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M I N U T E S  
LAND USE COMMITTEE  
Council of the County of Maui  
Council Chamber  
September 19, 2007

APPROVED:

  
Committee Chair

1 RECONVENE: 1:35 p.m.

2

3 PRESENT: Councilmember Michael J. Molina, Chair  
4 Councilmember Joseph Pontanilla, Vice-Chair

5 (Arrive 2:20 p.m.)

6 Councilmember Michelle Anderson, Member

7 Councilmember Gladys C. Baisa, Member

8 Councilmember G. Riki Hokama, Member

9 (Arrive 1:36 p.m.; Leave 4:31 p.m.)

10 Councilmember Jo Anne Johnson, Member

11 (Arrive 1:40 p.m.)

12 Councilmember Danny A. Mateo, Member

13 Councilmember Bill Kauakea Medeiros, Member

14 Councilmember Michael P. Victorino, Member

15

16 STAFF: Tammy M. Frias, Committee Secretary

17 Carla M. Nakata, Legislative Attorney

18

19 Morris Haole, Executive Assistant to

20 Councilmember Bill Kauakea Medeiros

21 Stephanie Ohigashi, Executive Assistant to

22 Councilmember Michael P. Victorino

23 Jock Yamaguchi, Executive Assistant to

24 Councilmember Michelle Anderson

25

1 ADMIN.: Colleen Suyama, Deputy Director,  
2 Department of Planning  
3 Jeffrey Eng, Director,  
4 Department of Water Supply  
5 Eric Yamashige, Deputy Director,  
6 Department of Water Supply  
7 Michael Miyamoto, Deputy Director,  
8 Department of Public Works  
9 Bradney Hickle, Officer,  
10 Department of Police  
11 Neal A. Bal, Deputy Chief, Department of  
12 Fire and Public Safety  
13 James A. Giroux, Deputy Corporation  
14 Counsel, Department of the  
15 Corporation Counsel  
16  
17 OTHERS: Charles Jencks, Owner's Representative,  
18 Honua`ula Partners, LLC  
19 Gwen Ohashi Hiraga, Principal,  
20 Munekiyo & Hiraga, Inc.  
21 (Applicant's entitlement consultant)  
22 John Ford, Program Director/Senior  
23 Biologist, SWCA Environmental  
24 Consultants  
25 (Applicant's flora consultant)

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1                   B. Martin Luna, Esq.,  
 2                            Carlsmith Ball LLP  
 3                            (Applicant's attorney)  
 4                   Kimokeo Kapahulehua

5  
 6                   Joyclynn Costa  
 7                   Additional attendees (10)

8  
 9   PRESS:           Melissa Tanji, The Maui News  
 10                   Akaku--Maui County Community Television, Inc.  
 11   . . . . .

12   ITEM NO. 38:   CHANGE IN ZONING AND PROJECT DISTRICT  
 13                            PHASE 1 APPROVAL FOR "HONUA`ULA/WAILEA  
 14                            670" RESIDENTIAL DEVELOPMENT  
                           (C.C. No. 01-334)

15   CHAIR MOLINA:   The recessed Land Use Committee  
 16                   meeting for September 10th, 2007 is now back  
 17                   in session. It is 1:35. Today's date,  
 18                   September 19th, here in the Council Chambers.  
 19                   We have in attendance Members Molina, Mateo,  
 20                   Anderson, Baisa, Medeiros, and Victorino.  
 21                   Excused are Members Johnson, Hokama, and  
 22                   Pontanilla.

23                   And, Members, today the Chair's  
 24                   intent -- initially the Chair had asked you  
 25                   folks to consider a dinner break and to come

1 back and work through the night and maybe  
2 possibly the early morning. The Chair is  
3 going to make a revision to that.  
4 Unfortunately, for myself, I've had some  
5 personal matters I have to deal with this  
6 evening, so Chair's intent is to go up to  
7 6:00, maybe 6:30 tonight, so my apologies to  
8 you, for those of you who had planned on  
9 staying through the maybe early or late  
10 evening. So we're looking at 6:00 to 6:30  
11 today.

12 All right, is that understood, Members?

13 COUNCIL MEMBERS: No objections.

14 CHAIR MOLINA: No objections, okay. All right,  
15 okay, so ordered.

16 We have with us from Staff: Legislative  
17 Analyst Carla Nakata; Committee Secretary  
18 Tammy Frias; from Corporation Counsel's Office  
19 we have Mr. James Giroux; from the Planning  
20 Department, Deputy Director Colleen Suyama;  
21 and from the Water Department, both Directors,  
22 Director Jeff Eng and Deputy Director Eric  
23 Yamashige.

24 And we're going to start off with the  
25 issue of water, Members. And the Chair's

1 intent is to address for a second and final  
2 time all the conditions that did not receive  
3 consensus. So that's the Chair's goal for  
4 today. We'll see how much we can get done in  
5 five hours.

6 So with that being said, I'd like to ask  
7 Mr. Eng, the first question, as it relates to  
8 Condition 1, and I believe also Condition 4  
9 touches upon the subject matter of water.  
10 Mr. Eng -- and, Members, after I get through  
11 with my line of questioning for Mr. Eng, I'll  
12 open up the floor for your opportunities.

13 Mr. Eng, on Monday at the Water  
14 Resources Committee meeting -- and I just want  
15 some clarity. I'm trying to understand what I  
16 heard. I'm not a Member of the Committee, so  
17 I was not present, but what was passed on to  
18 me was that you had mentioned that there is no  
19 water and I could not get any additional  
20 details on -- with regards to that statement.  
21 So if you could help us understand, those of  
22 us who are not on the Committee and also  
23 members of the public who I received calls  
24 from and I was stopped on the street, people  
25 tell me, did you hear what the Water Director

1           said about the water situation? So I just  
2           want to get some clarity, and I'm going to try  
3           to tie it into this project. So I'd like to  
4           give you the opportunity to respond to  
5           Monday's statement.

6 MR. ENG: Thank you, Chair Molina. And good  
7           afternoon, Members.

8                     In Monday's Water Resources Committee  
9           meeting what you might be referring to was  
10          when we were going over the topic of water  
11          availability in Central Maui, particularly,  
12          and the discussion was really based on our --  
13          our standards that we use, which are basically  
14          the engineering standards. And at that time I  
15          believe our Planning Division head Ellen  
16          Kraftsow reviewed some of the various  
17          standards we go by, the normal typical  
18          engineering standards that has never really  
19          been followed throughout the many years of the  
20          Department. They've also looked at a modified  
21          standard, and that, too, has been quite a  
22          challenge for the Department to follow, and  
23          perhaps never has. And then they have a third  
24          standard that they looked at that more kind of  
25          follows how we currently operate.

1           And again, these are standards. It's  
2           only one aspect of our total analysis of our  
3           water demand. In the case of our standards,  
4           they are very conservative, meaning that  
5           they're the highest standards based on backup  
6           sources, adequate storage facilities for fire  
7           protection. It's probably one of the most  
8           conservative standards to follow. So in that  
9           regard we're not -- we don't follow those  
10          standards. And, therefore, if you do the  
11          calculation of water availability, it actually  
12          becomes a negative number.

13                 In reality, there's other things we look  
14          at. We certainly will look at projected  
15          demands, current demands and projected  
16          demands. We also look at the long-term  
17          weather conditions, and apparently we are in a  
18          drought situation, at least in the past two  
19          years, and it's something that at some point  
20          we have to get back to normal rainfall,  
21          because that will be really, to me, the  
22          highest significance of restoring the aquifer  
23          is recharge.

24                 So we look at all these various factors  
25          in determining where we're at, you know. And

1           one of the most important ones is are we in  
2           compliance with our pump permits? And that  
3           Iao Aquifer, as you know, has been designated  
4           back in 2003. There are some concerns about  
5           Waihee Aquifer, even though it hasn't been  
6           designated yet. And our really third source  
7           of water for Central Maui is our Iao water  
8           treatment facility, but it has a fairly  
9           limited amount of production because it's  
10          really based on a relatively small surface  
11          ditch source, and ditches can be quite  
12          temperamental based on weather. It can be --  
13          when it's raining hard, it can be actually too  
14          turbid to produce a lot of water, or if it's  
15          very dry, the flows are very low.

16                 But we are running as efficient as we  
17          can in all of our available sources for  
18          Central Maui. There is a serious concern of  
19          where we're at, and, you know, we're not  
20          crying wolf. We are, again, really concerned  
21          as we look out in our future projections for  
22          demand based on our current trends. And I'm  
23          really happy to see that, you know, the  
24          Council has been, you know, discussing this  
25          issue openly, and we'll continue to really

1           closely monitor the situation and want to  
2           share the information we gather with you  
3           folks.

4                       How this particular situation relates to  
5           Wailea 670, because they have their private  
6           water system, as I understand, it won't affect  
7           that aspect of the project.  However, you  
8           know, in recent meetings I know you folks have  
9           talked about this off-site project, affordable  
10          project, and in that regard I haven't heard  
11          any discussion about water source for that.

12          So that's all have I to say at this time.

13   CHAIR MOLINA:  Okay, this is the -- I guess the 250  
14          affordable units that's being proposed to be  
15          built off-site.

16                       So have you had discussions with the  
17          Mayor on the stance that you have taken?  And  
18          can you share with us, if you have met with  
19          the Mayor, what is the Mayor's stance on this?

20   MR. ENG:  Well, she is certainly supportive of what  
21          we're doing, and she shares her concerns in --  
22          and, in fact, Deputy Director Yamashige and I  
23          are meeting with her at 2:30.  That's why we  
24          do have to leave early.  And we will be  
25          basically updating her on the situation, and

1            hopefully we'll get into some serious  
2            discussion as far as how we want to remedy  
3            everything.

4 CHAIR MOLINA: Okay. And one final question. So  
5            the next Water Board meeting is scheduled for,  
6            is it October?

7 MR. ENG: I'm not certain of the date. I'm sorry.

8 CHAIR MOLINA: Okay. Okay. Because --

9 MR. ENG: Oh, I'm sorry. I'm sorry. I do know the  
10           date. It's next week, September 27.

11 CHAIR MOLINA: September 27th. And at that point  
12           the public will -- will you then be making a  
13           recommendation? Are we looking at mandatory  
14           cutbacks, then, for South Maui as well as  
15           Central Maui? I know right now it's just been  
16           voluntary to this point, right?

17 MR. ENG: On the agenda for next week's board  
18           meeting there is an item to discuss the  
19           Central Maui situation. And this was just a  
20           follow-up to our last meeting where the board  
21           recommended to go to a voluntary cutbacks. So  
22           obviously they will want to look at the data  
23           that we have to date and see how the voluntary  
24           measures have -- how effective they've been.  
25           And I'm certain there will be some serious

1 discussion.

2 CHAIR MOLINA: Uh-huh, and the long-term weather  
3 forecast, you're looking at a year, six  
4 months, I mean, in terms of this drought that  
5 we're in?

6 MR. ENG: Well, what we've heard is that as far as  
7 this year, the drought may extend into  
8 November. In reality, we've been fairly  
9 fortunate in the past few weeks, and  
10 particularly in the past couple days. You  
11 know, like Upcountry seems to be -- our  
12 reservoirs are fairly good shape. The Wailoa  
13 Ditch is flowing quite well right now. And so  
14 this is kind of interesting, in contrast to  
15 last year. Last year at this time I think  
16 Upcountry was at its worst situation for the  
17 summer. This year, you know, I always say I  
18 want to be optimistic. The situation is good,  
19 but, again, we still have a long way to go in  
20 the summer, so I'm not -- we're not relaxing  
21 our position Upcountry at this time.

22 CHAIR MOLINA: Okay, thank you, Mr. Director.  
23 Appreciate you, you know, touching upon this  
24 very serious issue. Water affects everything.  
25 And, Members, my apologies for maybe

1 possibly straying a little bit off course  
2 here, but I was trying to tie this into this  
3 particular application. So just to give  
4 myself as well as the body and the members of  
5 the public more clarity on the situation.

6 Mr. Victorino?

7 COUNCILMEMBER VICTORINO: Yeah, Mr. Chair, how far  
8 do you want to carry this? Because I'm not  
9 sure where this questioning would go and where  
10 do you want to it to go? Because, again --

11 CHAIR MOLINA: Yeah, if we could, as much as  
12 possible, try to keep it tied into the 670  
13 application as much as possible.

14 COUNCILMEMBER VICTORINO: Okay. So, generically --  
15 and I guess the question is -- from my side  
16 and the public's side is, first of all, you  
17 described three standards: This the standard  
18 we model ourselves on. This is the standard  
19 we should use. And this is the standard we  
20 normally use. Well, mostly people would say  
21 what does the standards mean? What is it all  
22 entitled to? Maybe this is not the time and  
23 place, but I think we all should know what  
24 standards we refer to and how we come to these  
25 conclusions.

1           Because water is a key issue now. Water  
2           has become very important, not only for  
3           development purposes, but for sustenance for  
4           the future. We know there's water. We know  
5           there's water in those mountains. We have  
6           somewhere around 300 million gallons a day  
7           that is produced in our mountains on both ends  
8           of the island. We know that. The problem is  
9           we don't get it here. The transmission,  
10          storage, let's not go into that. That is not  
11          this Committee.

12                 But what I'm asking you, Mr. Director,  
13           is you're saying that we don't have water,  
14           that we're -- based upon what standard, and is  
15           that standard the standard that we are going  
16           to be set at? Does the Mayor tell you that?  
17           Do I tell you that? Who tells you what  
18           standard you will follow?

19 CHAIR MOLINA: Mr. Director.

20 MR. ENG: Thank you for that question. Mostly the  
21          standards have been developed by our  
22          Department and engineers. Again, the basic  
23          engineering standards are very conservative.  
24          Like in the case of having -- when you analyze  
25          the amount of source availability you have in

1           your system, you know, you look at your  
2           average daily demand. You want to basically  
3           have enough sources to be able to have -- to  
4           be able to meet max demand, which is one and a  
5           half times average demand. So already you're  
6           going to build a redundancy in sources to meet  
7           that max one and a half times. Because at  
8           certain times during the day diurnally the  
9           flows change. So you want to be able to have  
10          enough source to meet those more maximum peak  
11          demand periods.

12                 Also as a redundancy, you want to be  
13          able to meet this peak -- this maximum demand  
14          in 16 hours of pump operation. So even,  
15          realistically, your pumps can run 24 hours a  
16          day. In fact, it's better to run them  
17          continuously rather than cycling them off and  
18          on. There's more wear and tear to your motor  
19          when you turn things on and off. So,  
20          therefore, we want to set the standard at  
21          being able to meet that max demand in only 16  
22          hours.

23                 So basically that's how you get that  
24          two-thirds times two-thirds. So if you have,  
25          say, a million gallons really available

1           pumping capacity, you basically say but I only  
2           safely have 450,000 gallons per day, because  
3           you want to go by that two-thirds times  
4           two-thirds rule.

5                    To further make it more conservative,  
6           you will then, out of your entire system,  
7           remove your largest pump. So you also take  
8           another conservative approach saying my  
9           largest pump is out of service. So you've got  
10          all these various conservative factors in  
11          play. And ideally you would design a system  
12          like that. However, with all that redundancy,  
13          it could be very, very expensive, because, you  
14          know, you might have really in essence, you  
15          know, up to twice as much capacity you need  
16          and a lot of it would be idle. So, you know,  
17          as far as your -- where you want to put your  
18          capital and invest it, maybe that isn't  
19          prudent to just put it into idle equipment.

20                    But-- so, therefore, that basic  
21          engineering standard, we're not even near it.  
22          So we've looked over the years in the history  
23          of the Department, modifying that standard to  
24          make it more reasonable. You know, they  
25          looked at a second standard, but that still

1           showed us that we're in a deficit. We  
2           couldn't meet the standard. They came up with  
3           a third standard, which was more realistic to  
4           how we operate, which is -- has a little bit  
5           of redundancy in it. To our personal liking,  
6           there wasn't enough. So it's funny about four  
7           weekends ago I came up with my own fourth  
8           standard, just to add a little bit more safety  
9           factor, you know. It still wasn't good -- the  
10          picture was terrible, but at least for my own  
11          purposes that gave me a realistic standard to  
12          go by.

13                        So basically those are the standards.  
14          There is redundancy. There is back up. There  
15          are safety measures, and we're cutting it very  
16          close in that regard basically.

17   COUNCILMEMBER VICTORINO: And I guess the follow-up  
18          question that I have, with these new sources  
19          that are privately being developed right  
20          now -- a.k.a. Maui Lani, let's start with that  
21          one first, because we know that one should be  
22          coming on line in the near future. That 1.2  
23          million gallons they anticipated having for  
24          their development, what does the County get?  
25          Because I think now it becomes very apparent

1           that all these years we've let them develop  
2           whatever they have developed down there and  
3           using County water, which now South Maui same  
4           thing -- I'll use every place. My community  
5           will suffer for it. So once in a while I will  
6           say my community will suffer. I will say that  
7           to all of you. We've allowed it. My fault.  
8           Nice guy. We allowed it. But maybe now we  
9           should say they should go find their own  
10          sources. Maybe they should give back to us so  
11          that our sources are not depleted, a.k.a. Iao  
12          Aquifer, Waihee Aquifer, Waiehu Aquifer,  
13          right? Maybe now it's time.

14                        But more importantly, if we get new  
15          sources coming on line from these private  
16          developers, does the County -- and I guess the  
17          question I'm asking now, does the County get  
18          back water for our use for County of Maui to  
19          use?

20   CHAIR MOLINA: Mr. Director.

21   MR. ENG: Thank you, Mr. Chair. If you look at the  
22          agreement that the County has with Maui Lani,  
23          we do get excess water, just based on the  
24          basic terms of the agreement. Again, those  
25          wells are planned to operate at a minimum, if

1           you operate them continuously on a 12-month  
2           basis, 1.2 million gallons per day. Maui Lani  
3           from that is assured 960,000 gallons per day.  
4           So just per that agreement, there's 240,000  
5           gallons per day for the County.

