plan, the
Board will do everything in its power, up to and including
sealing of the EM plan wells.

UNIDENTIFIED MAN: Thank you.

MS. PARSONS: I believe the word should be
affected. Is that what you are saying?

MR. HIRANAGA: That's one of my concerns.

MS. PARSONS: Yeah.

MR. STARR: Does this mean the Board will embark on further study to decide if riparian and appurtenant rights are affected by the EM plan? Mr. Counsel.

CHAIRMAN RICE: Mr. Craddick.

MR. CRADDICK: The Board already embarked on that study September of this year, in joining with the Water Commission and USGS, to further study those streams, for the purpose of finding out which streams would be worthy of putting additional water, and furthering the Board's agreement with EMI to study that and possibly put more water in streams

that -- that they found were streams that would not lose all the water, I guess, down into the ground if water was released.

And another thing, on the community consulting, we had an open community meeting notified to everyone, if they wanted to come in. If we were not able to contact them, we had an open community meeting. Numerous people did come in. The transcript from that meeting is in here. The people are listed, and all the people were sent comments back to their consultation.

MR. SHEEHAN: That was a joke.

CHAIRMAN RICE: Excuse me. Excuse me, Mark,

please.

MR. SHEEHAN: Excuse me.

CHAIRMAN RICE: Okay. Board Members, okay.

MR. NOBRIGA: Question.

CHAIRMAN RICE: Call the question. Okay.

MR. NOBRIGA: No, I have a question. I have a

question.

CHAIRMAN RICE: You have a question?

MR. NOBRIGA: I have a question for Mr. Craddick.

He's still running around the room.

MR. CRADDICK: I tried it on another one, and it worked fine.

CHAIRMAN RICE: We have passed that. Let's go.

MR. NOBRIGA: I would like to ask Mr. Craddick to explain the -- explain the timetable which we are under in order to take acceptance or rejection.

CHAIRMAN RICE: Okay. The motion on the table is to accept it. It is not to reject. Okay.

MR. NOBRIGA: But there's a time -- there's a time thing.

CHAIRMAN RICE: I don't think so. Mr. Craddick.

MR. NOBRIGA: I am under the impression that there is a window that the action needs to be taken. So, I want to get clarification.

CHAIRMAN RICE: Mr. Craddick.

MR. CRADDICK: Each month OEQC files twice in its bulletin EIS's that are accepted and various other environmental information that goes out. And in order to get in the second publication, I believe, this has to be turned in by this week, Thursday. That's all.

The only other issues are the other items on your

agenda, and if you are concerned about the -- any funding issues, there is some that has to be done by December.

CHAIRMAN RICE: Mr. Hiranaga.

MR. HIRANAGA: Again, I feel that the amendment to the motion is poorly written, and so I would plan to vote against the proposed amended motion.

MR. CRADDICK: This thing is working now, if you --

CHAIRMAN RICE: We have passed that.

MR. CRADDICK: Okay.

CHAIRMAN RICE: The motion is not amended. The amendment to the motion was the change in the pipeline size, and that was defeated. And the motion included the proposed changes by staff, and Mink & Yuen, and this language. So, you are going to vote against the motion?

MR. HIRANAGA: That amendment.

CHAIRMAN RICE: Yes.

MR. STARR: Let's call the question.

MR. HASHIMOTO: Can we have the motion read again, please?

CHAIRMAN RICE: The motion was to accept the SEIS,

with the list of changes and amendments that were distributed at the last meeting and are distributed at this meeting by staff and Mink & Yuen, and with this language as proposed by Board Member Adolph Helm. That was the motion.

MR. CRADDICK: Peter, that word effect and affect is just something I wrote down. And if I didn't use the right word, that was -- I didn't use the right word. But that was my discussion with Adolph. And however the Board would like to change that language, I don't think is going to concern Adolph.

I think Adolph's concern was just that in the

Supplemental EIS, we say that because we are not affecting stream flow, therefore, we will not affect riparian and appurtenant rights. And he is asking for just whatever further study goes on, whether done by us or somebody else, if it is shown that riparian or appurtenant rights are affected, meaning that we are affecting stream flow, that we will do everything in our power up to and including sealing of whatever well affecting those riparian and appurtenant rights.

And, you know, if somebody wants to put some level on it of affecting those rights, I am not certain you can do that with the Water Commission. I think they just look at it

as any effect whatsoever. On our well permit, it says they can stop our well permit. So, that's already in place, that they can do that. So, putting this language in there does not, in any way, affect the plan, because that is written on the well permit when you get it. That if anybody's prior rights are affected, that well can be -- stop being used.

So, I believe it's just for clarification to -- I guess for Adolph. I am sorry. I am speaking for him, but --

CHAIRMAN RICE: Board Member Parsons.

MS. PARSONS: Does it have to be in there since

it's already going to be on the --

CHAIRMAN RICE: The motion is made.

MS. PARSONS: I mean, this is discussion. If we need to modify the motion, does it have to be in here, and since Adolph isn't here --

CHAIRMAN RICE: He's not voting anyway. He's just requested that.

MS. PARSONS: He's just requested it. Can it be removed?

MR. HIRANAGA: Mr. Chair.

CHAIRMAN RICE: Yes.

MR. HIRANAGA: I would like to also reiterate what Ginny just said. Why add it if it's already part of the permit? Why add additional language? You are saying the studies are in place or ongoing. The powers are there. Why add this language? I don't understand.