6                     Now, in reality, again, if we can -- you  
7           know, wells are best operated if you run them  
8           continuously, but then there are some  
9           restrictions because of that aquifer, so we  
10          want to be careful. But just for your  
11          information, I was able to finally take a look  
12          at their pump tests and water quality tests  
13          just yesterday. And, again, the pump tests  
14          are only five days. You know, they basically  
15          look at draw down in the water level as well  
16          as chlorides taken at periods -- at periodic  
17          times. Everything looked real good. The draw  
18          downs were minimal, meaning the hydraulics are  
19          very good. The chlorides are very minimal.  
20          So that's assuring based on only five days,  
21          but I've never judged a well based on five  
22          days of operation.

23                     But hopefully, if they are productive,  
24          water quality remains good, anything over that  
25          960,000 gallons per day is ours to use. And

1           even until they utilize all that allocation of  
2           960, you know, we get all that excess also to  
3           utilize, which helps us buy time until our  
4           other new sources come on line.

5   COUNCILMEMBER VICTORINO:   Okay, thank you,  
6           Mr. Chair.  I'm glad that some clarification  
7           has been made.  I'm just somewhat dumbfounded  
8           and upset that we waited so many years.  Until  
9           today we still don't have rules for our Water  
10          Department.  Board of Water Supply has run on  
11          many years on just been inept and just sitting  
12          there being an advisory board, now finding  
13          they're being listened to, and so many other  
14          things that haven't been done.  But I can't  
15          change the past.  I hope to change the future.  
16          Thank you.

17   CHAIR MOLINA:  Thank you, Mr. Victorino.

18                 And joining us for our proceedings today  
19          we have Member Johnson and Mr. -- Chairman  
20          Hokama.  And, Mr. Hokama, you had your hand  
21          up, so, Members, I'm going to give all of you  
22          an opportunity to ask the Water Director a  
23          question.  And they are -- they can only be  
24          here till 2:30, as Mr. Eng mentioned to us.  
25          He has to meet with the Mayor, and they do

1           have a budget meeting hearing tonight in Paia,  
2           I believe.

3                       Mr. Hokama.

4   COUNCILMEMBER HOKAMA: Thank you, Chairman. And I  
5           will limit my questions so each Member has a  
6           fair opportunity, so thank you for that  
7           direction.

8                       Mr. Eng, let me get back to the project  
9           in front of us, as well as its impact upon  
10          what this Committee has heard this afternoon  
11          by your comments, and we thank you for that  
12          status as your Department views the water  
13          situation currently.

14                      Now, in regards back to the condition  
15          that's been before this Committee regarding  
16          the water and the ability -- or let me take  
17          that back -- whether we will agree to let this  
18          applicant move forward with a private water  
19          source development and transmission  
20          utilization program. Part of this is also  
21          tied into, I would assume, Mr. Eng -- that's  
22          what I -- we need to know, this Committee  
23          needs to know. The component of the brackish  
24          wells for non-human, if I can use that phrase,  
25          non-human use, which is like golf course

1 activities and what not. With the information  
2 you have, and hearing how you've been viewing  
3 this conservation issue or potential  
4 situation, you have any comments today as far  
5 as the impact? Because I going to be real --  
6 very upfront, yeah. We already have existing  
7 projects and people in regions of South Maui  
8 that I cannot afford to take an overly  
9 optimistic view and jeopardize those  
10 properties, those businesses, and those  
11 residences, okay? So I won't jeopardize  
12 Wailea. I won't jeopardize Makena. I won't  
13 jeopardize Kihei. That already exists. This  
14 project doesn't exist, okay, in reality yet  
15 from an approval and moving toward  
16 constructed. So I don't have a problem  
17 denying this to protect the existing  
18 businesses and residences and projects already  
19 there in our South Maui region.

20 But I'm concerned about how, with this  
21 additional brackish wells, because it's low  
22 and pulling brackish, how that impacts the  
23 lower existing projects like Wailea should --  
24 you know, I'm hearing Mr. Victorino sharing a  
25 point of view that I consider dangerous.

1           Because I don't want us to get so provincial  
2           that everybody is going to only kapu within  
3           their region, okay. Because if we take it to  
4           the next level regarding money, that was the  
5           case in the past, there would be no South Maui  
6           today, okay, because Central Maui paid for it  
7           as well as through the large property owners,  
8           the people (inaudible) South Maui, okay. Do  
9           you understand that?

10                   So you have any comment to my question  
11           of concern regarding the current water  
12           situation? But I'm more concerned about the  
13           impact of the brackish wells that this project  
14           is anticipating or proposing, and if things  
15           don't pan out, its impact on already our  
16           existing --

17 CHAIR MOLINA: Mr. Director.

18 MR. ENG: Thank you, Mr. Hokama, Mr. Chair. As far  
19           as -- part of your question was the impacts of  
20           perhaps existing wells in South Maui. I'm not  
21           aware of any domestic potable wells in South  
22           Maui in that particular aquifer. There are  
23           other brackish non-potable wells, and I think  
24           in this -- in these meetings here I've heard  
25           Wailea has their own irrigation wells. I

1 believe Makena does too. And I think earlier  
2 there was concern expressed about the impacts  
3 to those existing wells. I believe the  
4 developer's representative indicated that he  
5 does communicate and discuss with Wailea and  
6 perhaps will have some kind of arrangement to  
7 share information on water quality to see if  
8 there is an impact to each other's wells. And  
9 that's probably a good neighbor thing to do.  
10 But none of those wells will impact anything  
11 that the County has.

12 As far as this particular development --  
13 COUNCILMEMBER HOKAMA: Don't we have an overall  
14 responsibility, though, to protect all the  
15 aquifers on the island? Because that brackish  
16 wells is pulling from South Maui aquifers,  
17 right? It may not be coming from West Maui,  
18 East Maui, Iao, Waihee, Waikapu, but it's  
19 coming from, nonetheless, Maui aquifers, which  
20 just so happened based on that side of the  
21 island, the eastern side.

22 MR. ENG: Member Hokama, I don't think we are  
23 required to monitor and regulate other  
24 aquifers, particularly those that we have no  
25 facilities in. It probably is the proper

1           thing to do if you want to be a good steward  
2           of the entire island and all of the water  
3           sources, but we haven't had the capability to  
4           ever do that and be the overall policemen of  
5           water.

6                        But to my knowledge, I don't believe  
7           we've ever had any interest in developing  
8           potable wells. And that's where we're really  
9           concerned in protecting and making sure that  
10          even others, as they develop wells, do the  
11          right thing. And I think that's part of the  
12          purpose of this "Show Me the Water" bill  
13          that's being proposed. So we don't have any  
14          active policing power as our duties at this  
15          time.

16                       But as far as impacts to existing  
17          consumers --

18   COUNCILMEMBER HOKAMA: Just -- and I'm sorry for the  
19          interruption, but you do have the ability to  
20          comment to State Water Commission, to DLNR  
21          regarding the County's concern should certain  
22          things happen with what they're doing in that  
23          region, don't you?

24   MR. ENG: I think that it would be appropriate, even  
25          those these are brackish wells, we don't have

1           any plans for potable wells, but even these  
2           brackish wells have a purpose for irrigation.  
3           And they would want to keep those wells at a  
4           reasonable chlorides level to continue to use  
5           them for irrigation. So let's say they're  
6           four to 700 parts per million chlorides now,  
7           if they can pump them so that they can stay  
8           within that range, they're probably forever  
9           good for irrigation purposes. But they should  
10          also be careful about over pumping those.  
11          Those chlorides become higher, then they won't  
12          even be useful for irrigation.

13        COUNCILMEMBER HOKAMA: And again, you know, Mr. Eng,  
14           my understanding of this Committee, our  
15           understanding is that part of the brackish use  
16           is going to be blended with potable water from  
17           our system, which you have the responsibility  
18           of, to take care of some of their needs.

19        MR. ENG: I am not aware of that, Member Hokama.

20        COUNCILMEMBER HOKAMA: I thought -- and I may be  
21           wrong, Mr. Chairman, but I thought that was  
22           part of what we were told at one time. There  
23           will be no blending, possible blending?

24        COUNCILMEMBER ANDERSON: They're going to blend with  
25           other less brackish water, like effluent,

1 treated effluent.

2 CHAIR MOLINA: We'll bring the Applicant up at a  
3 later point to clarify.

4 COUNCILMEMBER HOKAMA: Thank you, Chairman.

5 MR. ENG: If I may complete my response.

6 COUNCILMEMBER HOKAMA: I'm sorry, Mr. Eng. My  
7 apologies.

8 MR. ENG: No, no, thank you. You asked about the  
9 impacts to the existing customers down there,  
10 or residents. This water source that they're  
11 developing will not impact them whatsoever,  
12 because, again, all their potable needs are  
13 served by our Central Maui systems, which are  
14 basically the sources from Iao, Waihee, and  
15 the surface water treatment plant. So there  
16 is no impact.

17 COUNCILMEMBER HOKAMA: And that's what I wanted this  
18 Committee to be -- if there's no impact, but  
19 let's say by their pumping the brackish it  
20 does have an impact, then, on the Waileas and  
21 what not that already there that use their  
22 wells for their irrigation needs, and more  
23 than likely for landscape.

24 MR. ENG: That's a possibility.

25 COUNCILMEMBER HOKAMA: They don't have a restriction

1 to pull from the County system, right,  
2 domestic system? Do they have a restriction  
3 they cannot pull from the County's domestic  
4 system, then, that they're already tied into?

5 MR. ENG: That is -- who -- what properties are  
6 that?

7 COUNCILMEMBER HOKAMA: The Waileas, the Wailea  
8 Project District, Makena project. These are  
9 all entities that decades ago was part of a  
10 joint venture to help develop the potable  
11 system. And so they have the capability or  
12 are currently using part of that potable  
13 domestic system, right?

14 MR. ENG: Yes, they are --

15 COUNCILMEMBER HOKAMA: If their one source cannot  
16 then satisfy, do they have a prohibition they  
17 cannot pull from what they've contributed in  
18 the source development and transmission to  
19 South Maui? That impacts you and that  
20 impacts --

21 MR. ENG: Well, a couple things is that basically  
22 for Wailea, you know, we will not allow them  
23 to pull any more domestic. You know, they  
24 would have to get in line like everyone else,  
25 in the back of the line for a meter, and so

1           they would wait.

2   COUNCILMEMBER HOKAMA:  No, but they have existing  
3           lines, right?  They have existing meters.

4   MR. ENG:  Yes, but there is a limited amount of  
5           consumption demand that they're allowed to --  
6           within a reasonable range.  So if they wanted  
7           to come in and pull more water, they would  
8           probably need a larger meter or a new meter,  
9           and currently they wouldn't get it from us.

10  COUNCILMEMBER HOKAMA:  I take your word at that,  
11           Director Eng.

12                        Mr. Chairman, thank you for the  
13           opportunity.

14  CHAIR MOLINA:  Thank you, Mr. Hokama.

15                        Mr. Medeiros.

16  COUNCILMEMBER MEDEIROS:  Mr. Chairman, no questions  
17           at this time.  Thank you.

18  CHAIR MOLINA:  Thank you.  Member Johnson.

19  COUNCILMEMBER JOHNSON:  Yes, Jeff, thanks very much  
20           for being here.  And with your comment about  
21           the housing that would be planned outside the  
22           development but that would be a condition that  
23           would be possibly attached to the development  
24           for the affordables.  If I understood what you  
25           were saying, is that with all of the

1 outstanding, I guess, applications or meters  
2 already awarded to ongoing projects, some of  
3 which have not come on line yet, you could not  
4 assure the Council or even the developer that  
5 you would have sufficient water for such a  
6 project to even be constructed; is that  
7 correct?

8 MR. ENG: If they came in today, we couldn't serve  
9 them. Again, I don't know the time frame for  
10 that project. As you know, we're trying to  
11 aggressively look at new sources and  
12 developing of new sources. Perhaps if it's  
13 two or three years away from completion we  
14 could accommodate them and have available  
15 water. But currently we would give them no  
16 assurances that they would get a meter until  
17 the time that they apply for a meter.

18 COUNCILMEMBER JOHNSON: Okay. Because the  
19 discussion that we've been having, and one of  
20 the points that's being made, is that because  
21 the particular property where this intended  
22 facility would be built, this would be in an  
23 area that (end of tape) thing is that it would  
24 be a near term project, and it would have  
25 immediacy, which we're all looking at to

1 fulfill the affordable housing needs of the  
2 community. But based on what you're saying,  
3 is that is not something that you could  
4 actually give them an assurance that if they  
5 came in the next five months, five weeks, that  
6 they would be able to be given meters or any  
7 assurance that they would be able to get water  
8 for that project.

9 MR. ENG: Yeah, they would get our standard comments  
10 that we can't assure them water and that at  
11 the time they apply for the meters, if water  
12 is available, we would issue a meter, but  
13 there would be no commitment or obligation on  
14 our part.

15 COUNCILMEMBER JOHNSON: Okay, now, because this has  
16 more to do with the region and it's a more  
17 generic question -- because I see some of the  
18 projects that are actually being constructed  
19 currently in South Maui, which -- I mean,  
20 frankly, they have huge swimming pools.  
21 There's one right across from Wailea shops  
22 that has a massive water feature. I just  
23 can't imagine more water-intensive uses than  
24 some of these structures that are being built,  
25 you know, having. So these are all people,

1 from my understanding, that would be dependent  
2 on the County's water system. They don't have  
3 private water systems right now that you're  
4 aware of, that most of these projects that are  
5 presently being constructed but not fully  
6 operational are depending on County water?

7 MR. ENG: Yeah, I believe so. Those that you refer  
8 to probably are coming off our system.

9 COUNCILMEMBER JOHNSON: Okay. And that, Mr. Chair,  
10 really concerns me, because, you know, I hate  
11 to use the term water hog, but it does come to  
12 mind. So I think that for me it really is of  
13 great concern because as, you know, I listened  
14 to the Water Committee meeting the other day,  
15 it really is very disturbing to think that  
16 we're basically trying to protect the  
17 interests of the individuals that are  
18 currently being served, but that any action  
19 that we take that puts us closer to I guess  
20 that -- the prospect that we can't do that or  
21 that somehow we're going to damage them, that  
22 really is of great concern to me.

23 So I thank you, Mr. Eng, and I don't  
24 envy your position right now. Thank you.

25 CHAIR MOLINA: Thank you, Member Johnson.

1                   Member Baisa.

2   COUNCILMEMBER BAISA:  Yes, good afternoon, Mr. Eng.

3   MR. ENG:  Good afternoon.

4   COUNCILMEMBER BAISA:  Here we are again.  Haven't

5           seen you since Monday.  You know, you kind of

6           shook the trees with your frank statements on

7           Monday morning in the Water Resource Committee

8           when you mentioned no water.  Frankly, you

9           know, it kind of shook all of us up.  Because

10          we say why are we discussing anything if there

11          is no water?  You know, if there's no water,

12          there's no water.  We all -- none of us seem

13          to know how to make water.  Even though we

14          know what the components of it, you know, we

15          don't know how to make water that we can

16          drink.  So it is a major thing that we wanted

17          to look at this afternoon, because the public

18          is very concerned.

19                 This morning I spent about an hour or so

20                 down at the Real Property Tax Division going

21                 through a property tax appeal.  And as I sat

22                 out there with some of the residents of Maui

23                 County from various areas, and they knew that

24                 I was a Council Member, they had a lot of

25                 questions for me.  And one of the major

1           questions and the biggest question was how  
2           could you even consider approving any  
3           development, not just Wailea 670, but any  
4           development when your Water Director says that  
5           there is no water? How do you reconcile that  
6           for us who live Upcountry and are dealing with  
7           restrictions on us and people throughout Maui  
8           now that are trying to deal with the voluntary  
9           restriction, the 10 percent restriction?

10                   And it's a very hard question to answer.  
11           And, you know, I for one would really  
12           appreciate a very concise statement that I can  
13           use the next person who asks me. And there  
14           was one more thing I wanted to bring up, I  
15           wanted to ask you about was, you know, we talk  
16           about -- and this was talked about today  
17           during my appeal. Because I brought up the  
18           issue of not being able to develop because I  
19           can't get a water meter, so for me the value  
20           of my land has much diminished because of that  
21           ability. It doesn't diminish my taxes. And  
22           some of the people said, you know, we're  
23           saying, well, we have a problem, and then when  
24           it rains, it's going to get better. It  
25           reminds me of the people that have a leaky

1 roof and the minute it quits raining, you  
2 know, they don't have -- it goes to the back  
3 of their mind because it's not -- it only  
4 leaks when it rains, right, so it's not  
5 raining, so we can forget about it. And they  
6 wanted me to also be aware and to make the  
7 point that, you know, yes, it might rain, but  
8 it's not going to solve our problem, because  
9 we have been dealing with this problem for so  
10 long.

11 And the last thing that was brought up,  
12 which I'll keep for another day, but I just  
13 want to mention it so other people will help  
14 me remember, is that these folks feel that  
15 because of the water situation, that they  
16 should have some kind of credit on their  
17 property taxes because it affects their value  
18 of their land and their ability to sell and  
19 develop it.

20 So could you please try and give me that  
21 little statement so the next person who says,  
22 how can you folks sit there for hours talking  
23 about development when the Director says there  
24 is no water?

25 CHAIR MOLINA: Okay, Mr. Director, you got all that?

1 MR. ENG: Gee, Member Baisa.

2 COUNCILMEMBER BAISA: Well, you know --

3 MR. ENG: I'm trying to figure out a good, simple,  
4 concise answer myself, you know, hoping to  
5 lean on you for that. Again, my remarks  
6 earlier in this meeting, as well as Monday,  
7 again, the no water is based on standards. No  
8 water based on standards, meaning we're  
9 compromising basically the safeguards, the  
10 redundancy that we typically would want to see  
11 in a water system.

12 So in our case, let's say, whereas we,  
13 you know, want to be able to meet maximum  
14 demand and have enough sources in place to  
15 meet maximum demand in only 16 hours of  
16 pumping, well, maybe we've compromised a  
17 little bit saying, well, we can meet maximum  
18 demand, but we can't do it in only 16 hours.  
19 Maybe the situation realistically is we give  
20 up half of that comfort zone that we typically  
21 would want, you know, maybe if we gave up a  
22 little bit more, you know, but we're just  
23 playing it a little bit tighter right now so  
24 we don't have too much room for error.

25 As Member Anderson pointed out in

1 Monday's meeting about shaft 33, and my Staff,  
2 we met quite a bit today about it, you know,  
3 that problem isn't going to go away. And we  
4 really had started really analyzing our  
5 options, and it's kind of like the designation  
6 of 2003, you knew it happened. Well, we  
7 better start doing something about it and not  
8 wait too long.

9 So getting back to the no water, no  
10 water is in terms of standards. We've given  
11 up a lot of our, you know, safety that we  
12 normally would operate under. So, therefore,  
13 you know, we're not in a crisis. We're still  
14 pumping low chlorides water throughout, but  
15 we're also, though, keeping in mind USGS  
16 studies, the weather conditions, and also keep  
17 in mind demand is growing. So with all those  
18 things compounding each other, there's a  
19 concern. And I believe it's a legitimate  
20 concern, but, again, I don't want to be an  
21 alarmist, you know, our issuing a few meters  
22 here and there aren't going to make the matter  
23 that much worse. It's just that we have to  
24 talk and think and plan of how do we want to  
25 handle this, because we can't really continue

1 on like this until we get new sources on line.

2 And in my estimation, with the Maui Lani  
3 wells coming on in about a year, you know,  
4 that's another million gallons per day. It's  
5 helpful. That isn't really it. I had an  
6 urgent meeting with A&B last week because  
7 we've talked about this Waiale surface water  
8 treatment plant. That will be an important  
9 project, and you'll see it in our '09 CIP  
10 budget. It's a partnership. We can get  
11 probably close to 4 1/2 million gallons per  
12 day to ourselves, plus whatever they don't  
13 need, you know, and that will -- that will  
14 really bring us out of that hole big time, and  
15 that's a real key project.

16 In talking to their senior staff  
17 Thursday, we did agree that we all need to see  
18 this expedited, and they will support the  
19 Department in getting this project going.  
20 It's almost fully designed. You know, we have  
21 to do some reviews ourselves, but I think we  
22 can get this thing on line in probably the  
23 shortest period, in maybe as little as a  
24 two-year period.

25 So I felt very hopeful after that

1 meeting. You know, that will really help this  
2 community. So -- but we're -- Eric and I were  
3 discussing this just a little earlier is  
4 that -- so we're longing at that. We're  
5 looking at developing a new well in the  
6 south -- in the Waikapu Aquifer called South  
7 Waikapu, but in planning that out today, we  
8 know that's five years away based on just the  
9 hoops we jump through, you know. So we know  
10 that we even have to -- we all have to look  
11 beyond that and those other options. It might  
12 be the East Maui Water Development Plan, but  
13 we'll be in full compliance with the consent  
14 decree. You know, we're not going to cut any  
15 corners on that, but I want to keep that  
16 option available for us, because that is a  
17 tremendous source of water for the future and  
18 long term.

19 I don't think that answered your  
20 question, though, but based on standards, it's  
21 tight. You know, we've given up a little bit  
22 of cushion that we normally want to sleep a  
23 little bit better at night, but we're all  
24 right. I don't want anyone to really panic.  
25 COUNCILMEMBER BAISA: Thank you very much, Director.

1 I think, you know, we're both learning the  
2 language of the bureaucracy of -- well, and we  
3 try to be honest and we try to give straight  
4 answers, but these are not easy answers.  
5 They're very complicated, and they're issues  
6 of long standing. And that's another  
7 criticism that we get a lot of is why haven't  
8 you done something sooner? Why now? You  
9 approved all this stuff and just let it go on  
10 and then now we have no water and you say,  
11 well, it's going to take time to do it.  
12 Somebody was sleeping at the switch.

13 And, you know, when people criticize me  
14 like that, I take it, because I feel like  
15 maybe there is some truth to that. But I  
16 think we're having these meetings and this is  
17 really good, because a lot of good information  
18 is coming out, and it's being shared with  
19 people who watch us very carefully. And it's  
20 good, because it does educate all of us, and I  
21 thank you very much. I have further  
22 questions, but for the Applicant. Thank you.

23 CHAIR MOLINA: Thank you, Member Baisa.

24 Joining us for our proceedings today we  
25 have Mr. Pontanilla.

1                   Members, we have Mr. Eng for about 15  
2                   more minutes, and if the Mayor is watching,  
3                   please forgive us if Mr. Eng is a little bit  
4                   late to your meeting. It's obviously a very  
5                   important matter.

6                   We have Member Anderson.

7       COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. You  
8                   know, first I want to thank you for being open  
9                   and forthright in telling us what the facts  
10                  are. It's been a long time since we've had  
11                  that privilege from the Water Department. So,  
12                  you know, the last Administration told people  
13                  in the Water Department not to talk to the  
14                  Council, so we were in the dark for most of  
15                  the time. And so I'm really appreciative,  
16                  Director Eng, that you are willing to work in  
17                  a transparent manner, because that's the only  
18                  way the public's going to have confidence in  
19                  what we're trying to do. And we all have the  
20                  same goal here.

21                  And before I ask my questions I just  
22                  want to make a statement that we do have Water  
23                  rules, the same Water rules that the Board and  
24                  the Department have been operating on all  
25                  these years. They still have the force and

1 effect of law. The only thing that is not  
2 effective is if the Board has an authority  
3 that the Charter no longer allows them to  
4 have. That authority now lies with you,  
5 Mr. Director, or the Mayor. Or when we --  
6 when we adopt these rules -- and we're only  
7 going to adopt policy. If the Council decides  
8 that we need to have some authority over some  
9 of the decision making, it could be, you know,  
10 the right to call -- to stop issuing meters or  
11 whatever policy we decide, but I just want  
12 people to know that we do still have rules in  
13 place.

14 You said that the industry standard --  
15 and we've heard this in the past -- is that  
16 you only really use 45 percent of the  
17 available source, so that you have enough  
18 backup in case one well goes down, everybody  
19 shows up on Maui at the same day and decides  
20 to flush their toilets on Christmas morning,  
21 so when you have extreme peak demand you can  
22 handle that, or, you know, something goes  
23 wrong, you still can serve people. But then  
24 you later on said -- you went from that  
25 industry standard to then we had another

1 standard, another standard, and then just last  
2 week I decided on a fourth standard. So what  
3 is that fourth standard? You didn't say what  
4 it is.

5 CHAIR MOLINA: Mr. Director.

6 MR. ENG: Excuse me. Let me check my notes. My  
7 fourth standard. Eric is going to laugh. The  
8 licensed engineer is going to make fun of me,  
9 but that's all right. It's actually fairly  
10 simplistic. Did it for Central. You know, I  
11 looked at two-thirds, so let's say that we're  
12 being able to meet our demand -- well, I  
13 totaled up our total sources, took two-thirds  
14 of it, okay, so we're pumping them at only  
15 two-thirds capacity. Are we meeting our  
16 moving average demand in Central Maui? The  
17 largest pump is out of service. Gives us a  
18 little cushion, but still the net result was  
19 that we're still in a deficit. So it just  
20 confirmed to me that our situation, looking at  
21 my standards, it's indeed not good, okay.  
22 We've given up too much of that cushion that  
23 we should have.

24 So it's not quite as conservative as our  
25 County engineering standards, not quite as

1 liberal as this other third standard that we  
2 look at once in a while, but it's -- it  
3 just -- it's the exercise I needed to go  
4 through to prove to myself, yes, indeed it's a  
5 problem.

6 COUNCILMEMBER ANDERSON: And so, I'm still not sure,  
7 Director Eng, you know, in comparison to the  
8 45 percent industry standard, what percent are  
9 you now looking at drawing?

10 MR. ENG: Okay, this is about two-thirds in, so it  
11 would be 67 percent.

12 COUNCILMEMBER ANDERSON: Oh.

13 MR. ENG: So I've given up that much cushion.

14 COUNCILMEMBER ANDERSON: Switch it around.

15 MR. ENG: I've given up that 22 percent or  
16 whatever --

17 COUNCILMEMBER ANDERSON: Okay.

18 MR. ENG: -- more cushion. But even with that,  
19 again, the net result, if we have adequate  
20 source, we don't have based on my analysis.  
21 So it's just another way for me to look at it  
22 to see if, you know, compromising a little  
23 bit, knowing our operations, but we're  
24 still -- it's still problematic.

25 COUNCILMEMBER ANDERSON: And you're right, it is

1           problematic, because the chloride levels are  
2           still rising. The water table is still  
3           narrowing. So, obviously, 65 -- 67 percent  
4           draw is not conservative enough, and -- and,  
5           you know, the question still remains, nobody  
6           has made any real proven -- maybe USGS has,  
7           and maybe we'll find out from them, but, you  
8           know, what the actual sustainable yield is.  
9           And I would think that if we were staying  
10          within the sustainable yield, that the  
11          chlorides would not be rising, and that, to  
12          me, is a good indicator that we're pumping  
13          beyond the sustainable yield.

14       MR. ENG: That might be true. We don't know until  
15          eventually when we can spread out, let's say,  
16          those wells in Iao Aquifer, when we can  
17          replace shaft 33 with those five future wells.  
18          Again, two of them we're hoping we will  
19          complete maybe in a year and a half, okay, and  
20          then there's two more that Kea Lani will be  
21          putting in, and then a fifth one that we will  
22          put somewhere to complete that spreading of  
23          the -- at that time the USGS can do their  
24          thing on their monitoring wells to see if  
25          indeed that does help, that the rise in the

1 transition zone, you know, the lowering of the  
2 water levels. Only until we get all those  
3 wells in place, and that's probably five years  
4 out at least, and do some long -- maybe not  
5 real long-term studies, but some studies, then  
6 we'll really know if that's the way to go. If  
7 it is successful, then maybe we can go to the  
8 Water Commission and petition them to increase  
9 the sustainable yield above 20.

10 I know that one monitor -- deep  
11 monitoring well that we -- they normally refer  
12 to, that shows the transition zone rising.  
13 That's in Waiehu area. That is Iao Aquifer.  
14 And it is influenced by a lot of surrounding  
15 wells. So, again, that might still be just a  
16 function of being too close together, the  
17 location of the well sites. It could be also  
18 how hard you're pumping, at what rate you're  
19 pumping, things like that. We haven't really  
20 experimented. We're not in position, given  
21 the amount of -- lack of source we have. It  
22 would be ideal if we could eventually play  
23 with those, as we replace pumps may reduce  
24 pumping capacities, do other things.

25 But given the current pumping scenarios,

1           citing of the wells, that's what USGS is  
2           showing, and, again, if we continue like this,  
3           it isn't very good.

4   COUNCILMEMBER ANDERSON:   And hopefully, also, you  
5           know, before we get those five wells done and  
6           whatever other, you know, spreading out, that  
7           we can get some stream flow back in the  
8           streams that will help with the recharge.   And  
9           I know that that's not going to recharge it  
10          immediately, but at least it would give us  
11          some, you know, sense of security that we're  
12          actually putting some water back into the  
13          aquifer, and -- and that hopefully that will  
14          help equal -- equalize the -- the rising  
15          chlorides.

16                 I want to mention that -- getting back  
17                 to the issue at hand here, Mr. Chair.   In your  
18                 letter to us we had asked you to look at the  
19                 water agreement that the developer has with  
20                 Haleakala Ranch.   And you said, I'd like to  
21                 preface my comments by mentioning that, in my  
22                 opinion, the Applicant has been somewhat vague  
23                 in his presentation of the water system and  
24                 wastewater systems.

25                 I appreciate you saying that, because

1 vague is an understatement. But you also add  
2 that you think there needs to be some adequate  
3 redundancy to back up his sources, such as an  
4 additional well. So they are proposing that  
5 they will provide 1.5 million gallons a day of  
6 potable water, and they're saying that in  
7 order to get 1.5 million gallons a day -- this  
8 is out of the two or three wells. We don't  
9 really know how many wells yet they're going  
10 to drill, but these are the wells that they  
11 still have to drill. That in order to get 1.5  
12 million gallons a day potable, they're going  
13 to have to draw 2 million gallons a day  
14 brackish and put it through the de-sal plant,  
15 and that they would then end up with 1.5  
16 million.

17 So how much would you -- you know, what  
18 would you say is an industry standard for  
19 backup for a system that size serving 1.5  
20 million gallons a day?

21 CHAIR MOLINA: Mr. Director.

22 MR. ENG: Thank you, Mr. Chair. If I may ask a  
23 question. What was the projected total demand  
24 for this project? Was it around 1.3, 1.5?

25 COUNCILMEMBER ANDERSON: Yeah, 1.5.

1 MR. ENG: So just based on that, if they had 1.5 in  
2 those two or three wells, that is their  
3 average demand, you know, it would probably be  
4 prudent to have a backup well. At times --

5 COUNCILMEMBER ANDERSON: That produces how much?

6 MR. ENG: To replace one of those wells. You know,  
7 at times a well goes out of service, a motor  
8 burns, pump goes out. You know, I don't  
9 think -- it would only be (inaudible)  
10 therefore --

11 COUNCILMEMBER ANDERSON: So they need to have  
12 another well that produces a million gallons a  
13 day?

14 MR. ENG: Or equal capacity of the other two wells,  
15 if that's the case. I mean, that would be --  
16 that would give you that little redundancy  
17 that we always are referring to in safety.

18 COUNCILMEMBER ANDERSON: Okay. And then just one  
19 other thing here, Mr. Chair, because I know he  
20 has to go and Mr. Mateo wants his chance too.  
21 You know, in regards to the down-gradient  
22 wells, the Applicant has various agreements,  
23 signed agreements with Wailea Resort Company  
24 regarding using some of the private roadways  
25 within Wailea and their obligation to improve

1 the roadways, and they also have within this  
2 agreement that they will do well monitoring in  
3 order to -- Wailea Golf Resort operates ten  
4 down-gradient wells that provides them with  
5 irrigation for their three golf courses, and  
6 that three of the wells are located down  
7 gradient from the Wailea 670 wells. Although  
8 this agreement, Members, was signed in July of  
9 '03, and so the wells that they're talking  
10 about -- this was before they even imagined  
11 that they were going to drill some more wells  
12 on Haleakala Ranch property. So the wells  
13 they're referring to in this agreement are the  
14 currently existing wells that are on Wailea  
15 670 property that was drilled many years ago,  
16 '96, I think, '97, for their golf course that  
17 they were going to build at the time and then  
18 they didn't go forward.

19 So those two brackish wells, that's what  
20 this agreement says, that we're going to  
21 monitor and view the foregoing Wailea 670 and  
22 Wailea Resort shall work in cooperation with  
23 each other and in good faith effort reach  
24 agreement within six months on a mutually  
25 acceptable well monitoring and mitigation

1 program for the Wailea 670 wells and the  
2 Wailea Golf Resort wells.

3 So what concerns me is that, you know, I  
4 think it's great that they've worked out  
5 something with Wailea Resort in order to  
6 monitor and they have given permission to  
7 Wailea Resort to put a water tank on their  
8 property, which is already there, and to this  
9 day we haven't heard what water is going in  
10 there and what's the purpose of the tank.  
11 Maybe you guys know. You don't know?

12 MR. ENG: I don't.

13 CHAIR MOLINA: Mr. Director.

14 COUNCILMEMBER ANDERSON: I thought maybe it was for  
15 pressure for all the new homes that are going  
16 in in Wailea, or maybe it is to add storage in  
17 case there is a problem with the brackish  
18 wells that Wailea Golf Course is using when  
19 they start pumping their own wells, so that  
20 there's backup there that they can -- who  
21 knows. I mean, that's the thing, there's so  
22 much about this that we don't know.

23 But my question is, you know, that may  
24 be fine and dandy for Wailea Resort and Wailea  
25 670, but here's a map of all the wells along

1 the South Maui coast, and, you know, the  
2 effect down gradient is not just right below.  
3 You know, aquifers spread out, and they feed  
4 water into the ocean that helps with the  
5 marine life, not to mention the water that  
6 seeps into our wetlands. And so, you know, is  
7 it in your estimate -- I mean, look at all  
8 these wells. Who's going to monitor for them  
9 and make sure that, what, 2, 3 million -- you  
10 know, here's the other thing. We don't know  
11 what their gross take is going to be. Because  
12 in their agreement with Haleakala Ranch  
13 they -- they are able to draw -- there's no  
14 gross amount. It just says enough to provide  
15 1.5 million gallons potable water, and that  
16 anything excess Haleakala Ranch gets. So we  
17 don't know what the excess is. We don't know  
18 what gross amount they're going to be pumping.  
19 And, you know, if -- and anything excess  
20 Haleakala Ranch gets to use for their purpose  
21 or their assigns. In fact, the agreement says  
22 the proposed assignee. So it looks to me like  
23 Haleakala Ranch already, you know, has it in  
24 mind that once this is developed and they have  
25 some water, that they're going to sell it off

1 to somebody else for another use.

2 CHAIR MOLINA: Mr. Director, can you respond?

3 COUNCILMEMBER ANDERSON: And so my question, excuse  
4 me, Chair, is that who's going to monitor all  
5 these other brackish wells that condominiums  
6 and all kinds of people are using, not just  
7 Wailea Resort?

8 CHAIR MOLINA: Mr. Director.

9 MR. ENG: Thank you, Mr. Chair. You know, I don't  
10 know who would monitor them. We couldn't do  
11 that. We don't have the capabilities to.  
12 Again, fortunately we don't plan on doing any  
13 domestic wells down there, you know, and I  
14 don't think any of those are really used for  
15 domestic purposes too much, except for  
16 irrigation, you know, non-domestic uses.  
17 Again, that aquifer, to begin with, isn't a  
18 very substantial aquifer. Even though I think  
19 it was rated at 11 million gallons a day, I  
20 doubt if much of that was even potable. And  
21 as I've reviewed some of John Mink's numbers  
22 and calculations for those aquifers, he would  
23 sometimes -- sometimes amend some of his  
24 sustainable yield estimates, severely, in  
25 fact.