CHAIRMAN RICE: Okay. That's you all's decision. The motion includes it, so if you don't want to include it, you need to take it out.

MS. PARSONS: Do we need to make a motion to take it out?

MR. VICTORINO: Make the motion.

MS. PARSONS: Make the motion.

MR. VICTORINO: Remove that.

MS. PARSONS: Second.

CHAIRMAN RICE: Who made it?

MR. VICTORINO: I meant to remove that language.

That we have the motion to read accepted of the draft report

and as well as the recommendations from Mink, Yuen and staff.

MS. PARSONS: Second.

CHAIRMAN RICE: Okay. The amended motion is to

remove Mr. Helm's language from the original motion.

Discussion.

MR. VICTORINO: Call for the question.

CHAIRMAN RICE: All in favor of the amended motion
to remove Mr. Helm's language from the motion, say aye.

(Chorus of ayes.)

CHAIRMAN RICE: Opposed nay.

MR. STARR: Nay.

CHAIRMAN RICE: Nay, one nay. Okay. Now, the
motion -- all in favor of the motion to accept the SEIS, as
amended, say aye.

(Chorus of ayes.)

CHAIRMAN RICE: Opposed say nay.

MR. STARR: Nay.

CHAIRMAN RICE: Motion carries. Okay.

MR. NOBRIGA: Can we call for a recess,

Mr. Chairman?

CHAIRMAN RICE: Two minute.

(Recess, 9:19 a.m. Resumed, 9:28 a.m. Mr.

Victorino is not present.)

CHAIRMAN RICE: Good morning, and welcome to our
citizens who arrived since we started our meeting. Did you
get bogged down in the rain? Or you just knew the timing was

going to be such that --

MR. SHEEHAN: I didn't know it started at
8:00 o'clock. I thought it started at 9:00 o'clock.

CHAIRMAN RICE: Okay. Mr. Craddick, the next item
on our agenda is discussion/possible action, regarding
Upcounty Maui Watershed Project funding. If you would help me
clarify this, Mr. Craddick.

This is money that the government is providing, is
that correct, and they are using the Department of Water
Supply as a conduit for that funding?

MR. CRADDICK: Yes, the Water Department is -- is

a partner in this project, and the funding came from two directions in this last legislative session. One \$2 million to the county of which we were the expending agency, and \$6 million directly to the Department of Ag. The governor vetoed the \$6 million, but this was still approved.

And because it is County of Maui, we also sent a letter to the mayor asking for the mayor's concurrence in this delegation of funds. And the mayor responded back. "It is our understanding that the delegation of the appropriated funds for this project to the State Department of Agriculture has characterized the manner in which this project has been

handled. Thus, funding for earlier phases of the project was also appropriated to the Board but delegated to the State Department of Agriculture.

"Under the circumstances, please be apprised that we have no objection to this scenario, and that we concur with this delegation."

What the mayor is referring to is we previously got \$3 million from the state, and that was delegated to the State Department of Ag to do phase one and phase two. This will get the work going on phase three. And there are federal

matching funds for this.

CHAIRMAN RICE: And Mr. Craddick, it's my understanding that this is a project that was previously approved by this Board.

MR. CRADDICK: Yes, that's correct.

CHAIRMAN RICE: Okay. So, the Chair will entertain a motion to accept the appropriation of funds for the continuing -- continuance of the projection.

MR. HASHIMOTO: So move.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Moved and seconded. Discussion.

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN RICE: Opposed say nay.

(Silence.)

CHAIRMAN RICE: Motion is carried. More of those
agenda. Last item on the --

MR. HIRANAGA: Mr. Chair.

CHAIRMAN RICE: Yes. I was just thinking the same
thing. I did jump off of the first topic quickly, and we had
the -- under old business, A, discussion/acceptance/rejection
of the SEIS. There are two other items on the agenda, not

necessarily because there was action intended, but in case the Board wanted to take action in terms of funding for outside counsel.

There is a letter from the Director in your packet. I don't want to pass it by, unless you want to defer it to some other meeting.

MR. NOBRIGA: Move to defer.

MR. HASHIMOTO: Second.

CHAIRMAN RICE: Moved and seconded. Defer any action on either B or C to another meeting. Discussion? All in favor say aye.

(Chorus of ayes.)

CHAIRMAN RICE: Opposed say nay.

(Silence.)

CHAIRMAN RICE: Okay. Thank you. Okay. We did

other business. A, B discussion/possible action regarding the

Commission on Water Resource Management Chairperson

Recommendation Designate the Iao and Waihee Aquifers as

Groundwater Management Areas.

I have -- thank you. Mr. Williams and

Miss Raisbeck. Mr. Williams, your request was first, please,

sir.

Cathy, you have Mr. William's document, or did I
get to keep it, his request?

MS. HOWARD: I have it back.

CHAIRMAN RICE: Williamson. Sorry.

MR. WILLIAMSON: My name is James Williamson, and
I represent the Maui Meadows Homeowners' Association. We
petitioned the State Water Commission in July last year to
designate the Iao aquifer as a groundwater management area
under the supervision of the Commission.

The reason we took this step was due to our deep

concern with the integrity of the Iao aquifer system based on the data supplied by the U.S. -- United States Geological Survey.

The Water Commission staff has now produced a draft finding of fact report, which I presume the Water Board has. But anyway, it's --

CHAIRMAN RICE: Yes, we do, Mr. Williamson.

MR. WILLIAMSON: This is the report.