1 COUNCILMEMBER ANDERSON: Yeah.

2 MR. ENG: So --

3 COUNCILMEMBER ANDERSON: We have better science  
4 today than that was --

5 MR. ENG: Yeah.

6 COUNCILMEMBER ANDERSON: -- done.

7 MR. ENG: You know, I really can't comment on those  
8 other wells. You know, I think, you know --  
9 you know, I really don't know what can be  
10 done, to tell you the truth. You know, I'm  
11 hoping that, you know, they being good  
12 neighbors, you know, they do -- do not over  
13 pump. You know, maybe they can communicate  
14 with some neighboring well owners, you know,  
15 to see if -- and then do some testing for them  
16 too. Maybe some monthly chlorides would be  
17 sufficient of some surrounding wells, existing  
18 wells, and that would be just to be a good  
19 neighbor, and I think that would be a nice  
20 thing to do.

21 As far as the Haleakala Ranch agreement,  
22 I'm not particularly familiar with it. It  
23 sounds like if there is any excess water --  
24 you know, we do know that Haleakala Ranch has  
25 a lot of land down there, and I think they

1           have some proposed projects too, you know, so  
2           they may -- and they will need a source of  
3           domestic water because, like many others,  
4           we're not in a position to be able to serve  
5           them. So they may be making an arrangement  
6           with Wailea 670 for their domestic purposes,  
7           is what I can only assume.

8 COUNCILMEMBER ANDERSON: Yeah, I don't know if this  
9           is anything in the plans now, but back in 1998  
10          when they provided a, what do you call,  
11          Compliance Report to the Land Use  
12          Commission -- based on their State Land Use  
13          Commission District Boundary Amendment they  
14          have to do an annual report saying where they  
15          are within the conditions. And at that time  
16          there was a subdivision of Haleakala Ranch --  
17          or, rather, Ulupalakua Ranch, sorry, who  
18          wanted to do 32 two-acre parcels adjacent to  
19          Wailea 670. I don't know if that's still -- I  
20          think they dropped that plan, but the point is  
21          is that, yeah, if Wailea -- if Wailea 670 has  
22          excess water, Haleakala Ranch could certainly,  
23          I guess, use it to develop their property.

24                    They're telling us they're only going to  
25          use it for irrigating their lands, and they

1           even talked to the Planning Commission about  
2           putting in orchards or something, but (end of  
3           tape) clear something up. They have not come  
4           to you and asked for any kind of water  
5           agreement in the future or work out any plan  
6           to get water from the County down the road; is  
7           that right?

8   MR. ENG: No, they haven't.

9   COUNCILMEMBER ANDERSON: Because in their agreement  
10           with Haleakala Ranch, their water agreement,  
11           it says that the parties expect that the  
12           availability of other sources of water, water  
13           conservation and recycling measures at Wailea  
14           670, possible changes in the configuration of  
15           the Wailea 670 project as it is developed, and  
16           other factors will likely result in Wailea 670  
17           requiring less than Wailea 670's maximum water  
18           allocation from the wells; thus, the parties  
19           expect that reductions in Wailea 670's actual  
20           needs for water pumped from the Haleakala  
21           Ranch land will free some or all of the water  
22           source capacity of the Haleakala Ranch lands  
23           for other uses by Haleakala Ranch.

24                    So that's confusing to me, because where  
25           are these other sources, possible other

1 sources?

2 CHAIR MOLINA: Mr. Eng.

3 COUNCILMEMBER ANDERSON: I just wanted to make sure  
4 that there were no agreements or no  
5 discussions with the County in that regard.

6 MR. ENG: No, there hasn't been any.

7 CHAIR MOLINA: Mr. Eng, yeah --

8 COUNCILMEMBER ANDERSON: Okay, thank you.

9 CHAIR MOLINA: -- before we finish up, I do have two  
10 more Members that would like to ask questions.  
11 And I know we're running a little late for  
12 your schedule.

13 COUNCILMEMBER ANDERSON: Thank you, Chair. I'm  
14 finished.

15 CHAIR MOLINA: Okay. And, Members, if you have  
16 additional questions for Mr. Eng at a future  
17 point, you know, please -- you know where to  
18 find him.

19 Mayor Tavares, I ask you for your  
20 forgiveness. I have two more Members that  
21 would like -- they have a couple of questions,  
22 and I'm sure Mr. Mateo and Mr. Pontanilla will  
23 buy you lunch if you allow them to ask Mr. Eng  
24 a couple of questions, keeping him for another  
25 five or so minutes.

1                   Mr. Mateo, thank you for waiting.

2   COUNCILMEMBER MATEO:   Mr. Chair, Mr. Pontanilla will  
3                   buy lunch.

4                   Thank you very much.   Since Michelle  
5                   asked all of the questions I wanted to ask,  
6                   Mr. Eng, your reference earlier to the present  
7                   bill that is currently going through the Water  
8                   Resource Committee, one of its major  
9                   components is the verification of long-term  
10                  water source.   As the Department reviews these  
11                  large development projects, because there --  
12                  this is just one of many coming forward, and  
13                  because there is no verification of the  
14                  quantity or the actual source itself in terms  
15                  of availability, how is the Department looking  
16                  at these development projects knowing that the  
17                  County is in a predicament at this point, one,  
18                  where our own source is limited, two, we don't  
19                  really have perhaps adequate transmission, and  
20                  the biggest component is how do we bail them  
21                  out if their source fails?

22   CHAIR MOLINA:   Mr. Director?

23   MR. ENG:   Well, in the current situation we're in,  
24                  we're not in the position to bail them out.  
25                  Our position has been not to bail them out.

1           Again, that could be overturned by, one, you  
2           folks, probably two, the Mayor, but our  
3           current philosophy in operating and building  
4           our system is we want to take care of the  
5           County system first.  If a private developer  
6           wants to do their thing, I'm hoping that he  
7           makes it real clear to his purchasers through  
8           the purchasing agreement or whatever, sales  
9           disclosures, that -- I wish we could put in  
10          language that don't come crying to the County  
11          for help.  You made the decision to develop a  
12          private system, and you live with it, because  
13          it will be a burden for our existing  
14          ratepayers to have to pick up that, you know,  
15          so -- and that's something we wouldn't want to  
16          see.

17       COUNCILMEMBER MATEO:  So when the Director does his  
18          comments on these projects, language such as  
19          that is included in your comments areas  
20          because the County is not in a position to  
21          bail anybody out, so -- I just need to know  
22          that you are specific in your recommendations  
23          and that it is somewhere written where it is  
24          not our kuleana, but it is the developer's  
25          kuleana to provide for those individual's

1 homes that they are responsible in building?

2 MR. ENG: You know, I haven't used that language in  
3 my comments, but I think I should. I think  
4 it's a very good point. Thank you.

5 COUNCILMEMBER MATEO: Thank you, Mr. Director.

6 Thank you, Chairman.

7 CHAIR MOLINA: Thank you, Mr. Mateo.

8 And, Mr. Pontanilla.

9 COUNCILMEMBER PONTANILLA: Thank you, Chair. Just  
10 one question. In regards to -- and I learned  
11 something yesterday because I talked to  
12 someone that is really familiar with water  
13 here in Maui County, goes back into  
14 the probably 1940s, and we learned some issues  
15 with regards to the Iao pump location. The  
16 separation of wells, who determines the  
17 separation of the wells?

18 CHAIR MOLINA: Mr. Director?

19 MR. ENG: Thank you, Mr. Chair. Yeah, we would  
20 really rely on our hydrogeologists to help us  
21 select the proper site. And I believe the  
22 current philosophy now is to have proper  
23 spacing. Not that many years ago spacing  
24 didn't seem to be such a big issue, but if you  
25 see some of our existing Department wells in

1 the Waihee area, you go, wow, they're really  
2 basically on the same site. It surprised me  
3 when I saw them, but we learned a lesson and  
4 we realize now that spacing is -- it makes a  
5 whole lot of sense. You know, why just draw  
6 from one point, and -- but we would really  
7 lean on the support and advice of our  
8 hydrogeologist.

9 COUNCILMEMBER PONTANILLA: And you go from there?

10 MR. ENG: Yes.

11 COUNCILMEMBER PONTANILLA: Thank you. Thank you,  
12 Chair.

13 CHAIR MOLINA: Thank you, Mr. Pontanilla.

14 COUNCILMEMBER MEDEIROS: Mr. Chair.

15 CHAIR MOLINA: Okay, Mr. Medeiros, one question.

16 COUNCILMEMBER MEDEIROS: Please, yeah, thank you.

17 When I yielded my chance, it was in hope that  
18 each Member would be given, you know, a  
19 reasonable amount of time. But I want to  
20 preface my two questions that only require  
21 yes-and-no answers. But I want to preface  
22 that with -- being that there's a great  
23 latitude of questions being allowed and a thin  
24 connection to the agenda item, I want to ask  
25 these two questions.

1           First of all, is there a different  
2           priority for such community projects as  
3           affordable housing, schools, medical  
4           facilities and Department of Hawaiian Homeland  
5           housing projects?

6 CHAIR MOLINA: Mr. Eng.

7 MR. ENG: Thank you. Well, currently, you know, if  
8           water is available, DHHL is on top of the  
9           list. Other than that, you know, there isn't  
10          really an allocation. This proposed "Show Me  
11          the Water" bill is -- provides exemptions to  
12          DHHL, obviously, affordable -- 100 percent  
13          affordable projects, I think family  
14          subdivisions, and I believe that's  
15          appropriate. But currently, no, there is not  
16          an allocation system in place.

17 COUNCILMEMBER MEDEIROS: Okay. And the reason I ask  
18          is many of these projects will draw from the  
19          same aquifers, you know. And secondly, I  
20          think you answered my second question partly,  
21          in that you're saying there's not a reserve  
22          amount set aside for such -- as these  
23          community benefit projects, that they only get  
24          allocated as they go through the permit  
25          system?

1 MR. ENG: That's correct, so things like public  
2 facilities --

3 COUNCILMEMBER MEDEIROS: Public facilities, yeah,  
4 like schools --

5 MR. ENG: -- hospitals, currently they're in line  
6 like everyone else.

7 COUNCILMEMBER MEDEIROS: So if we needed a hospital  
8 and there was no water, then no hospital?

9 MR. ENG: That's correct.

10 COUNCILMEMBER MEDEIROS: Okay, thank you.

11 Thank you, Chair.

12 CHAIR MOLINA: Thank you, Mr. Medeiros.

13 And thank you, Mr. Eng and

14 Mr. Yamashige.

15 COUNCILMEMBER HOKAMA: Chairman?

16 CHAIR MOLINA: And, I'm sorry, Mr. Hokama, I have to

17 let the two individuals go, because the

18 Mayor -- we've already overextended their

19 stay. So, Mr. Hokama, if you have any

20 additional questions for Mr. Eng, we can --

21 I'm sure you can forward --

22 COUNCILMEMBER HOKAMA: I'll tell him the question.

23 He can get back to us.

24 CHAIR MOLINA: Okay, proceed, Mr. Hokama.

25 COUNCILMEMBER HOKAMA: No, just for DHHL, because

1           you said they're at the top of the list, and I  
2           can ask you if that is for home development,  
3           Mr. Eng? But DHHL is considering an  
4           80-acre -- and they're going to bypass the  
5           County -- commercial industrial Mokulele. So  
6           they get water before our residential  
7           projects? And you don't have to answer that  
8           now if you don't want to.

9   MR. ENG: I don't mind. I'll devote one minute to  
10          this. Yes, I met with the developers this  
11          morning. They came in to meet with me. Yeah,  
12          I was kind of surprised, just because DHHL  
13          owns the land, you know, they can bypass all  
14          the various permits and rules and regs and  
15          standards. That kind of surprised me because  
16          a few months back DHHL themselves, the  
17          commercial/industrial division people came in  
18          and I told them, you've got to help develop  
19          sources. So, you know, again, we have no  
20          services to offer, so, you know, there's  
21          nothing that we've given away yet, but I am a  
22          little bit surprised. There seems to be a  
23          little loophole there that I think you caught,  
24          and I was getting a better understanding this  
25          morning. So we can work on that together as

1 we proceed. Thank you.

2 CHAIR MOLINA: Okay, thank you, Mr. Eng.

3 And, Members, we're going to take just  
4 about a ten-minute break. Meeting in recess.

5 And when we resume, we'll have Mr. Miyamoto  
6 from Public Works up next. Meeting in recess  
7 until 2:55. Be prompt, Members. (Gavel).

8 RECESS: 2:45 p.m.

9 RECONVENE: 3:00 p.m.

10 CHAIR MOLINA: (Gavel). The recessed Land Use  
11 Committee meeting of September 10th, 2007 is  
12 now back in session. It is 3:00 p.m.,  
13 September 19th, Wednesday.

14 Members, we'll now continue on  
15 discussing the conditions in which there were  
16 no consensus on. We discussed Condition 1.  
17 Now moving on to Condition 2, which related to  
18 traffic. And if you'll take note on page 3 of  
19 your matrix, first column will give us the  
20 status as to what happened at the August 24th  
21 meetings. No consensus reached. Member  
22 Anderson had some concerns that she wanted to  
23 express when we did return to this condition,  
24 and we have -- joining us here now today we  
25 have the Deputy Director of Public Works,

1 Mr. Mike Miyamoto. So at this point the Chair  
2 will turn matters over to Member Anderson and  
3 any other Members that have concerns or  
4 questions related to Condition Number 2. And  
5 after Member Anderson is done, we'll have  
6 Mr. Medeiros.

7 COUNCILMEMBER MEDEIROS: Just a reference?

8 CHAIR MOLINA: Oh, we're looking at Condition Number  
9 2, Members, on page -- pages 2 as well as part  
10 of page 3.

11 COUNCILMEMBER MEDEIROS: Okay.

12 CHAIR MOLINA: Which relates to the traffic  
13 situation for this project.

14 Member Anderson.

15 COUNCILMEMBER ANDERSON: Mr. Chair, why are we  
16 skipping Number 1, the condition on water? I  
17 mean, it seems to me that's the most important  
18 condition for us to be discussing. We might  
19 be able to end this torture --

20 CHAIR MOLINA: The reason, we lost the Director.  
21 Otherwise, if he could have stayed, we could  
22 have continued on with Condition 1, but --

23 COUNCILMEMBER ANDERSON: Well, we discuss conditions  
24 all the time without having Staff here, so --  
25 I mean, it's of course your call, but I was

1 told that's what you were going to do, so I'm  
2 all prepared for water.

3 CHAIR MOLINA: Okay, you know what --

4 COUNCILMEMBER ANDERSON: I'm going to have to --

5 CHAIR MOLINA: -- let's -- let's have a discussion  
6 with Mr. Miyamoto first, and then we can -- if  
7 you have some proposals -- you have some  
8 proposals for Condition 1, I assume, for  
9 today?

10 COUNCILMEMBER ANDERSON: Yeah.

11 CHAIR MOLINA: Okay, all right, good, so --

12 COUNCILMEMBER ANDERSON: And I had questions for the  
13 Applicant regarding water, but if you want to  
14 skip it, I'm going to have to have a minute  
15 here to change --

16 CHAIR MOLINA: We won't skip it. We'll -- I'd like  
17 you to have your questions or concerns ready  
18 for Mr. Miyamoto, since he's here, and we can  
19 return back to Condition 1 with your  
20 proposals, and we'll also ask Mr. Jencks to  
21 make himself available to answer any  
22 questions.

23 So for now let's work on Condition 2,  
24 Members.

25 Member Anderson, you have the floor.

1           And my apologies to you if you were --

2   COUNCILMEMBER ANDERSON:   Yeah.

3   CHAIR MOLINA:   -- caught a little off guard by that.

4   COUNCILMEMBER ANDERSON:   Yeah, I'm off guard here.

5           I'm all covered with water.

6   CHAIR MOLINA:   Do you need a little time to get

7           ready?  I can ask if any other Members have

8           questions.

9   COUNCILMEMBER ANDERSON:   Yeah, ask other Members if

10          they have questions --

11   CHAIR MOLINA:   Okay.

12   COUNCILMEMBER ANDERSON:   -- while I get it together

13          here.

14   CHAIR MOLINA:   All right, Members, do you have

15          questions related to Condition Number 2 for

16          Mr. Miyamoto as it relates to traffic?

17                  Mr. Miyamoto, would you like to give

18          some additional comments since our last

19          meeting, or Planning Department?  Don't all

20          jump at once now.  Oh, we have -- okay,

21          Mr. Hokama.

22   COUNCILMEMBER HOKAMA:   My recollection, Chairman,

23          best -- best as I can recall, was that on page

24          2 we went through part of the third column,

25          Mr. Chairman, you know, which is the --

1 CHAIR MOLINA: Planning Department's comments.

2 COUNCILMEMBER HOKAMA: -- and the small A, B, C, D,  
3 E.

4 CHAIR MOLINA: Uh-huh.

5 COUNCILMEMBER HOKAMA: You know, one thing that  
6 helps people like us visualize is if there was  
7 a color-coded map and how all of the  
8 T-intersection would work, how only left lane  
9 turns would work, with a different color of  
10 the main thoroughfare would adjust, the main  
11 Pi'ilani, then connect to the Wailea Alanui  
12 impact, or how we're going to mitigate Wailea  
13 Ike Drive. Do you have that available,  
14 Mr. Miyamoto, so that the -- maybe the  
15 Committee has the ability to -- from a bird's  
16 eye conceptual perspective see how all of  
17 these components is supposed to work to assist  
18 in the flow of traffic.

19 CHAIR MOLINA: Mr. Director.

20 MR. MIYAMOTO: Mr. Chair, if I can recall, the last  
21 time I was here when the Applicant had his  
22 traffic consultant, I think he made the very  
23 same request, and I think their Applicant's  
24 consultant said they would work on  
25 developing --

1 COUNCILMEMBER HOKAMA: But you have not seen  
2 anything --

3 MR. MIYAMOTO: No, I have not seen --

4 COUNCILMEMBER HOKAMA: -- addressing that --

5 MR. MIYAMOTO: I have not seen anything, but --

6 COUNCILMEMBER HOKAMA: -- consideration? Okay, but  
7 in your mind -- I take that back. In the  
8 Department's understanding, it's very clear of  
9 how all these components interact and how it  
10 moves people, whether it be through peak going  
11 to work or pau hana time, people leaving work,  
12 and then of course taking into account with  
13 our resort infrastructure at Makena-Wailea  
14 going on three shifts, that works on three  
15 shifts, how those shifts impact school travel,  
16 regular business, regular residential. Is  
17 that pretty clear in your folks' Departmental  
18 perspective of the T-intersection,  
19 modifications to Pi'ilani or Kilohana?

20 MR. MIYAMOTO: Mr. Chair?

21 CHAIR MOLINA: Mr. Director.

22 MR. MIYAMOTO: Yes, the majority of the improvements  
23 are along roadways that provide pretty much  
24 regional type travel from Makena -- for  
25 example, let's say from Makena to North Kihei.

1           So pretty much anything along Pi`ilani  
2           Highway, that regional -- those improvements  
3           primarily focus on, you know, like the  
4           signalization, possibly some turn lane  
5           modifications to help the adjacent properties,  
6           the intersection of Pi`ilani Highway and  
7           Wailea Ike, that is either going to be a  
8           T-intersection as it exists today, which  
9           allows the proposed sub -- development's  
10          traffic to be the mauka portion of that  
11          T-intersection, or if -- there's another  
12          condition that states Pi`ilani Highway will be  
13          extended through the State's and Ulupalakua  
14          Ranch's right-of-way to connect to Makena.  
15          That would be an alternative route to service  
16          the Makena area. If that is not constructed,  
17          then the other alternative route that remains  
18          is down Wailea Ike, down to Wailea Alanui and  
19          then on so forth into the Wailea -- the Makena  
20          area.

21                        So the majority of those intersections  
22                        are along that area, Kaukahi, Kalai Waa, those  
23                        are all those intersections that are along  
24                        those -- that particular corridor, so, yeah,  
25                        it's pretty understandable for us.

1 COUNCILMEMBER HOKAMA: Okay. And I will -- and if  
2 you answered this, you know, I apologize for  
3 re-asking, but has your Department provided  
4 your comments to this application in response  
5 not only to how this project impacts the  
6 existing and projected build-out by zoning and  
7 Community Plan? Because there's anticipation  
8 if we still retain that 150 acres and a  
9 portion goes to -- for a new South Maui  
10 school, we all know impact of what school does  
11 to certain meeting points in a road system,  
12 and we all know what University of Hawaii does  
13 in Manoa to the Honolulu traffic when they go  
14 into session. So are all of those things, as  
15 you've made your comments to this application,  
16 taking into account the other things that  
17 happen around this project also?

18 CHAIR MOLINA: Mr. Director.

19 MR. MIYAMOTO: Mr. Chair, yes, in reviewing the  
20 traffic -- 2005 traffic study, they listed a  
21 lot of the developments that weren't on line  
22 when they did their traffic counts. And if  
23 you look at it, it includes a lot of those  
24 type of developments. They include -- they  
25 even made certain assumptions of Makena for

1 Makena's -- certain assumptions for the  
2 undeveloped portions of Wailea, and then they  
3 made those assumptions that were pretty much  
4 known that are going to happen, you know, like  
5 the regional park, the school, and there is  
6 the proposal for the development that's going  
7 to be along the Kaonoulu area, the mauka  
8 portion of it.

9 So there were certain assumptions made  
10 for that development, and you sort of have to  
11 sort of guess as to -- you know, take an --  
12 your best guess as to where do you think those  
13 trips are going to be. Typically residential  
14 traffic -- residential development will  
15 generate trips. And like you said, you know,  
16 high school, regional park, business, they  
17 will be the tractors of these trips. So  
18 they've had to account for a lot of that, and  
19 they've actually gone, added some  
20 additional-- what we call a regional growth,  
21 you know, like a -- you assume it's going to  
22 grow 1 percent each year, and, you know,  
23 there's no -- that's just based on historical  
24 data of the traffic. But they've added a  
25 regional growth and then they've added

1 specific sites, specific developments like  
2 that on top of this.

3 COUNCILMEMBER HOKAMA: Okay. Now, with this  
4 proposed conditions to try to mitigate the  
5 traffic issue, what level of service will we  
6 go from currently to in your -- in your best  
7 estimation, understanding traffic as one of  
8 our engineers, Mr. Miyamoto?

9 CHAIR MOLINA: Mr. Director.

10 COUNCILMEMBER HOKAMA: Because I've heard in the  
11 past -- and I'm sorry, Mr. Chairman.

12 CHAIR MOLINA: No.

13 COUNCILMEMBER HOKAMA: Not to finger that project,  
14 but, you know, I've heard Mr. Kaku state that  
15 with the Superferry, the County of Maui finds  
16 LOS, level of service, D, acceptable. Not to  
17 me, but that's what he says. So I want to  
18 know what are we talking about as acceptable  
19 level of sever on a major road system, which  
20 is Pi'ilani?

21 CHAIR MOLINA: Mr. Director.

22 MR. MIYAMOTO: Mr. Chair. Typically, you know, when  
23 we do the acceptable levels of service, we  
24 look at -- we consider what kind of  
25 development it's in. For example, in an urban

1 settlement, urban area, generally level of  
2 service D is the acceptable level of service.  
3 And when you get further out to like a rural  
4 area maybe a level service C, and then if you  
5 get to a real, you know, isolated area like,  
6 say, Hana or something like that, maybe, you  
7 know, if you get to a B, you know, you think,  
8 wow, that should be where it stands. So the  
9 development of the surrounding community  
10 really, really plays a major part in  
11 determining what's acceptable.

12 COUNCILMEMBER HOKAMA: And so people who may be in  
13 our gallery or listening to your comment  
14 today, Mr. Miyamoto, because we have a little  
15 bit more access to information, can you  
16 explain what LOS, level of service, D means in  
17 your response to my question, please, so they  
18 can kind of have a grasp of what we're talking  
19 about.

20 CHAIR MOLINA: Mr. Director.

21 MR. MIYAMOTO: Just I guess to try and put it in  
22 layman's term, typically if you have a rush  
23 hour that's about one -- less than one hour,  
24 you feel that the roadways are operating at an  
25 acceptable level. It's when you reach that

1           one hour and you're starting to spill into  
2           time after that that you say the roadways are  
3           approaching this capacity or level of service  
4           F.

5                       Typically level of service D is  
6           somewhere in the 80 percent of that level.  
7           It's somewhat delay based, you know, how much  
8           delay do you experience. And understanding  
9           that, you know, it's an average delay. It's  
10          not specific to one individual. You know, you  
11          may be delayed 45 seconds, but the guy in  
12          front of you who caught all the greens got  
13          delayed five seconds, so if you put two  
14          vehicles, the average delay is 30 seconds.

15                      So it's -- that's why in Lahaina, for  
16          example, along Honoapiilani Highway, one of  
17          the mitigative measures was to coordinate all  
18          of those traffic signals to try and -- since  
19          the majority of the traffic is on Honoapiilani  
20          Highway, you want to minimize their delay. So  
21          the throughput on Honoapiilani Highway was  
22          maximized, but the side streets now are  
23          suffering, like one of the Planning  
24          Commissioners mentioned that Papalaua, he  
25          couldn't get out. And so -- you know, so the

1 side street traffic, which is a lower volume,  
2 is sacrificed to allow for the main  
3 thoroughfares.

4 And on Pi'ilani Highway, typically if  
5 you wait at a traffic signal more than one  
6 signal phase, then you start saying you're at  
7 capacity. But if you're able to get through a  
8 traffic signal within one phase, typically  
9 you're under capacity.

10 COUNCILMEMBER HOKAMA: And, I guess, you know, for  
11 many people it depends what point in time  
12 they're making their comparison too.  
13 Obviously if we're talking Maui of ten years  
14 ago or Maui before Pi'ilani, we invested our  
15 own money to expand that additional lane. You  
16 know, people have different, I guess,  
17 expectations, yeah, regarding what is  
18 reasonable time on the road system.

19 But my concern is, you know, I look  
20 through all this conditions. You know, we're  
21 talking about C, signalization, D, signalized  
22 T, then you look down D, modify one  
23 signalization, you know, because I consider  
24 that stopping traffic and piling up traffic  
25 and then you get into the waits. I don't see

1 this helping us move traffic.

2 So what is the intention? Is this to  
3 take care of traffic to get onto Pi`ilani or  
4 is this to move traffic on Pi`ilani? I'm  
5 trying to get an understanding what is the  
6 major intent of all of these points and what  
7 does it address? Is it to get people to and  
8 from 670 is the basic point?

9 CHAIR MOLINA: Mr. Director.

10 MR. MIYAMOTO: Mr. Chair. In looking at the  
11 improvements on Pi`ilani Highway, the  
12 improvements on Pi`ilani Highway so that the  
13 side -- the people on the side of the roadway  
14 can get in, as Member Anderson has said many  
15 times, there's a long back up. She has a  
16 difficult time getting on the road, onto  
17 Pi`ilani Highway. She often has to travel to  
18 the Mikioi intersection to get on the highway  
19 where there is a traffic signal. And so those  
20 signal improvements on Pi`ilani Highway are  
21 primarily for the side traffic to get onto the  
22 highway.

23 The improvements on Wailea Ike, Wailea  
24 Alanui, those are primarily for the Makena and  
25 Wailea development. Because primarily the

1 Wailea 670 project's access will be at the  
2 Pi'ilani Highway intersection with Wailea Ike,  
3 and their access to Kaukahi is limited because  
4 they wanted it gated. So a lot of those  
5 improvements are going to be tied to more  
6 Makena and Wailea, their development.

7 So bottom line, yes, you're right, it is  
8 to help a lot of the traffic to get to the  
9 Pi'ilani Highway corridor.

10 COUNCILMEMBER HOKAMA: And most of this -- and my  
11 last question, and thank you, Chairman -- is  
12 based on the North-South Collector being fully  
13 constructed, is that a good assumption on this  
14 Committee's part, or is this -- well, maybe  
15 you should tell us. What is this in  
16 connection to the North-South Collector  
17 project? This is to work in coordination of a  
18 completed collector road, or what if it  
19 doesn't happen, well, how does this then get  
20 impacted, and is it more of an advantage or  
21 disadvantage for us?

22 CHAIR MOLINA: Mr. Director.

23 MR. MIYAMOTO: The North-South Collector Road was  
24 assumed to be included because the horizon,  
25 the build-out horizon for the entire 1,400

1 units was way beyond what we thought was when  
2 the North-South Collector was going to be put  
3 in. In view of the latest budget proposed by  
4 the State for -- regarding Fed aid projects,  
5 it has been pushed off a little bit longer  
6 further down the road. And it also does  
7 include, you know -- presume that the County,  
8 because it is our responsibility to look at  
9 that mauka highway, that that will be  
10 somewhere down the road that we'll have to be  
11 funding something of that sort. Since --  
12 since the decisions to -- that were made by  
13 the community to limit the South Kihei Road to  
14 two lanes, limit North-South Collector to two  
15 lanes, that generated the need for this mauka  
16 highway.

17 So that's something we're in the process  
18 of trying to work on. There's an existing  
19 traffic model out there that we're going to  
20 utilize to try and see how much traffic -- you  
21 know, we can play with the alignment to see  
22 how much traffic we can shift off of Pi'ilani  
23 Highway to this mauka highway.

24 COUNCILMEMBER HOKAMA: Okay, I appreciate your  
25 responses, Mr. Miyamoto.

1 Chairman, thank you.

2 CHAIR MOLINA: Okay, thank you, Chairman Hokama.

3 Okay, Members, just before we -- we had  
4 Member Anderson waiting. I didn't know if  
5 Mr. Pontanilla -- okay.

6 COUNCILMEMBER ANDERSON: Go ahead.

7 CHAIR MOLINA: Before I recognize you,  
8 Mr. Pontanilla, for your information, Members,  
9 there was an August 20th response from the  
10 Applicant related to the location of roadway  
11 improvements and agreements between Ulupalakua  
12 Ranch and Wailea Resort as it relates to  
13 Condition 2, so just as an FYI, Members.

14 So, Member Anderson, you yield the  
15 opportunity to Mr. Pontanilla for the time  
16 being?

17 COUNCILMEMBER ANDERSON: Well, I wanted -- if he has  
18 one question, that's fine, because I wanted to  
19 follow up with what Chair Hokama just said --

20 CHAIR MOLINA: Okay.

21 COUNCILMEMBER ANDERSON: -- so that we stay in some  
22 continuity with what our discussion is. I  
23 think it would be helpful to all the Members.

24 CHAIR MOLINA: Okay. So, Mr. Pontanilla?

25 COUNCILMEMBER PONTANILLA: Thank you. You mentioned

1 the mauka road that is now under  
2 consideration. So if the mauka road goes --  
3 you know, be the road that, you know, you guys  
4 gonna go forward with, what happens to the  
5 North-South Collector Road?

6 CHAIR MOLINA: Mr. Director.

7 MR. MIYAMOTO: Mr. Chair. The North-South Collector  
8 Road will still be functional. It's -- given  
9 the limited size of it and the requirements  
10 for pedestrian walkways, bicycle paths along  
11 that, it will serve a very localized need,  
12 everything along that corridor, the regional  
13 park will be along that corridor, the  
14 recycling center that's along that corridor,  
15 so it's going to help with the internal  
16 localized traffic circulation. And the hope  
17 of the community is that, you know, it may  
18 be -- might be able to get some people out of  
19 their cars to use bicycles and walk if that  
20 corridor is more user friendly for those  
21 modes.

22 COUNCILMEMBER PONTANILLA: In sense of priority,  
23 that would be the priority regards to any road  
24 improvements in South Maui?

25 MR. MIYAMOTO: Right now, yes, it is. We're trying

1 to finalize some of the plans. We have --  
2 we're working with developers to get portions  
3 of it constructed using their funds, and we're  
4 working on the designs of I think there's two  
5 of the segments that we have to design. And  
6 we just saw another proposal come in that may  
7 help us construct this other portion.

8 COUNCILMEMBER PONTANILLA: Okay, thank you.

9 Thank you, Chair.

10 CHAIR MOLINA: Thank you, Mr. Pontanilla.

11 Member Anderson.

12 COUNCILMEMBER ANDERSON: Thank you, Chairman.

13 Thank you, Mr. Pontanilla.

14 I think what Mr. Hokama was referencing  
15 is a diagram showing all these internal  
16 roadway improvements that these conditions  
17 reference. And we did ask for that,  
18 Mr. Chairman, sometime ago, and all we got in  
19 response was a map like this that they, you  
20 know, had developed previously. And it  
21 doesn't show the improvements. It just shows  
22 where they're going to improve the roads. And  
23 I think it's helpful so that we can visualize,  
24 you know, where there's going to be a traffic  
25 light, where they have to widen the road,

1           where they have to put in turning -- stacking  
2           lanes and all of that. It's not helpful at  
3           all. It's just a bunch of lines with circles  
4           on where they're going to do the improvements.

5                        So, again, we're not getting what we're  
6           asking for. And I think it's really  
7           unfortunate, because it makes it difficult for  
8           us to see how this is really going to work.  
9           And so I have -- I guess I have several  
10          questions, but you want us to deal with  
11          Mr. Miyamoto so he can get on with his day,  
12          right?

13 CHAIR MOLINA: That's correct. He has a budget  
14          meeting at 5:00 over in Paia today, so we'll  
15          see what we can do to get as much as we can  
16          out of Mr. Miyamoto.

17 COUNCILMEMBER ANDERSON: You know, he --  
18          Mr. Miyamoto has not looked at the June '06  
19          regional traffic analysis, because his  
20          concerns are the internal roads. And the  
21          internal roads, for the most part, are  
22          privately owned by Ulupalakua -- I mean by  
23          (end of tape) and, again, they have all kinds  
24          of agreements between Wailea Resort Company  
25          and Wailea 670 regarding the improvements to

1 Kaukahi and Kalai Waa Street. And so I guess  
2 that's not -- have you seen these agreements,  
3 Mr. Miyamoto?

4 CHAIR MOLINA: Mr. Director?

5 MR. MIYAMOTO: No, I have not. I think the report  
6 you're referring to is that one that, if I  
7 recall, I remember previous Chair Carroll had  
8 asked us to look at regarding -- it was sort  
9 of a timing mechanism that was developed for  
10 when the traffic improvements would be  
11 determined. It's something that they had done  
12 for the State at the time. It wasn't  
13 something that was to -- to --

14 COUNCILMEMBER ANDERSON: You mean the June '06  
15 report?

16 MR. MIYAMOTO: Yes, if I'm not mistaken.

17 COUNCILMEMBER ANDERSON: Yeah, I'm not going to ask  
18 you about that, because you already -- I asked  
19 you about that before and you already said  
20 that's not your kuleana. It's for the State  
21 to review, and then you'll probably review it,  
22 but you were satisfied with the June '05  
23 report that had to do with all the internal  
24 roadways, and you had some 30 -- 30 different  
25 comments that you made on that report, and I

1 had previously asked you if they had fulfilled  
2 all those requests that you made and you said  
3 they had.

4 So I'm fine with that, because I really  
5 appreciated the in-depth review that you did  
6 on those internal roadways, because even  
7 though they might be private roadways, our  
8 residents use them, and most particularly the  
9 working people of the hotels count on those  
10 roadways to get in and out of work. And, you  
11 know, I'm going to pass down for all of you  
12 Members -- and the reason I'm concerned,  
13 Mr. Chairman, so concerned that we are making  
14 decisions without having the review of the  
15 Regional Traffic Report by the State  
16 Department of Transportation, because the  
17 developer is telling us that he doesn't need  
18 to do any upgrades to the roadway, to  
19 Pi`ilani, until 2012, and, you know what, I'm  
20 getting ahead of the thing. I want to keep my  
21 questions to Mr. Miyamoto so he can go.

22 The North-South Collector Road, we have  
23 already been told by State Highways that there  
24 will be no further Federal dollars for the  
25 North-South Collector Road until we get an

1 alignment for the mauka highway that can then  
2 be put on the STIP, and they're waiting for  
3 the County to present to them where that  
4 alignment -- alignment will be. And I think  
5 we're already too late with providing this  
6 alignment, because we saw in our Water  
7 Resources Committee the other day -- I put up  
8 the long-range planning map that the County is  
9 using -- or the Planning Department is using  
10 in their General Plan process, and there's,  
11 you know, all these huge planned developments  
12 mauka of Pi'ilani. And so when are you guys  
13 going to have a design in place that you can  
14 get to the State and get to the Council and  
15 get to the Planning Department so we can get  
16 that on the map too and so we can have some  
17 kind of expectation as to when we might be  
18 able to get it approved on the State  
19 transportation program so that we can start  
20 getting Federal dollars to help us finish the  
21 North-South Collector Road?