CHAIRMAN RICE: Yes, thank you.

MR. WILLIAMSON: Now, we have -- we haven't reviewed this in detail, but we have just started our review,

and we have made a preliminary review of the document. And we feel that it is incomplete and, in some respects, contrary it to the available current geological data.

A brief review of the report does confirm our strong belief that the Iao and Waihee aquifer system should be under -- designated as a groundwater management area under overall state purview.

We expect to submit our detailed comments to the staff as requested -- I think that the date is November 5 -- so that the final report can be submitted to the Commission meeting on Maui on November 20 to rule on the designation

issue. Thank you for your attention.

CHAIRMAN RICE: Thank you, Mr. Williamson.

Questions for Mr. Williamson? Thank you, Mr. Williamson.

Miss Raisbeck. Welcome back to our meeting.

Haven't seen you in a long time.

MS. RAISBECK: Nice to be back.

CHAIRMAN RICE: I guess we have been good Board

Members, huh?

MS. RAISBECK: Well, I have been being a good

grandmother.

Good morning. My name is Sally Raisbeck. I live in Wailuku. I have a personal interest in the Iao aquifer because in Wailuku, we get our water from that aquifer. I have been very interested to see that the designation process that Mr. Williamson and his group instituted last summer is approaching finality, and I assume you have all read the draft findings of fact, since you are going to make recommendations regarding them.

I recall, from a long time ago, when designation was fought out on Molokai, that meeting any one of those eight criteria would trigger -- would require the Commission to

designate.

If you have read the report, you know that two criteria were met in the case of Iao aquifer and one criterion was met in the case of Waihee aquifer. Now, it does not specifically say, in the staff report, that meeting one criterion will require the Commission to designate, but that is the opinion of a pretty high-powered attorney.

And if you expect to oppose that legal theory, you probably are going to need attorneys -- you know, funds for an attorney.

I am in favor of designation, because I don't

think the aquifer is in good health, and I think unless the state takes over some control of it, it will continue to degrade.

The -- there's a very interesting letter, in the public testimony, in that report, in the draft findings of fact, in the appendix B, or C -- or appendix C or D. I am not sure. Where they list all the written public testimony that was submitted. And it's from someone on Molokai. I don't know this person. But you can look for it, if you want.

It's very interesting, because his or her -- I don't even know if it's a man or a women -- testimony is that

designation gave the Molokai community more, not less, control over their own water. It gave them more control. It gave them access to really good education about what needed to be done and why.

It said, before designation, a lot of people paid no attention to water on Molokai. We didn't know how little we had. We didn't know what affected it. With the designation process, they got so much education from the state, that this person, at least, who -- what his name is I can't think of -- felt that it had very much improved public

Molokai citizen control of the water on Molokai.

So, that was an interesting point of view. Oh,

Kay -- hold on a minute. Kay Mahealani Davis, and I thought

it was an excellent letter. I urge all of you to read it.

Thank you.

CHAIRMAN RICE: Questions for Sally, Board

Members? Thank you, Sally. Okay. Board Members, comments?

Miss Parsons.

MS. PARSONS: I have a question. David,

designation, if you can give me more of a detail of it, what

it would entail? And just hypothetically, because I am into

consequence, what happens if.

What happens if the state, if we do designate and the state goes into privatization, water privatization, would it encompass the Iao Aquifer and we not have control of that?

MR. CRADDICK: I am not quite sure what you mean.

Privatize the Water Commission?

MS. PARSONS: Yes. A lot of counties are private.

They are selling off their water to global conglomerates.

Let's just say that the state decided that was something they were going to do with their water systems. Would that take -- would it take over Iao as well?

MR. CRADDICK: Because it's in the state constitution, the state's responsibility, I am not quite sure how that could take effect. The Water Commission has been set up basically to provide the oversight that's required in the state constitution to protect the natural resources. So, I am not quite sure how they could privatize that.

Now, actually operating the water system or something like that as opposed to privatized, but taking over what is the state's responsibility to protect the resources, I am not quite sure what the scenario would be for privatizing something like that.

I am not saying it couldn't happen, but I just don't see any scenario they could do that with. Because if the state is saying it's theirs, and I suppose if McBride was ever decided to where there could be private ownership of water, then -- then, I guess, you could have some privatization of that responsibility.

But, up until then, I think the state has that responsibility, and I don't see how they would privatize it.

MS. PARSONS: So, what does designation do in detail?

MR. CRADDICK: Basically, allows the state to say

how much you can take from a single well or group of wells in an aquifer to avoid one group or entity from getting all the water.

And in the case -- in the case of Iao, the Board of Water Supply, which also has the same responsibility as the state of protecting the resources -- we are basically the only entity pumping.

There are some very minor ones on the county itself and the parks, Keopuolani Park and Baldwin War Memorial Stadium. There are some smaller ones. Possibly the Waiehu

Golf Course there is some pumping going on. But basically, the majority -- and I would say approaching 99 percent is all pumped by the Maui Board of Water Supply.

And I guess what designation would do is allow other people to start drilling wells and pumping water in Iao.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: Yeah, I'd like it to be noted that if you look at the petition, which the Chairperson is recommending to designate -- but if you look at the petition, on page 21 and 22, the only wells for which there is any production data are the Department of Water Supply wells.

The average production, 12 month average, for all of the wells owned by other entities, including Parks Department, there are no numbers here. And that is simply because there are no numbers that have ever been submitted for the pumping of any of these wells.

What I am trying to say, is that there is no one -- absolutely no one on this planet that can tell you how much water is being pumped in Iao aquifer or in North Waihee aquifer, because without the process of designation, there is no entity that has the ability -- legal ability -- to demand pumping data be provided to the Water Commission, or to Water

Board, or to any other entity.

The only time there is actual legal teeth under the water code is after the process of designation, at which time, that authority kicks in, where they can tell people that they have to submit their pumping data. And if they don't comply, they can -- that fines can be levied against them.

So, right now, we don't know how much water is being pumped in Iao. Maybe there is not much being pumped by other parties. Maybe there is. I know I asked Senator Chumbley from Wailuku Ag how much they are pumping one day,

and he said, "I am sorry, but that's proprietary information."

We don't know. They have big wells there. Maybe they are pumping a lot. Maybe they are not pumping anything.

So, unfortunately, there is no local means of doing this.

I have heard the Director say that everything was peachy keen on Oahu before they designated, because they were able to do that. But there was a reason why they designated on Oahu, and that was because they weren't able to deal with this issue over there.

And to my understanding, things are working better on Molokai in terms of understanding of water resources and

the ability to make sure that the resources aren't being strained, and that their use is kept in the best good than they are here, where, you know, we have -- frankly, our Board and our Department has had some difficulty in dealing with these issues, not only from the fact that we don't know how much water other people are pumping, but, in my own opinion, which I believe this Board will be dealing with several meetings from now, we are currently overpumping the combined Iao and North Waihee.

And it's something that's very difficult for us to come to grips with, especially when we don't know how much

water other people are pumping. So, I don't think this is a bad thing. I look at the process of designation as our ability to go into a partnership, which will allow us to understand the water use and best deal with it, with an agency that's capable of doing things that we can't do nor do I think we want to start doing.

CHAIRMAN RICE: Mr. Craddick.

MR. CRADDICK: One other thing that I didn't write in my comments here to the Board, is I believe, at the next Board agenda, the proposal and contract with USGS to do the model will be before the Board at that time. And that would

provide the real information that the Board Members are seeking prior to taking a step like that without any real information.

CHAIRMAN RICE: Ginny.

MS. PARSONS: Yeah, didn't we -- I was just going to ask you that. We allotted taxpayer dollars to do the USGS for the purpose of doing that study. Can we make a rule? Can -- can the Board make a rule for reporting purposes?

MR. CRADDICK: One has been proposed to the Board well over a year ago, and it's come up one or two times. So

far, the Board has taken no action on it. The rule that is similar to Honolulu's, where Honolulu had permitting and pumpage data requirements that were required to be submitted to the Honolulu Board of Water Supply.

MS. PARSONS: If we designate, do we need the USGS? Do we need that study if we are going to designate?

CHAIRMAN RICE: I think we need the study. We decided -- I think we are mixing a couple things up here. The study to do the model has not been -- we put money in the budget, but we did not approve that yet. That's coming up on another agenda, because we are getting a proposal from the

USGS.

So, we all had their presentation, during our budget session, I believe, or near the budget session. We agreed it was something we wanted to do, but we haven't had the proposal. We will be taking that up at a future meeting. So, I think that is something we need to do. It needs to be done.

MS. PARSONS: We need both.

CHAIRMAN RICE: The other was test wells, I think, the other joint USGS project, was that not, David?

MR. CRADDICK: Well, there's two other things that

are going on. One, the Water Commission themselves are talking about drilling a monitor well on the south side of Iao Stream to see what's going on on that side. And our drilling program is what you are talking about with USGS, and Kauai, and the Big Island. The Board, if they saw fit, wanted to do something in this area, to add to this information could do that, yes.

CHAIRMAN RICE: Any other comments? The Chairman has some comments, I think.

MR. CRADDICK: Too, you have been submitted this chart here, and I suspect it's just an oversight on the Water

Commission's part. We had a report a long time ago that said that we were not following our own rule. And when Linnel came to the Board, she admitted that we were, in fact, following the rule, but it's not deleted out of this report.

And I wanted to just show you here all the data, and you can see for yourself that we are, in fact, following our rule, which requires the shutdown of all permits and things like that should we meet certain criteria. So, there are quite a few protections in place to protect the aquifer right now.

CHAIRMAN RICE: Board Members, in the findings, on

pages --

MR. CRADDICK: Page 81, 81.

CHAIRMAN RICE: No, in the pages that start with

the criteria for designation on 73, and they go through to --

they go through to 81, where there's a conclusion, they -- the

Commission looks at the criteria for designation, and they --

they write in there met or not met and why.

And in the criteria that relates to withdrawal,

which is criteria one, whether an increase in water use or

authorized plan use may cause the maximum rate of withdrawal

from the groundwater source to reach 90 percent of sustainable yield.

In that analysis, by the Commission on Water Resource Management, I want to point out to the Board that on page 66, there is a chart that they use. And I am having a little problem with the chart that they use. One is because they have assumed that we have a contractual obligation to the Central Maui Joint Venture for up to 6.7 million gallons a day.

And I don't know that that is -- I don't know that that's true. I am not rendering a legal opinion. But,

whether we have a legal obligation to the CMJV or not does not necessarily mean that that water would come out of Iao aquifer, and I think that needs to be point out.

And I think the other thing that's in this analysis is that any projects that are on the books, including some Wailea projects that have yet to be approved, I think are considered in this total. And I am not sure that that's -- it's an accurate way for them to predict potential usage.