22 CHAIR MOLINA: Mr. Director.

23 MR. MIYAMOTO: Yes. Actually, we're in discussions  
24 with the Long-Range Planning section of the  
25 Planning Department and part of the GPAC and

1           everything, and as part of the internal review  
2           of that process, you know, we saw a  
3           preliminary alignment that they had put on.  
4           It was very mauka and it wouldn't be very  
5           attractive to people to shift from Pi`ilani  
6           Highway up to that roadway.

7                        So we're working with the Long-Range  
8           Planning right now to try to hire their -- the  
9           consultant that they're using for their update  
10          of the GPAC to coordinate the effort and try  
11          and get this alignment.  So we're trying to  
12          negotiate a contract, actually, with their  
13          consultant at this point.

14                       They have a transportation model that  
15          can be utilized to see how much -- we can give  
16          them a preliminary alignment working on a --  
17          try to give some kind of a rough alignment and  
18          try to see how traffic might divert from  
19          Pi`ilani Highway to this new develop -- new  
20          roadway, and so we're trying to -- we're in  
21          the process of trying to work that location  
22          study of this roadway.  We're not really in  
23          the design mode yet, because first we have to  
24          pick a location that's most beneficial to  
25          Pi`ilani Highway.

1           So we have shared our concerns with  
2           the -- I think there was a large residential  
3           development proposed for North Kihei, and we  
4           let them know that -- and we've also let other  
5           developers that have come in that we want a  
6           corridor reserved for this roadway, because it  
7           has to tie back into Mokulele Highway. So we  
8           are in that process of trying to develop this  
9           study, trying to get consultants on board to  
10          do the analysis and simulation of traffic to  
11          give us an idea.

12        COUNCILMEMBER ANDERSON: Okay, and maybe my  
13          terminology is not fitting with your  
14          terminology. Because when I say design, I  
15          don't mean, you know, you actually have it  
16          engineered out. I'm just asking for the  
17          location. And what I need to have a feeling  
18          for, and I think all of us should be  
19          concerned, is where is this going to tie in at  
20          the south end and how might this impact Wailea  
21          670 and Makena? Where do you envision it, you  
22          know, coming in? Because basically Pi'ilani  
23          Highway is no longer a highway. It's a  
24          boulevard. And hopefully this new mauka  
25          alignment will be a highway, where we won't

1 have stop-and-go traffic.

2 And I should also mention that we cannot  
3 get any more Federal dollars to bring the  
4 current Pi'ilani Highway up to Federal  
5 standards, because it's substandard right now.  
6 It's not a safe road. And so there's a -- you  
7 know, besides just the design or the corridor  
8 of -- citing the corridor, I think there's a,  
9 you know, a pressing safety issue. And so if  
10 you could give us some idea, first of all, how  
11 you envision this, what do you call, fitting  
12 in at the Wailea 670 and Makena area, and then  
13 also when you think that you'll have at least,  
14 you know, the citing of the corridor? I  
15 imagine you're going to have a couple  
16 different alignments, but when you might have  
17 that done?

18 CHAIR MOLINA: Mr. Director.

19 MR. MIYAMOTO: Mr. Chair. I'll answer the first one  
20 about possible south terminized.

21 COUNCILMEMBER ANDERSON: Yeah.

22 MR. MIYAMOTO: The most -- the first obvious one  
23 would be just mauka -- just north of Maui  
24 Meadows, somehow taking off -- because that's  
25 where the last developed -- development occurs

1 mauka of the highway. We will also look at,  
2 you know, schematically other alternatives  
3 further south and how we can tie that into the  
4 existing roadway systems without impacting  
5 existing communities. That's what the model  
6 is good for. You can do that kind of analysis  
7 and simulation. So that's one thing that  
8 we're looking at.

9 As far as timing, right now we hope by  
10 the -- within the next few months to get the  
11 consultant on board with determining the scope  
12 of work and getting a good fee on it and  
13 trying to find the funds to pay for this. As  
14 far as several alignments, yes, you're right,  
15 we would have to look at several alignments,  
16 trying to fit it in of proposed developments,  
17 you know, the -- Mr. Jencks has another  
18 proposal near the Kaonoulu area. We want to  
19 make sure those can work together.

20 But to answer another question about  
21 Federal funds, I have to say that I think  
22 Deputy Muraoka actually was referring to the  
23 County -- the County getting Federal aid  
24 projects.

25 The State will continue to -- Maui

1 County -- Maui District State Office will  
2 continue to get their share of Federal monies,  
3 and that will be -- you know, one of the  
4 projects they do have on the list is the  
5 widening -- I shouldn't say widening. It's  
6 the bringing up to standards of Pi'ilani  
7 Highway. But, yes, Pi'ilani Highway will get  
8 the Federal funds that it needs to bring those  
9 shoulders --

10 COUNCILMEMBER ANDERSON: Regardless of whether or  
11 not we have this corridor on their STIP?

12 MR. MIYAMOTO: Yes.

13 COUNCILMEMBER ANDERSON: Because that's not what he  
14 said, and he said it in person and then he  
15 said it in response in writing.

16 MR. MIYAMOTO: I think he was referring to the  
17 County, our County projects getting Federal  
18 aid.

19 COUNCILMEMBER ANDERSON: No, he actually said the  
20 North-South Collector Road and Pi'ilani will  
21 not get any further Federal dollars until we  
22 have sited the additional four lines that our  
23 regional traffic program is now missing.  
24 Because we took two lanes off the  
25 South-North -- North-South Collector Road. We

1           took two lanes off the South Kihei Road. And,  
2           I mean, I have a letter here. I can pull it  
3           out, so that is what he said to us last  
4           October when he was here, and then I sent him  
5           a letter asking him for further information,  
6           and he put it in writing. So, you know, if  
7           you know something different and if things  
8           have changed since then, I'd like to see that  
9           in writing, because that's been my big  
10          concern, is that, you know, we're planning all  
11          this development and we don't have any plans,  
12          you know, to play catch-up ball. And our  
13          Community Plan says concurrent infrastructure.  
14          I don't see any concurrency happening here at  
15          all.

16                        So you're envisioning the upper highway  
17          to terminate on the north side of Maui  
18          Meadows, probably on the Kawamoto property.  
19          Because the Kawamoto property, that's up  
20          against Maui Meadows on the north end, and  
21          then that would mean constructing a roadway  
22          there to go up and connect. So, you know,  
23          given the experience that you have and you  
24          know the constraints you have in getting this  
25          even on the STIP so that we can hope to get

1           some money, how many years before this is  
2           going to be built, you know, give or take ten  
3           years?

4 CHAIR MOLINA: Mr. Director.

5 MR. MIYAMOTO: I would hesitant -- hesitate from  
6           venturing a guess, but, you know, the State  
7           wants us to come up with a plan. We'll come  
8           up with that plan within the next few months.

9 COUNCILMEMBER ANDERSON: Come on, Mike, take a risk.  
10          Take a guess.

11 MR. MIYAMOTO: You know, a lot of it is going to  
12          depend on the -- a lot of the mauka  
13          development, because we can get a lot of the  
14          mauka development to help contribute to  
15          constructing the roadway, as we were doing  
16          with a lot of the North-South Collector,  
17          because there's, you know, Towne Development  
18          has stepped forward and is constructing a  
19          major portion of that North-South Collector.  
20          So if a lot of the mauka lands become proposed  
21          for development, we could get them to  
22          construct it.

23 COUNCILMEMBER ANDERSON: Yeah, but what if we want  
24          to construct it along with the State and we  
25          don't want to have all that mauka development

1           because we don't have water for that mauka  
2           development or because we don't want to  
3           urbanize South Maui to that extent? You know,  
4           I think it's folly for government to count on  
5           development to do all of our infrastructure.  
6           You know, we need to make the policy decision  
7           of what we need, and we already know that  
8           we've overextended the use of the current  
9           Pi'ilani Highway. We're beyond its capacity  
10          right now.

11                   And so I think you need to give me an  
12          idea. Is it ten years? Is it 20 years? Is  
13          it 30 years? I mean, take your best guess.  
14          I'm not going to, you know, hold you to it. I  
15          just want an educated guess. And I think we  
16          should all know -- especially since we're  
17          going into the General Plan, Mr. Miyamoto,  
18          that all these mauka properties want to get in  
19          on the General Plan. And we still don't know,  
20          you know, when or if we'll get the mauka  
21          highway.

22   CHAIR MOLINA: Mr. Director.

23   COUNCILMEMBER ANDERSON: So just a guess.

24   MR. MIYAMOTO: Just a guess? Given the topography  
25          on that mauka side, you see all the drainage

1 channels, and that's going to be a challenge.  
2 Those are going to be relatively expensive for  
3 a highway to cross. So you're talking about  
4 significant amount of money, so 15 to 20  
5 years, if we were to start.

6 COUNCILMEMBER ANDERSON: Okay. And so we also need  
7 to upgrade our current highway, which is not  
8 Federal standards, which has never had the  
9 appropriate drainage culverts put in, which is  
10 part of the reason we have such terrible  
11 drainage problems in South Maui, which you  
12 wouldn't imagine because, you know, it's a  
13 desert. But, boy, when it rains down there,  
14 we're flooded everywhere. And so, you know, I  
15 don't know, it just -- where's our  
16 infrastructure concurrency? We're allowing  
17 more development and currently we don't have  
18 proper drainage.

19 So I guess I'm finished with  
20 Mr. Miyamoto, and I appreciate his comments,  
21 but I do have quite a bit more in regards to  
22 this, if I could, Chair, when he leaves.

23 CHAIR MOLINA: All right, thank you, Member  
24 Anderson.

25 Committee Members, any questions for

1 Mr. Miyamoto at this point? Okay, I guess  
2 we'll go ahead and excuse Mr. Miyamoto for the  
3 rest --

4 COUNCILMEMBER ANDERSON: Oh, you know what?

5 CHAIR MOLINA: Member Anderson.

6 COUNCILMEMBER ANDERSON: Maybe I could draw on his  
7 expertise before he leaves.

8 CHAIR MOLINA: All right, continue.

9 COUNCILMEMBER ANDERSON: Deputy DOT Director told  
10 me, and, again, put it in a letter, that the  
11 carrying capacity of Pi'ilani Highway is 1,700  
12 cars per hour. That is the current carrying  
13 capacity of Pi'ilani. In the traffic counts  
14 that I got from DOT, they show in the 2003  
15 traffic counts -- and, you know, they do their  
16 counts at various intersections. And the  
17 traffic counts from 2003 show that there was  
18 29,000 cars a day at certain intersections.  
19 If you take 29,000 cars and you divide that by  
20 12 hours, because that's -- you know, I don't  
21 think there's a lot of traffic in the middle  
22 of the night. So given a 12-hour day, you're  
23 looking at 2,400 cars per hour.

24 So, you know, does that -- I'm not a  
25 traffic engineer, but I know basic math and I

1 live in South Maui and I can certainly see the  
2 traffic. So would you say that that's a fair  
3 assumption on my part?

4 MR. MIYAMOTO: Mr. Chair.

5 CHAIR MOLINA: Mr. Director.

6 MR. MIYAMOTO: I guess I'll tie this question with  
7 Council Chair Hokama's question regarding  
8 level of service. Because level of service  
9 really plays a part as to what the capacity  
10 is. And I'm not sure, you know, what the  
11 Deputy Director was regarding when he said  
12 1,700 vehicles per hour, because typically on  
13 a multi-lane highway you can get about 1,200  
14 vehicles per hour per lane per direction,  
15 typically. But obviously there's a lot of  
16 other factors that come into that calculation.  
17 Because, for example, like Pi'ilani Highway,  
18 it doesn't meet Federal standards, that's why  
19 you see the low speed limits, because a lot of  
20 the shoulders aren't up to current County --  
21 the State standards.

22 COUNCILMEMBER ANDERSON: And no median.

23 MR. MIYAMOTO: Yeah, and -- but you see, the speed  
24 limits -- the speed limit on that roadway also  
25 affects how you compute that capacity. So a

1 lot of that -- I don't know where -- to be  
2 honest, I'd have to see how he got 1,700, but  
3 that seems rather low, to be honest. Because  
4 typically, like, for example, on a four-lane  
5 highway, for example, in -- I'll say in  
6 Maryland, because that's where a lot of my  
7 traffic experience, we're looking at 45,000  
8 vehicles per day, but then because, like  
9 you're saying, you don't see the traffic in  
10 the middle of the night. Obviously in  
11 Maryland you have bigger population. You  
12 would -- like Oahu, you would see bigger  
13 traffic --

14 COUNCILMEMBER ANDERSON: Right, right.

15 MR. MIYAMOTO: So the 29,000 doesn't really mean as  
16 much. It just means that, you know, that's  
17 what they're experiencing on the roadway.  
18 Like you said, the later hours may not have --  
19 may not be experiencing as much traffic. So  
20 there's certainly more room, but, like you  
21 said, it's going to fill those empty hours in  
22 the evening. So we mainly look at the peak  
23 hour traffic. And having gone to several  
24 seminars in South Maui last -- the first week  
25 of September and several various meetings that

1 we had on South Maui this past couple weeks --

2 COUNCILMEMBER ANDERSON: You got to see it.

3 MR. MIYAMOTO: To be honest, I didn't experience  
4 the -- what you -- I was really waiting to  
5 experience what you had said coming from  
6 Wailea.

7 COUNCILMEMBER ANDERSON: What time were you down  
8 there?

9 MR. MIYAMOTO: It varied from 3:30 to 5:00, that  
10 time period that I was out there, and I don't  
11 know if the State did coordination with  
12 traffic signals or something, but it just  
13 seemed like, you know, I was more -- I was  
14 more in fear of being caught for speeding  
15 by -- by MPD because the traffic was moving so  
16 well. You know, that was my concern more. I  
17 was looking for the congestion, because I  
18 wanted to stop and investigate the various  
19 congestions. Obviously in the Lipoa and the  
20 Pi`ikea area, because of the short distance  
21 between the two traffic signals, that's where  
22 you do experience some congestion, but once  
23 you got through there, you know, right down  
24 where they're doing the construction near  
25 Mokulele Highway there is some congestion

1           because some people are looking at the  
2           construction and looking at the various  
3           things, but since the State made the  
4           modification of the double left turns from  
5           Mokulele Highway, that intersection has really  
6           moved extremely well.

7 COUNCILMEMBER ANDERSON: At Mokulele?

8 MR. MIYAMOTO: Yes.

9 COUNCILMEMBER ANDERSON: Well, you must have been  
10          there on a lucky day, because yesterday  
11          afternoon I went out to Pi`ilani and Mikioi at  
12          4:00 and again at 6:00 p.m. to document  
13          photographically what's going on, and I'm just  
14          going to pass this down for Members to see.  
15          And, you know, you're talking about level of  
16          service, if -- during a peak hour. The  
17          traffic starts leaving the hotels at 3:30. By  
18          4:00 this is what it looks like. So I'm going  
19          to pass it down. I'm sorry I don't have more  
20          copies, but I just did it yesterday and just  
21          had it printed out today.

22                 So in my estimate, the Mikioi and  
23          Pi`ilani right now need a light, not 12 years  
24          from now, not ten years from now. And I'd  
25          like to remind everyone that there are all

1           these projects that have not come on line that  
2           are being constructed. I mean, 600 units that  
3           are going to come on line within months if  
4           they can squeeze some water out of somebody,  
5           and I'm assuming they already have, or they  
6           wouldn't have invested all that money. But  
7           this is current. I took this yesterday  
8           afternoon.

9                   And so what's going to happen when all  
10           the condominiums on Okolani open up?  
11           Armstrong's building there. All the  
12           condominiums off Kilohana, the big condominium  
13           project across from Grand Wailea, might as  
14           well pass that down too, Members. You can see  
15           the water features. You can see the massive  
16           amount of building in that project.

17                   So, you know -- and in looking at  
18           this -- you know, I think you were smart not  
19           looking at this June '06 Regional Traffic  
20           Report, because then I can't question you on  
21           it. Because in my -- you know, in my  
22           estimate -- and remember, Members, I worked  
23           for OEQC. I've reviewed hundreds of  
24           Environmental Impact Statements. I'm not --  
25           you know, I'm versed in what a traffic impact

1 analysis is supposed to consist of. And I  
2 don't see anything in here that breaks it all  
3 down, that backs up what the assertions  
4 they're making are. They just give us  
5 figures, but they don't say, you know, these  
6 figures consist -- except for, you know,  
7 Makena Resort, Wailea Resort, how much single  
8 family, how much resort multi-family, how much  
9 local multi-family, how much shopping center,  
10 warehouse, golf course traffic, but they don't  
11 say what projects this, you know, consists of.

12 So how do I know, do they have Wailea  
13 Gateway in there? They're currently at the  
14 corner of Wailea Ike and Pi'ilani. They got  
15 that all torn up right now, grading and  
16 everything and hammering the blue rock, hear  
17 it day in and day out, and that's quite a ways  
18 from me. But, you know, that's currently  
19 being constructed, so, you know, if I look at  
20 what it looks like today, what's it going to  
21 look like in six months with no further  
22 improvements? It's going to be -- it's going  
23 to be gridlock. And, you know, there are  
24 times when you can see where the traffic is  
25 backed up from Kilohana to Mikioi, but that's

1           just because that's where I was taking the  
2           picture.  But there's times when that traffic  
3           backs all the way down all the way down Wailea  
4           Ike, you know, and -- so I don't see how  
5           there's any infrastructure concurrency being  
6           offered to us here.  I mean, maybe the  
7           internal roadways, they're going to be done  
8           because Wailea Resort is going to demand it  
9           because, you know, they hear every day from  
10          their visitors and their owners that traffic's  
11          really bad down there right now.