So, I think those are -- that's certainly the CMJV. You can see right here on the chart, it says contractual obligation, and I believe this Board has not taken

action that we have a contractual obligation. So, I think that needs to be pointed out, and that is a significant amount of water.

MR. CRADDICK: I think, Peter, they are not in year 2002. They are not showing any water for any contractual obligation in the totals that they give.

CHAIRMAN RICE: Oh, I am looking at the wrong line.

MR. CRADDICK: They are saying that will be added to it if there is anything there.

CHAIRMAN RICE: Okay. Mr. Starr.

MR. STARR: I know that my biggest problem with this document relates to North Waihee.

CHAIRMAN RICE: Yes.

MR. STARR: And the North Waihee aquifer, which I have heard many times is hydrologically sort of a continuation of Iao more than anything else. I'd like to refer you to our Final Supplemental EIS which we approved today, to page 69.

MS. PARSONS: EIS.

MR. STARR: Because this is one of the things that now we are tied into, now that we have accepted this document,

even though I did vote against it. On page 69, item 12.1.3, it says, source, North Waihee. The average allowable yield of four million gallons a day is for the region between Waihee Valley and Makamakaole Valley. It should not be exceeded even when Kapaa well is added to the system.

Currently about four mgd is sent to the Central Maui system from four North Waihee wells. Another -- total allowable average yield, when all wells are on line, will be approximately four mgd.

Now, where we have been pumping about six mgd out of there, when our EIS states that the max we can pump is

four. So, this finding of fact talks about eight-million-gallon-a-day sustainable yield out of North Waihee. However, we see, by the EIS, that it's really four, and we are pumping around -- approximately six at the current time.

So, we are exceeding the allowable yield by about two million gallons a day in North Waihee. When you add that to what we are doing in Iao, where we are, you know, well over 16, it means that if you add the 16, which is the 80 percent allowable, out of Iao, to the four million out of North Waihee, you got 22. Our rolling average is above 22

consistently.

That seems to indicate that we are pumping more than we should be out of the two, and that's one area that I think we should correct the Water Commission with the data from the EIS document.

CHAIRMAN RICE: The Director's letter to the Board is dated October 15th. It's in your packet, and the Director makes some suggestions. Does the Board want to act on that?

MR. STARR: I haven't -- I am sorry. I haven't seen that.

CHAIRMAN RICE: It's item 17.

MR. STARR: Yeah, I didn't get mine.

MR. NAKAMURA: Page 17.

MR. STARR: This meeting packet, yeah? What page

is that?

CHAIRMAN RICE: Seventeen, 17.

MR. STARR: I downloaded this off the internet.

CHAIRMAN RICE: Yes.

MR. NAKAMURA: Mr. Chairman, can I ask a question

while Mr. Starr is reading the letter?

CHAIRMAN RICE: Yes, please.

MR. NAKAMURA: Going back to the table on page 66, on the last column, David, 2002 mgd, I guess that's projected additional demand. Under pending and approved building permits, footnote two, which is identified as the source -- the source being identified is the Maui Department of Water Supply. Can you explain that? It seems like an awfully high number.

MR. CRADDICK: I don't believe that's correct.

They are including discretionary approvals, not already approved permits, such as Wailea 670, Makena, things like that that are not approved.

MR. NAKAMURA: Yeah, I think that number is highly questionable.

MR. CRADDICK: Yeah, it is.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: I have a request from staff. Do you have a -- the latest of the pumping reports? The latest one I have here is the one with the errors -- math errors. Do you have the correct one, Cathy?

MS. HOWARD: I don't have anything with me. I will check to see.

CHAIRMAN RICE: The corrected report got sent to

all of us. I got it.

MR. STARR: Yeah, I don't have it with me.

CHAIRMAN RICE: Oh, I don't have it with me

either.

MS. HOWARD: Kent would have a copy of yesterday's

water report, but I don't think that's what you are looking

for, is it?

MR. STARR: No, I am looking for this --

CHAIRMAN RICE: No, he's not looking for that.

That is a -- yes, Miss Parsons.

MS. PARSONS: I believe the additional total

demand probably takes in the 15 to 20 years for development,

because there's projects that are on the board to some degree.

A lot of it is the Wailuku Ag area that's being sold off, is

to my understanding.

And I think it's an issue that depends upon what

we do with the watershed area on how quickly we move or

whatever we are going to do with that as well. But, a lot of

this -- and maybe Ellen can address it, because she

understands the submission of the plans are for later dates,

not the immediate. Is that correct? Is that your

understanding?

MS. KRAFTSOW: Yeah, the number they used was as of June, large projects of staffing that had received some kind of discretionary approval, like a change in zoning or project approval. Some of them are on 20 or longer year timeframes.

And, so, it's very incorrect to count that as building permits which we normally expect will take effect within two to five years.

MR. CRADDICK: For the record, that was Ellen Kraftsow speaking from our Planning Department.

MR. STARR: What was that number, Ellen?

MS. KRAFTSOW: Which number? The one that is in
the report is something like 6.7.

MR. NAKAMURA: 6.736.

CHAIRMAN RICE: Board Members, Mr. Shepherd would
like to say something. Mr. Shepherd, we passed the public
testimony period, but if you will make it quick, we will let
you say it.

MR. SHEPHERD: Sorry. It wasn't clear as to what
the procedure was. I was waiting for item number three.

CHAIRMAN RICE: Well, it was raised by --

MR. SHEPHERD: I make an appeal to this Board and people in the audience that when they do speak, that they speak clearly, distinctly, get your hand away from your mouth. The acoustics in here are lousy, and we simply can't hear what's going on sometimes.

My name is Glenn Shepherd. I am speaking on the Iao aquifer situation. I believe wholeheartedly that it is hazardous and reckless, at best, to not have the Iao aquifer designated.

The information that we have gotten from the

consultants, so forth, has been out of one well, and they are looking at the whole aquifer. We don't know how much water is being taken out of the Iao aquifer, but we do know that the water levels are going down and the salinities are going up.

Now, one well with one sonde going down into that well, resistivity sonde, records the midpoint of the freshwater or the -- between the freshwater and the saltwater. That's one sonde.

Now, I have sat in wells and watched the engineer put the sondes in the hole. And I would remark that, hey, that doesn't look like the well that's right next door. He

says, oh, hang on. And he twists the dial. And on the oscilloscope, you can see the curves go to show that the resistivity is now comparable with one that was left out.

We have no comparisons to go by. And when an operator runs a resistivity survey, it's only a one-shot deal with one well and the whole aquifer. And you are -- you are trying to determine what's the health of that aquifer. It's reckless to not designate the Iao aquifer based on such little information. Thank you.

CHAIRMAN RICE: Questions for Mr. Shepherd? Board

Members? Thank you, Mr. Shepherd.

All right. Board Members, what's the pleasure of this body? I asked the question. Mr. Craddick makes some recommendations in his letter the 15th of October. That's marked page 17 in your booklet. Mr. Starr.

MR. STARR: Yeah, I would like added to any comments we make a comment about North Waihee and the fact that we are exceeding the average allowable yield as stated in our EIS.

CHAIRMAN RICE: SEIS. Okay. Mr. Craddick, do you want to elaborate on your recommendations in your letter, please?

MR. CRADDICK: Well, we have a well site that we could move on north of the Central Maui Joint Venture wells. It has been agreed to turn that over to us, and all we have to do is start drilling there. And I believe the property has now been sold, but the property has been -- the property owner has been notified that this may occur. So, there is nothing preventing us from doing that other than that we are paying for it.

CHAIRMAN RICE: Yes, Miss Parsons.

MS. PARSONS: Just from seeing what's on the

horizon, I think it would be a good idea if we did move forward in providing more water, since that's what's provided for in the Charter.

MR. CRADDICK: That doesn't provide us more water.

That addresses the second item where the -- on page 81, where the spatial patterns and depths of existing withdrawals of groundwater are endangering the stability or optimum development of the groundwater body as a whole, which is the aquifer as a whole.

So, basically, what we are doing is spreading out the pumping, so that, one, we won't be taking so much from the

Central Maui Joint Venture well.

Now, if we do that, there is an expectation that the chlorides would drop at Waiehu Heights, because that is one of the ones that they are saying is real high.

I give a suggestion in there that after that well is drilled and tested, and we see how that's working, then we could go back -- if that well is still being affected, go back and actually seal the bottom of that hole and reduce the pump capacity in that well. And in the meantime, we just would minimize its usage so as to not cause problems.

But, that -- what I am proposing to you is

spreading out the pumping. That's -- that's the main issue that we can do something about. As far as the added demand or potential demand out there, you probably could do something about that, too.

We could change our comments to the Planning Commission, and we tried to do this via a rule, the water availability rule, where people had to -- if they were taking more than five percent of the total available water, had to participate in developing new sources with us. Or if they were using over 120,000 gallons, regardless of what percentage it was, had to participate with us in developing new sources.

And that would make it to where responsibility is somewhat on the developer. If they want to use more of the resources, then they have to participate with us in developing it, and they wouldn't be able to move forward until that occurred. So, that is how we could, I feel, deal with the first point.

The second point is the spreading of the existing pumping, and we have done quite a bit with Mokuahau, using Wailuku shaft and Waikapu, spreading that pumping south, but more needs to be done north.

MR. STARR: Mr. Chairman, point of order.

CHAIRMAN RICE: Mr. Starr.

MR. STARR: We are discussing doing major policy and infrastructure changes which is not on our agenda. And I don't -- you know, it's disturbing to me, at the last minute, before the Commission hears designation, where we are looking to change -- we are looking to do policy changes.

We are going to, you know, do wells specifically to make it look like we are doing something, so that the Commission will not designate.

That's the wrong reason. That's the wrong reason

to set policy. That's the wrong reason to decide to drill wells, and this is the wrong time to be discussing that. I am all for spreading out the pumpage. I am all for changing our policy in regards to planning, but not so that we can create an excuse to kind of slither out from under the petition to designate.

Rather, we should try to create a future way we should be doing things. And this is the wrong way to do business, and it's not -- they are not on the agenda.

CHAIRMAN RICE: Miss Parsons.

MS. PARSONS: But I am in agreement. I am not --

I am not disagreeing. But if we do designate --

MR. HIRANAGA: I can't hear.

MS. PARSONS: If we do designate, does that mean that we have got this private well system issue, that's been in front of us several times, we haven't been able to deal with? Does it mean that they are going to be able to go up on those hills and drill their own wells, to put their developments in, because we are not providing them water, and we are back to that private well again?

MR. STARR: On the contrary, right now there is nothing to stop anyone from getting a drilling permit and

withdrawing as much water as they want, because there is no entity that -- that really decides on that matter.