12                        And the thing that bothers me,  
13          Mr. Miyamoto, you've driven down there, those  
14          roads were not meant to be collector roads,  
15          and that's what we're turning them into.  None  
16          of them are banked properly.  They're banked  
17          to slow you down.  You know, a road should be  
18          banked according to the turn.  They bank it  
19          just the opposite, which is why we've had so  
20          many accidents on Kilohana.  Too many young  
21          kids coming off of -- coming from Makena into  
22          Wailea going down Okolani and to South Kihei  
23          Road, and that area right there there's been  
24          numerous accidents and fatalities over the  
25          years.  We've lost a lot of high school kids.

1           And the reason I bring that up is we were  
2           reminded of that the other night. And I drive  
3           those roads daily, and, you know, they're  
4           banked to be a meandering little residential  
5           roadway, not a collector road. And that's  
6           what they're doing here, is they're turning  
7           these roadways into collector roads and so --  
8           so they can accommodate further growth.

9           The one other thing I want to ask you,  
10          Mr. Miyamoto, while we've got you, and this is  
11          my last question for him, Chair.

12          If you look at these pictures and you  
13          look at the blue rock on either side of this  
14          corridor of Pi`ilani Highway, and, you know,  
15          the pictures there show it more, but this one  
16          here, it's only showing just a little tiny bit  
17          of the blue rock, but I did it so you can see  
18          how dense it is, how big it is, and that's  
19          probably one-eighth of the area that's going  
20          to have to be blasted out in order to widen  
21          Pi`ilani. And this is right up against  
22          residential homes. So I think in all fairness  
23          we need to know how long it's going to take to  
24          blast out that blue rock and can they blast  
25          out that blue rock and still keep one lane of

1 Pi`ilani open?

2 CHAIR MOLINA: Mr. Director.

3 MR. MIYAMOTO: I guess that's a challenge the  
4 developer is going to have to address when he  
5 starts doing his development of those plans.  
6 In my visits to that area, you know, the rock  
7 doesn't look as -- I mean, I guess on the  
8 makai side it's not as solid, because you see  
9 it crumbling. You see a lot of the existing  
10 slope starting to come down. You see a lot --  
11 at the bottom of the slope you see a lot of  
12 loose gravel. So the makai side may not be as  
13 difficult to excavate. If they don't use --  
14 if they have to do some kind of drilling to  
15 fracture the slope, that's an alternative  
16 to --

17 COUNCILMEMBER ANDERSON: They're going to blast it.

18 MR. MIYAMOTO: I haven't heard that. I mean --

19 COUNCILMEMBER ANDERSON: And, you know, the reason  
20 it's falling down is because that's already  
21 been blasted and that's where it's loose, but  
22 I'm talking about, you know, where it's been  
23 there for -- since it was formed geologically.  
24 And we were -- we were told by people in Maui  
25 Meadows that when they had -- when they had

1 done some blasting previously, the veins of  
2 blue rock -- you blast the blue rock here, the  
3 vein may go quite a ways and fracture their  
4 pools, fracture their driveways, you know,  
5 dislodge their foundations, break windows.  
6 I'm asking you as a professional how long it's  
7 going to take to blast out that blue rock?

8 CHAIR MOLINA: Mr. Director.

9 COUNCILMEMBER ANDERSON: Again --

10 MR. MIYAMOTO: I mean, realistically --

11 COUNCILMEMBER ANDERSON: -- you've been down there  
12 recently.

13 MR. MIYAMOTO: Yes.

14 COUNCILMEMBER ANDERSON: You've seen it. So just --  
15 you know, is it going to take a year? Is it  
16 going to take six months? Is it going to take  
17 two years? And -- and if they're blasting the  
18 rock -- I see you're looking up at the  
19 developer. If they're blasting the rock, can  
20 they keep one lane of the highway open?

21 MR. MIYAMOTO: I wouldn't think you could keep a  
22 lane open if you're blasting, unless you do  
23 some kind of protective measure. I mean, we  
24 have -- we have that kind of challenges when  
25 they try to do rock scaling. I mean, we're

1           trying do some of that in the Kaupo area, and  
2           we actually close the road, like you say --

3   COUNCILMEMBER ANDERSON: Right.

4   MR. MIYAMOTO: -- you know, because -- to protect  
5           the travelling public we close the roadway and  
6           put up screening and everything else, but --

7   COUNCILMEMBER ANDERSON: You know, the reason I'm  
8           asking is because we were originally told that  
9           they're going to reroute all the traffic when  
10           they widen Pi`ilani in that area so they can  
11           do the blasting and everything necessary to  
12           widen the corridor. And of course that would  
13           mean we redirecting all the traffic on Wailea  
14           Alanui all the way through to Kilohana and  
15           then back up to Pi`ilani. And that would just  
16           gridlock Wailea. Look at what it's like on  
17           Pi`ilani right now. And I think they got a  
18           lot of complaints from -- we heard a lot of  
19           complaints from residents of the area.

20                   Now the plan -- I spoke with one of  
21           their investors who happens to do rock  
22           blasting here in Maui County, and I asked him  
23           how long it would take, and he said about 18  
24           months. And I said, can we close the highway  
25           that long? And he said we wouldn't have to

1 close the highway. We would do one side at a  
2 time.

3 And, you know, I want some independent  
4 professional to give me the facts. Because I  
5 don't see how that's feasible to -- you know,  
6 and you can't be blasting rock in the middle  
7 of the night, so you've got to do it during  
8 daytime hours. So I don't know how you can  
9 blast rock and have traffic, unless, you  
10 know -- I mean, I'm not a traffic engineer or  
11 a rock blaster or anything, but, you know,  
12 when you've got people scaling the rock walls  
13 up in Kaupo, you close the road. So you can't  
14 give me an estimated time?

15 CHAIR MOLINA: Mr. Director.

16 MR. MIYAMOTO: As you say, you know, it really takes  
17 a rock -- somebody who's -- who's a  
18 professional in that field. But I wouldn't  
19 think -- from what I've seen, for example,  
20 like at the Central Maui base yard -- the  
21 Central Maui landfill, you know, how they're  
22 doing rock mining in that area, you know,  
23 they'll do a blast once during the day, and  
24 then the rest of the time is (end of tape)  
25 that loose material, so I wouldn't -- I just

1           can't imagine that they would be -- there  
2           would be a necessity for them to do more than  
3           one blast a day and then spend the next day or  
4           so cleaning up as much loose material as they  
5           can or if they have -- you know, they try  
6           to --

7   COUNCILMEMBER ANDERSON:  But they're going to have  
8           to have big trucks.  You know, I mean how are  
9           they going to keep the road open if they've  
10          got these big trucks?  And when they blast, I  
11          mean, how controlled is it?  It's not like  
12          destroying a building where it just comes down  
13          in one spot, is it?

14  MR. MIYAMOTO:  It was interesting to watch the  
15          professionals at the landfill, but they  
16          control it very well, the shaping of charges  
17          and everything.  It was just amazing to see.  
18          It was -- it was like you just saw a hiccup  
19          occur, you know, like the land just hiccupped  
20          and then it became loose.  And so it was  
21          rather interesting to watch that.  I mean,  
22          but, you know, for safety reasons they pulled  
23          everybody back in case there happens to be an  
24          arrant piece of rock that might fly, but it  
25          was interesting to see.  It was just like the

1 surface did a hiccup. It just bumped up and  
2 then it just started to slough off as it  
3 got -- as it got soft or it got broken up.  
4 So --

5 COUNCILMEMBER ANDERSON: Well, it sounds, then, like  
6 the blasting is easier than the --

7 MR. MIYAMOTO: And that's --

8 COUNCILMEMBER ANDERSON: -- the pound, pound, pound  
9 of the drill.

10 MR. MIYAMOTO: Which is probably why they chose --  
11 you know, if they would choose to do blasting,  
12 it would probably result in a quicker  
13 turnaround, versus, like you say, you know,  
14 trying to drill these shafts and then fracture  
15 the rock. I think it's a tradeoff whether you  
16 experience some road closure to try and  
17 expedite this process or you have the  
18 long-term impacts of the noise and  
19 disturbance.

20 COUNCILMEMBER ANDERSON: Thank you, Mr. Miyamoto.  
21 I'm sorry to put you on the spot, but I really  
22 appreciate your effort.

23 So, Mr. Chair, this is just another  
24 example -- I mean, we should know this  
25 information. This is an impact, and it's

1 going to impact everybody that lives down  
2 there. And I just -- I just can't believe  
3 that we don't have the facts on this, but I'll  
4 yield Mr. Miyamoto, Chair. Thank you.

5 CHAIR MOLINA: Okay, thank you.

6 COUNCILMEMBER ANDERSON: But I do have other  
7 questions.

8 CHAIR MOLINA: Thank you, Member Anderson.

9 We have Member Johnson, questions for  
10 Mr. Miyamoto?

11 COUNCILMEMBER JOHNSON: Yes, Mike, I don't know if  
12 you were here earlier when we were questioning  
13 the Water Director about, you know, the  
14 standards. Because basically what he went  
15 back to is anything we get in our materials  
16 here is measured against a standard. So the  
17 only standard that I know of that I've  
18 actually referred to on occasion is the Maui  
19 Long-Range Transportation Plan, which kind of  
20 gives circulation, it gives projected level of  
21 service or desirable level of service, and I  
22 can't remember the last time that it was  
23 updated. Do you know if that is a standard  
24 against which we measure or you measure most  
25 of the, I guess, projects in terms of its

1 impact?

2 CHAIR MOLINA: Mr. Director.

3 MR. MIYAMOTO: Mr. Chair. We do use that document  
4 as a reference to -- you know, when a proposed  
5 development comes in, are the proposed  
6 developments somewhat consistent with what the  
7 report is saying is going to be necessary. We  
8 wouldn't want to see a proposed development  
9 that wasn't in the long-range plan and ends up  
10 altering the travel patterns and then  
11 basically making that long-range plan null and  
12 void because you've altered the travel  
13 patterns.

14 Not sure when the last time we did the  
15 one for South Maui. I think the Department  
16 did one that the State did not have a  
17 chance -- opportunity to review or be part of  
18 the process, so the State wouldn't accept it.  
19 So we're in that process, and as part of that  
20 process we'll go ahead and include this mauka  
21 highway -- excuse me -- the mauka highway as  
22 the alternative to try and address two studies  
23 at one time.

24 COUNCILMEMBER JOHNSON: But besides that, as one of  
25 the documents that you reference, when you're

1 measuring and I guess you're doing the  
2 analysis of whether it meets acceptable  
3 criteria and when you're measuring the  
4 mitigative measures that they have outlined as  
5 addressing the core problems that you  
6 identify, are there any other measures that  
7 you utilize when you're looking at whether or  
8 not you're going to support a particular  
9 development or not support it or identify the  
10 problems?

11 CHAIR MOLINA: Mr. Director.

12 MR. MIYAMOTO: Chair. We try to look at, you know,  
13 the overall -- like a long-range type  
14 planning, like a transportation document, like  
15 the Community Plans, you know, what was the  
16 intent for the community, you know, what was  
17 the intent of a particular roadway. And so  
18 like, for example, like North-South Collector,  
19 you know, the proposed development came  
20 alongside the North-South Collector, but they  
21 have an access off of an alternative street,  
22 but because that roadway fronted their  
23 property -- and, you know, it wasn't going to  
24 be a gated community, so, you know, we looked  
25 at it from a -- more of a study area type

1 analysis, and said, you know, no, you need to  
2 put that North-South Collector in because  
3 you're going to have some desire from your  
4 development to access South Kihei Road, and  
5 they're not going to go all the way north to  
6 get to Pi'ilani Highway to get back to South  
7 Kihei Road. They're going to have this desire  
8 to want to get to the North-South Collector  
9 and get to one of those mauka-makai roadways  
10 to get to South Kihei Road. So we look at it  
11 also from a study area basis, and we try to  
12 keep that as, you know, what the long-range  
13 plan is -- desires.

14 COUNCILMEMBER JOHNSON: And then I guess in keeping  
15 with what you're explaining, you take into  
16 consideration the other projects that are  
17 planned for the area, the cumulative impacts  
18 and how the whole system will operate; is that  
19 correct?

20 MR. MIYAMOTO: Yes. Technically what we try to do,  
21 it's something that I'm working on right now,  
22 is traffic impact study guidelines. And as  
23 one of those things, you have to consider the  
24 area wide traffic, area wide development. You  
25 have to include those things, like Council

1 Chair Hokama had mentioned these other  
2 developments, the school and some of these  
3 other developments. So we look for that list  
4 and we try to get in early on the process so  
5 we can say you need to include this additional  
6 development that's coming down the street.  
7 They haven't gotten their approvals. They're  
8 very close and it's very likely, you know,  
9 they will be on line, so we need this  
10 comprehensive study that looks at both.

11 COUNCILMEMBER JOHNSON: Yeah, and I guess because  
12 what we're trying to look at is -- and  
13 envision, that's I think where Councilmember  
14 Anderson is going, is what is this going to  
15 look like, and that's difficult to I guess get  
16 your mind around. But I think because there  
17 have been units or development that have  
18 already been approved for the area, that you  
19 have definitely included in your analysis;  
20 that's correct?

21 MR. MIYAMOTO: Yes, actually within the June 2005  
22 study they list a lot of the developments that  
23 are in the area. And some have actually been  
24 completed, but they were completed after they  
25 did their traffic data collection, so they

1 needed to include it, to add it to the network  
2 to show, you know, what that cumulative impact  
3 would be. So they have a list in there and  
4 the -- as I mentioned previously, you know,  
5 you have the site-specific developments and  
6 then you also do a regional growth factor.

7 Typically, you know, if you have a lot  
8 of the individual sites, you add maybe about a  
9 1 percent growth annually to -- just for, you  
10 know, people -- some people having kids grow  
11 up, they buy another vehicle, things like that  
12 that don't typically get specifically related  
13 to land -- existing land development. So we  
14 have some additional growth that we add into  
15 it.

16 COUNCILMEMBER JOHNSON: Yeah, and I really  
17 appreciate that. I am trying to find, too --  
18 because Council Chair Hokama, when he asked  
19 about the question of level of service, I  
20 looked in my Highway Capacity Manual, there  
21 it's a -- because it's a Federal document,  
22 it's very convoluted in its explanation, but I  
23 am going to try to provide and get copies for  
24 other Members who are new how to read a  
25 traffic impact analysis report. Because I

1 think a lot of the terminology, when we're  
2 looking as lay people at these very  
3 complicated formulas and models, it's hard to  
4 equate what you're going to have in terms of  
5 your ultimate circulation for that area and  
6 how people move through, whether it's a  
7 four-way stop, whether it's through some of  
8 the roadways that Member Anderson was talking  
9 about, which are now serving as collector  
10 roads, and how they actually move through the  
11 intersections along Pi`ilani. Because I can  
12 tell you when I used to traverse that area  
13 when it was first built and none of the  
14 traffic lights were in, the level of service  
15 was definitely A. I think level of service  
16 has probably degraded, you know, at some peak  
17 periods to F or D.

18 So I know that we've heard the  
19 Department of Transportation say, well, level  
20 of service is the worst level of service, and  
21 at certain intersections, because this  
22 particular project can't make it any worse,  
23 that, to me, is not a rationale. And because  
24 the problems cannot be corrected by any  
25 particular development that already exists, I

1 don't know how we can continue to justify  
2 adding, I guess, fuel to the fire that's  
3 already burning. So that's why I'm really  
4 concerned about the same things that Member  
5 Anderson is concerned about, but not worsening  
6 the condition so that if we do have level of  
7 service C, I think that's what the Maui  
8 Long-Range Transportation Plan said, that  
9 would be the ideal for the County of Maui is  
10 that particularly for our main highways and  
11 our main intersections to operate at level of  
12 service C was the ideal in the Maui Long-Range  
13 Transportation Plan.

14 So I appreciate you have a difficult job  
15 to do, but I just wanted to know was there a  
16 standard against which you measured any  
17 development, including this particular  
18 development, so that we would have some kind  
19 of idea of how, you know, you're coming up  
20 with recommendations or concerns?

21 MR. MIYAMOTO: Yeah.

22 CHAIR MOLINA: Mr. Director.

23 MR. MIYAMOTO: You're referring to the  
24 transportation -- the traffic engineer's bible  
25 when you talk capacity manual. And

1           fortunately we have software now that can do  
2           the analysis for us, so a lot of the -- well,  
3           every traffic study should be providing the  
4           worksheets, and this one has provided the  
5           worksheets so that we can look at the  
6           assumptions that were assumed in the  
7           worksheet. You know, because obviously  
8           anything that a computer can be manipulated,  
9           so that's why we want to see the printouts to  
10          see what the assumptions were and just to make  
11          sure that everything is on the up and up. So  
12          that's one of my goals is to -- if someone is  
13          going to do one of these traffic studies, they  
14          need to be bullet proofed in the sense that  
15          they can come under scrutiny and they can  
16          answer all the questions, and, you know,  
17          those -- it's a national standard to use the  
18          capacity manual. So anyone can go through the  
19          computations and should come up with the same  
20          results as the consultants and as the County  
21          has.

22        COUNCILMEMBER JOHNSON: Yeah, and just out of  
23          curiosity, when you talk about their computer  
24          models, have you actually seen the modeling  
25          where they use the actual cars, you know,

1 moving through the intersection as a model?

2 MR. MIYAMOTO: Yes, actually when I was in my  
3 previous employment on Oahu we actually were  
4 asked by City and County to do a  
5 micro-simulation on -- I can't think of the  
6 name. It's an existing one-way street on Oahu  
7 now, and they asked us to simulate it, what  
8 would traffic be if they -- if we turned it  
9 into a two-way roadway. And through  
10 micro-simulation in the computer software it  
11 was demonstrated that it would have a very  
12 negative impact, that the traffic backups  
13 would be much longer because you're reducing  
14 the number of lanes going in one direction,  
15 and it would alter -- it became an attraction.  
16 It attracted traffic that would typically go  
17 one block down. Now you had this -- this  
18 opportunity to be one block closer, so it  
19 attracted more traffic. And so through the  
20 micro-simulation we were able to demonstrate  
21 that it would be a negative thing to go ahead  
22 and make the change.

23 COUNCILMEMBER JOHNSON: And so you've been able to  
24 see the micro-simulation for this particular  
25 project or not?