Anyone can get a drilling permit. All you have to do is pay the fee. You go in there, and they will give it to you. And you can drill a well, and you can take as much as -- no one will ever know how much water you are taking out of that well.

With this process, then every time someone wants to drill a well, they have to go to the Commission, and they have to get a water use permit, which they don't have to do

now. So, it's, you know, the contrary. That right now,
anyone can do anything. There is no law.

I have described this as the wild, wild west,
because, you know, where before they had a sheriff and before
they had a law. And the only mechanism that's available to
us, to actually put some -- you know, put some control on it
is this process.

I wish there was a local process, but there isn't.
And even on Oahu, where there once was, it didn't work there,
and they had to designate that. So, yes, theoretically, the
Commission could tell a private landowner that they could

drill a well and take 10 million gallons out of it in the middle of Iao, but they would not.

They would never do that, because, they are -- you know, they are responsible for the public trust, and if the water is already being used for a higher use, which is the municipal system, they are not going to take it. They are not going to take it away and give it to someone else.

CHAIRMAN RICE: Just a point of clarification.

The designation is done not by us, this body. It's done by the Commission on Water Resource Management. They make the decision to designate.

MR. NOBRIGA: Mr. Chairman.

CHAIRMAN RICE: Yes, Mr. Nobriga.

MR. NOBRIGA: We have access to groundwater within the Iao system. Not in the Iao system, but we have access to groundwater. I am not sure how many thousands of gallons per day. May I ask the Director to enlighten us?

MR. CRADDICK: What we are currently using?

MR. NOBRIGA: Yes.

MR. CRADDICK: What we are currently using? About 16.6 or -7 million gallons. That was end of last month.

CHAIRMAN RICE: I am not sure that was the

question, was it?

MR. NOBRIGA: No, I am sorry. Surface water,
yeah? What did I say, groundwater? I said the wrong water.

Surface water.

MR. CRADDICK: We are not currently using any
surface water. I have it under good authority we will have
that agreement back from A&B that would allow us to start
using surface water November 1.

MR. NOBRIGA: And how much? What -- my goodness.
The quantity of our agreement was for what?

MR. CRADDICK: It's 300,000 gallons as long as the ditch is not above some certain level. And I forget exactly what that level is off the top of my head. But, on a day like today, we would be able to produce as much as we could, which is approximately, I think, if you take in backwashing and everything, and minus that out, it's about 1.5 to 1.7 million water into the system.

We are producing about 2 million, but we can't run that all day long. We have to stop and backwash and things like that. So, it ends up reducing a little bit.

MR. NOBRIGA: That current is not within the -- is

that information the State Department of Water Resource Management has within the report?

MR. CRADDICK: No, they don't have that, because we don't have an agreement right now. But like I say, the Wailuku Agribusiness was holding up signing it, because we didn't have the agreement on the pipeline coming down.

And he has since had a discussion with Hawaii Land & Farming, that they will give us approval to do that. And, so, he said he has signed it and sent it back to A&B, that I would expect would sign it, and return it back to us.

MR. NOBRIGA: Follow-up question, Mr. Chairman.

CHAIRMAN RICE: Yes, Mr. Nobriga.

MR. NOBRIGA: Surface water agreements within
Waikapu, status?

MR. CRADDICK: That's the Iao Waihee ditch
agreement, not Waikapu.

MR. NOBRIGA: Same thing.

MR. CRADDICK: In Waikapu, we don't use any water.

MR. NOBRIGA: But there is water in Waikapu?

MR. CRADDICK: Yes.

CHAIRMAN RICE: Yes, Mr. Starr.

MR. STARR: I was just going to ask if the Chair

had any recommendations on how to proceed with it then. If

there's other questions, I will defer until they are asked.

CHAIRMAN RICE: Mr. Nakamura.

MR. NAKAMURA: I just wanted to say that although

I do not necessarily agree with Mr. Starr on the issue of

designation, I do agree with him on the issue of the need to

look at this on a more comprehensive basis.

The Board has been -- has recognized the issue of

pumping, the issue of the need to develop additional sources

in different areas in Waihee, to go further north. We have

appropriated funds to bring the Waikapu well on line, as well as to develop the additional well.

I think these all need to be put together into one package and presented to the Board in a comprehensive and understandable way, so we can see what we are doing, what we have funded, what we need to do, and what we need to fund further. You know, I agree that that needs to be done.

CHAIRMAN RICE: Okay. Mr. Starr, in regards to your question, I don't necessarily have a specific course of action. I think that we do -- we know that we have to take some action. We have known for quite a while we have to take

some action on source, and that was certainly the Waikapu -- I mean, yeah, the Waikapu lands is one effort.

But, I agree with Mr. Nakamura. I think we have to relook at the whole plan. And if we have to provide different -- some of this information to the Commission, I think we should. I don't know that that's going to change any of their decisions any, but I think all the information that we can give them that's current is important.

Outside of that, Mr. Craddick. Mr. Nobriga.

MR. NOBRIGA: I would like to hear Mr. Craddick's statement.

MR. CRADDICK: Okay. The way I look at this, and this is also from the staff, that the underlying issue here is what can best be done to protect the aquifer. And if the state should designate, what can they do better than us in order to protect the aquifer.

And the issue of whether to abrogate or give that management responsibility away to somebody else is one issue. And I agree with Board Member Nakamura that putting in place those changes, that will help us manage better, is the direction that we need to go. And I will be more than happy to get a report ready for the next Board meeting on that.

CHAIRMAN RICE: Mr. Starr. Mr. Nobriga was next.

Sorry, Mr. Starr.

MR. STARR: Go ahead, Mike.

CHAIRMAN RICE: Go ahead.

MR. NOBRIGA: The other course of action we may wish to embark on is to go back to rule making on the current Iao rule. There's three levels of alerts, and the first level of alert is a caution, low groundwater condition, that triggers in at 95 percent.

We may need to open up rule making and reevaluate

the 95 percent. Basically, the first level is caution, low groundwater condition, at 95 percent of the sustainable yield pumpage, or where chloride levels reach an absolute limit in parts per million during any three-month period of more than one well. So, we may have to reopen that review as to when we look at the entire facilities.

CHAIRMAN RICE: Yes. You know, Mr. Starr, as I have been thinking about your question, in the discussion that's gone on, I personally am not in favor of designation, and I have not been. That's my personal feeling.

But, I think we all know what the situation is in

Iao aquifer. And the future that we have to focus on is an additional source, and it's not going to come from Iao aquifer. So, to spend our resources and our time and energy developing other source, I think, is what's most important for this Board.

Because we can oppose designation, and we can -- maybe we can convince them that's the way to go. Maybe we can't. But in the end, what are we going to do? We are still going to have to make decisions to protect the aquifer, which no one disagrees with.

And number two, we are still going to have to find

new source. So, why don't we focus on those kinds of things.

And the study has to be provided with whatever the correct data is, or at least be acknowledged that there's questions.

But whatever happens, I think that's really where the Board should be focused.

Yes, Mr. Starr.

MR. STARR: Yeah, so, as I see it -- and I agree with you. We need to be relentless. I have used that word before in regard to this. We need to be relentless in trying to find new sources -- new sources of water.

You know, and I -- I am starting to feel that, you

know, perhaps that the most direct route lies in surface water rather than -- rather than well water. More well water, that -- and I am glad that we are moving as fast as we can in that direction, and the last meeting was certainly a step in that direction.

You know, I also think we might be able to do something with three million gallons a day that we have at Kamole weir from the East Maui system. We do have more water than we can utilize allocated to us over there. So, that might be a possibility, too.

But, I think that the thing that every two years we -- the Board and the whole county goes into a big flurry of activity to create reasons not to designate, and then we do a whole bunch of actions, and spend a whole bunch of money, and spend a lot of our resources trying to create designation-busters, rather than doing actual actions that will provide for some kind of new source, and sustainability, and better use, I find that process foolish.

I feel that we should -- you know, we should let the Commission do their job, whatever it is. You know, whether it's to designate or whether it's to not designate.

And we should be concerned with proceeding to, as you said,
find new sources and be relentless in that process.

So, you know, I don't feel we should be
concentrating on trying to fight it. And perhaps I don't even
think we should be giving a comment as to whether we recommend
they do or they don't, but rather providing all the facts
and -- you know, and saying, you know, this is you guys' call.
You have the rules, and you make that call. We are going to
go on and develop more water so we can provide for the people
of Maui.

CHAIRMAN RICE: Mr. Craddick.

MR. CRADDICK: Yes, what I was going to say was in response to your comment of getting more water. I think underlying the issue, in the spatial distances between wells, right now, is that we will never get to 20, if we don't spread the pumping out more.

That's the underlying issue of that -- whether rates, times, spatial patterns or depths of existing withdrawals of groundwater are endangering the stability or optimum development of groundwater due to upconing or encroachment of saltwater. And it's a two-pronged issue; one, getting more water, but also reducing the draw from existing

wells so we are not -- as the saltwater interface moves up, in response to the pumping, it doesn't come into our wells.

And we need to be diligent on both ends, not just developing more water, unless you are just simply, by developing more water, just going to cut back and constantly stay well below 20 on Iao aquifer, which is a decision, I guess, that you can make.

But, I think that's the underlying issue, is that they are thinking they are not going to get to 20 if we don't spread the pumping out.

CHAIRMAN RICE: I believe I said that there were two issues. One was to protect the aquifer, and the other was to develop new source. So, protecting the aquifer certainly means spreading the pumping and doing whatever else we decide that we need to do. So, we are in agreement there.

MR. STARR: Mr. Chair, this Board has gone on record several times stating that 18 was the max that we were looking to extract out of Iao. I hear now that the Director is saying that he wants to pump 20 out of Iao aquifer.

This is something new to me, and this is something that I heartily object to. And I am sure the Commission

wouldn't be too happy about it either.

CHAIRMAN RICE: I think we can -- as we develop,
as the Director provides us with a plan, we can talk about how
to proceed with that.

Any other comments from Board Members? Any other
need for discussion here? Okay.

MR. STARR: Move to adjourn.

MR. SHEPHERD: Do you want any comment from the
public? You brought up some new subjects here that need to
be -- need to be massaged for your own benefit.

CHAIRMAN RICE: I think we had that process where

we let the public comment, and we have discussed it --

MR. SHEPHERD: But you are discussing it now.

CHAIRMAN RICE: Yeah, it's not -- you know, this isn't a big forum. This is one Board. And we haven't taken any action, so I don't know that there's a danger here.

Mr. Starr.

MR. STARR: Yeah, if that's the end of our agenda, I move to adjourn.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Okay. Moved to adjourn. All in favor, aye.

(Chorus of ayes.)

CHAIRMAN RICE: There we go.

(Recess, 10:27 a.m.)

"By Water All Things Find Life"

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