1 MR. MIYAMOTO: No, I don't think they've done any  
2 micro-simulation at this point, this  
3 preliminary point. Because when you get to  
4 micro-simulation, you're looking at -- you  
5 know, you're looking at a lot of details about  
6 the lane widths. It's a lot of data input  
7 that may not be currently available, as they  
8 haven't designed a lot of these improvements.  
9 And so, you know, the other model that we're  
10 trying to work with Long-Range Planning on  
11 getting online is this -- it's a model that's  
12 being developed by the State Highway --  
13 Statewide Transportation Planning Section,  
14 STP. They're doing this model for the island  
15 of Maui, and hopefully when they get that  
16 model up and running we can utilize it to test  
17 developments. We can change the land use in a  
18 particular area and see how that traffic would  
19 impact the region-wide network and then have  
20 some kind of better idea what the implications  
21 are far reaching than just the localized area.

22 COUNCILMEMBER JOHNSON: Yeah, because I think  
23 ideally, Mr. Chair, if you've ever had an  
24 opportunity -- and I know you've attended a  
25 lot of these transportation workshops. I

1 think it's really interesting to actually look  
2 at the modeling. Because when you actually  
3 see the little cars, you know, through the  
4 micro-simulation, they're like little dots and  
5 they -- when it runs, when the program runs,  
6 you just can actually answer Member Anderson's  
7 question because you have a visual statement  
8 and you have something to identify with what  
9 it's going to look like physically or what it  
10 might look like physically. So I appreciate  
11 that, and I can't wait till we get to that  
12 point, because it will make our decision  
13 making a lot easier. Thank you.

14 CHAIR MOLINA: Thank you, Member Johnson.

15 All right, Committee Members, if there's  
16 no other questions for Mr. Miyamoto, I'm going  
17 to go ahead and excuse him. And I'm going to  
18 call up the applicant, Mr. Jencks, if you'd  
19 like to respond to Condition 2 as it relates  
20 to traffic.

21 COUNCILMEMBER ANDERSON: Mr. Chair, excuse me.

22 CHAIR MOLINA: Member Anderson.

23 COUNCILMEMBER ANDERSON: I was just looking at my  
24 notes, and I know I asked the question twice,  
25 but I don't think I got an answer. We got an

1 answer -- he said 15 to 30 years for the  
2 building -- construction of the highway, the  
3 mauka highway, but how long before we get the  
4 design on the STIP? That's what I needed to  
5 know.

6 CHAIR MOLINA: Mr. Director? Take your best guess.

7 We're dealing -- it's actually the State.

8 COUNCILMEMBER ANDERSON: It's got to be less than 15  
9 years, if you think it's going to be built in  
10 15 years.

11 MR. MIYAMOTO: We should be able to get the  
12 design -- you know, the monies to start doing  
13 the design probably in five to ten years. We  
14 should be able to, because, you know, once we  
15 decide on a location, then we'll have to look  
16 at the timing of when this -- the roadway will  
17 be necessary and then start doing the data  
18 collection, and then fortunately it's above  
19 the SMA so we won't have to go through SMA.  
20 And we'll just have to do the environmental  
21 process, which will probably take two to  
22 three -- two to five years, and then obviously  
23 we would have to do -- right-of-way  
24 acquisition would be another two to three  
25 years.

1 COUNCILMEMBER ANDERSON: See, that's the thing, is  
2 that we've got all this planning going on  
3 mauka. We've got this project, Makena south  
4 of that. You know, before all these projects  
5 get designated and, therefore, the value of  
6 the land increases, shouldn't we try to grab  
7 right-of-way now while it's still, you know,  
8 relatively cheap land without any entitlements  
9 on it?

10 CHAIR MOLINA: Mr. Director.

11 MR. MIYAMOTO: I can only agree, I mean, but, yeah,  
12 unless -- until we decide on where that  
13 alignment is I think it would be rather  
14 difficult to try and grab it at this point. I  
15 mean, an example is the Ukumehame. You can  
16 see we had to grab 100 acres for relocating  
17 the Honoapiilani Highway, and what  
18 necessitates that is if we're going to use  
19 Federal funds to do a highway like that, you  
20 cannot predetermine the alternative. You have  
21 to go through an alternative analysis, and,  
22 therefore, that's why in trying to protect  
23 these corridors, it becomes a very large area.

24 COUNCILMEMBER ANDERSON: Yeah, well, I'm really  
25 appreciative of your being forthright. Ten

1           years, though, is a long time to wait to even  
2           get it on the STIP, and that kind of  
3           contradicts other comments that have been made  
4           to me over the last year from the engineer  
5           that I guess is working on this. I mean, I've  
6           been told that, you know, we're almost there,  
7           and now you're telling me ten years.

8                       And I'm looking at -- I mean, I'm  
9           looking at all this mauka land that's being  
10          proposed for development, and it's really  
11          mauka. I mean, you know, we're looking at  
12          parcels of land that are at least double the  
13          width of what we've already got developed in  
14          Kihei. What does that say? That means we're  
15          going to grow Kihei by two-thirds? If they  
16          get their way, I guess. But it seems to me  
17          that if we had a corridor already planned, we  
18          could say nothing mauka of the corridor, so  
19          you guys with this land, plan accordingly.  
20          And it just seems like, you know, there's no  
21          reason to wait ten years to get a corridor in  
22          place, especially when we're being told that  
23          we don't get any more Federal dollars. Are  
24          you telling me that you know for a fact we're  
25          going to get Federal dollars to upgrade the

1 current Pi'ilani to Federal standards?

2 CHAIR MOLINA: Mr. Director.

3 COUNCILMEMBER ANDERSON: Because I think that's what  
4 you said.

5 MR. MIYAMOTO: That's based on the last -- I guess  
6 the last update that I saw. I guess it's FY  
7 '08, or the latest STIP update that I saw, and  
8 if I remember -- I thought I recalled seeing  
9 that project on that list. And given that --  
10 you know, Maui County is very fortunate in  
11 that over the next few years we're going to be  
12 receiving a lot of monies from the Feds for  
13 State projects. You know, the Federal funds,  
14 when you look at Mokulele Highway, it's a  
15 significant amount of money being spent there.  
16 When you look at the Honoapiilani Highway  
17 bypass in Lahaina, that is a major -- and  
18 that's why I think the timing of when  
19 something like this for this type of roadway  
20 may be a little bit off in the future is  
21 because right now Maui is getting a very  
22 significant share of Federal monies for  
23 roadway improvements, and then so I can  
24 imagine that somewhere after they spend a lot  
25 of this money in Maui County they're going to

1           want to start helping out the other counties  
2           as well.

3   COUNCILMEMBER ANDERSON: Well, you said you saw --  
4           you thought you saw Federal dollars on the  
5           STIP program for upgrading Pi`ilani to Federal  
6           standards and you said you thought it was  
7           third on the list?

8   MR. MIYAMOTO: No, no, that -- I recall -- in my  
9           last looking at it I think it was the July  
10          update. I thought I recalled seeing that  
11          project on the list.

12   COUNCILMEMBER ANDERSON: Could you check on that,  
13          Mr. Miyamoto, and let us know? Because, you  
14          know, it says on our Community Plan widen  
15          Pi`ilani between Mokulele and Wailea Ike Drive  
16          to four lanes. In terms of roadway  
17          improvements within the Community Plan region,  
18          this shall be the third priority.

19                 Well, here we are, almost ten years  
20          since this was written, and it -- it isn't  
21          done yet. It says require adequate  
22          interregional highway capacity, including the  
23          widening of Pi`ilani and Mokulele highways to  
24          four lanes prior to the construction of major  
25          projects south of Kilohana or mauka of

1 Pi`ilani Highway.

2 I want to remind everybody we did not  
3 widen Pi`ilani, which is why it's now not at  
4 Federal standards. We restriped it. So,  
5 thereby, reducing its safety to accommodate  
6 more traffic so more development can happen.  
7 And, you know, I don't see that we're  
8 following our Community Plan, because it says  
9 widen it, and until we widen it, I don't think  
10 we should be allowing any more mauka  
11 development or anything south of Kilohana.  
12 It's what our Community Plan says. And, you  
13 know, just restriping it doesn't solve the  
14 problem. It might allow people to get where  
15 they're going quicker and not be all backed  
16 up, but it certainly doesn't widen the road  
17 and make it safe at Federal standards.

18 So that's a big concern for me is the  
19 safety of the residents down there who have to  
20 travel this road to get to work. And, you  
21 know, I don't want to be gory, but we've had  
22 too many head-on collisions down there, too  
23 many deaths. There's no median -- median  
24 dividing the road and -- so if you can check  
25 on that so we get some idea, at least on when

1           we're going to get an upgrade to the current  
2           Pi'ilani. If we've got to wait ten years to  
3           find out where the mauka roadway is going to  
4           be, and then another 15 years to have it  
5           built, we better make sure what we currently  
6           have is going to be upgraded to safe standards  
7           as soon as possible. So I'd appreciate that,  
8           Mr. Miyamoto.

9                         Thank you, Mr. Chairman.

10          CHAIR MOLINA: Thank you, Member Anderson.

11                         Mr. Hokama.

12          COUNCILMEMBER HOKAMA: Chairman, thank you very much  
13                         for another opportunity. I just wanted to ask  
14                         Mr. Miyamoto, and I speak from being the  
15                         Chairman of the County's Transportation  
16                         Steering Committee and my ability to get  
17                         access to a lot of information out of the  
18                         Federal level regarding counties nationwide  
19                         and its potential impact to our County as well  
20                         as our sister counties in Hawaii, and Chairman  
21                         Oberstar in the House who chairs a major  
22                         Committee called T and I, Transportation  
23                         Infrastructure, is making a move to amend the  
24                         definition of waters of the U.S., and our  
25                         Committee, as well as the -- our Energy and

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1 Environment Committee has resisted the efforts  
2 to expand the definition, whereby even our  
3 drainage ditches that goes through  
4 improvements will need a Corp of Engineers  
5 permit approval, okay. Already nationwide  
6 there's in the tens of thousands backlog. And  
7 we know that the President is not going to  
8 give the domestic program of the Corp the  
9 monies to do their job. Everything is  
10 regarding our war, funding our need for the  
11 military, as well as some other  
12 considerations.

13 And I share this because I think it  
14 would be appropriate to find out where in the  
15 process -- because the House is moving this  
16 legislation, and we have Representative  
17 Congresswoman Hirono who sits from Hawaii on  
18 House T and I, so you can get more information  
19 from her office, but if that moves and becomes  
20 now part of the review process and approval  
21 process, this project, with all the gulches,  
22 the road improvements, the subdivision, sheet  
23 flow mitigation measures, potentially all  
24 needs to go through the Corp of Engineers for  
25 an approval. And that means that we also get

1           impacted on our projects, Mr. Miyamoto, and  
2           our potential of us not even to do our own  
3           projects.

4                     But this is moving, so I'm making you  
5           aware because where does the -- you know, you  
6           folks are going to have to help the Corp.  
7           When do they get their crack at reviewing the  
8           project, giving comments, and if they don't  
9           give the approval, it's not going to go  
10          nowhere. The project is going to stay stuck.  
11          And I'm assuming the district office, which is  
12          based at Fort Shafter, would be the location  
13          of where all the State of Hawaii permits would  
14          have to go to get that engineering office  
15          working with yours to review and then consider  
16          an approval. And my understanding at this  
17          point is if it is not given, your project does  
18          not move forward. So you have any comment for  
19          us?

20       MR. MIYAMOTO: Should such legislation pass, what  
21          it's going to amount to is that we're going to  
22          have a longer process of planning and  
23          designing of these projects. We're going to  
24          have to be a little bit more proactive  
25          hopefully with -- you know, with the

1 transportation model we can start looking at,  
2 you know, when we're going to start needing  
3 these roadway improvements and start having to  
4 plan a little bit earlier now in getting  
5 everything -- all our entitlements -- you  
6 know, as you mentioned, you know, this -- this  
7 may overburden the Corp to no end.

8 COUNCILMEMBER HOKAMA: They are overburdened.

9 MR. MIYAMOTO: And the response can end up being  
10 similar to like that of SHPD where they're  
11 understaffed and, you know, it takes us a  
12 while to get a response from them. And so,  
13 yeah, it's going to be -- result in planning  
14 being done a lot earlier than it normally  
15 would be.

16 COUNCILMEMBER HOKAMA: I'm assuming this is  
17 potential delay of additional years, not  
18 months, not weeks, potential delay of years.  
19 And so, again, when I heard your comment about  
20 bullet proofing traffic studies, ability to  
21 forecast accurately with the best information  
22 possible, makes me to a point where if your  
23 traffic study is older than 12 to 18 months,  
24 you better go redo it, because it's not going  
25 to stand the bullet-proof test you mentioned

1 if we're going to have to now incorporate  
2 another process from the Federal level to have  
3 the Corp give their approval prior to us  
4 issuing our appropriate permits.

5 Thank you, Chairman.

6 CHAIR MOLINA: Thank you, Mr. Hokama.

7 Members, Chair intends to take a recess  
8 at 4:30, so we have several more minutes for  
9 Mr. Miyamoto, or we can have Mr. Jencks to  
10 give some additional comments. The Chair's  
11 preference at this point, because of  
12 Mr. Miyamoto's commitment to go out to the  
13 Paia-Haiku area, I would like to excuse  
14 Mr. Miyamoto. If you have additional  
15 questions for him, feel free to send your  
16 correspondences to him.

17 Mr. Jencks, I'd like you to give a few  
18 comments before the recess. One question I  
19 would like you to respond to is the issue of  
20 blasting. I think that seemed to raise a few  
21 eyebrows for some of us. Can you give  
22 additional comments on that?

23 MR. JENCKS: Blasting?

24 CHAIR MOLINA: Create the highway.

25 MR. JENCKS: Blasting. Thank you, Mr. Chair.

1 COUNCILMEMBER ANDERSON: You know, it's not funny if  
2 you live next door, Mr. Jencks.

3 MR. JENCKS: I know. And I've lived -- I've lived  
4 in LA and endured it. I had a project in LA  
5 years ago that I did, had to do a lot of  
6 blasting and it wasn't fun. It was  
7 inconvenient, and the technology, of course,  
8 was a lot different in the mid-'80s than what  
9 it is today.

10 I spent a lot of time talking to the  
11 folks of Goodfellow Brothers about this issue,  
12 and I know that Mr. Goodfellow has been in  
13 Chambers talking to some of the Council  
14 Members about this process, about what has to  
15 be done. And I've talked to Steve and I've  
16 heard him tell people here that it will be  
17 about 18 months to get through this process to  
18 widen that roadway, including the blasting  
19 work. The technology that Goodfellow Brothers  
20 incorporates along with blasting technology,  
21 which is their -- the blasting sub company, I  
22 guess you would call it, is fairly  
23 sophisticated. I would say to you that their  
24 ability with their technology that they have  
25 available to them today lends itself well to

1           this type of project.

2                   Michael was talking about looking at the  
3           rock on the makai side of the road and on the  
4           mauka side. It is fractured. We have  
5           adequate right-of-way in the corridor to widen  
6           the road. On the makai side there are some  
7           utility poles that will have to be relocated,  
8           and I know that Wailea has already talked to  
9           MECO about that process and start the ball  
10          rolling with regard to relocation.

11                   Steve said to me 18 months. I think he  
12          told Ms. Anderson 18 months. I think that's  
13          reasonable. I think their technology, their  
14          ability to do the job and get it done  
15          correctly speaks for itself, and I think they  
16          can do that without harming local  
17          neighborhoods. They do a very complete job of  
18          getting out in the field. They hire people to  
19          go out and document properties, whether  
20          they're long-term or they're short-term,  
21          single family, multi-family, and they're  
22          monitoring -- they're constantly monitoring  
23          the effects of their activities. So I  
24          would -- the technology is there. I don't  
25          have any problem telling you that that work

1           can be done successfully with them without any  
2           damage to adjacent properties.

3 CHAIR MOLINA: Thank you, Mr. Jencks.

4                         Committee Members, questions for  
5           Mr. Jencks? Member Anderson.

6 COUNCILMEMBER ANDERSON: I would agree with  
7           everything you just said, Charlie, except that  
8           last sentence, without any damage to adjacent  
9           properties. Because there is damage to  
10          adjacent properties. And they're kind enough  
11          to pay for the damages, but the damages happen  
12          because -- was it last year or the year before  
13          they (end of tape) you know, pounding blue  
14          rock in Kihei on a vacant lot that had  
15          condominiums all around it, and being a South  
16          Maui Member I got the phone calls, repeated  
17          phone calls, people that were so angry and so  
18          upset. And -- and I will say that, you know,  
19          at the time Julie Higa worked for me, and she,  
20          you know, was a Planner for the County for  
21          many, many years, so she knew what was going  
22          on in the process, and we worked through the  
23          State because there is a noise -- I don't know  
24          if it's called noise abatement, but anyway,  
25          there's a noise control State statute that

1           says you can only -- construction noise has to  
2           stop at 6:00 p.m. and can't happen on holidays  
3           or Sundays. I think you can go on Saturday  
4           for a certain amount of period, but they were  
5           trying to get this done quickly so they were  
6           working beyond that. And when our office got  
7           involved, Mr. Goodfellow and his son, Chad,  
8           were kind enough to meet with myself, my  
9           Staff, and Director Foley at the time, and  
10          they made adjustments. And I appreciated that  
11          very much. And they also assured me --  
12          because this is when we were going to have a  
13          big rainfall, and I had gone out and looked at  
14          the site and it was just a huge pile of soil,  
15          uncovered soil. And I was concerned that if  
16          this huge storm comes in, where's all that  
17          soil going? So they actually covered the  
18          soil. Chad sent me pictures of what he had  
19          done. Very responsive. Very appreciative of  
20          their willingness to respond. But it took  
21          some effort on my part and my office's part to  
22          make that happen. Because the surrounding  
23          homeowners were not getting any response.

24                        So I don't want to see this happen  
25          again. And -- and -- I forgot exactly where I

1           was going. Oh, there was considerable damage.  
2           I mean, you know, I saw the photographs,  
3           people's light fixtures falling off the walls  
4           and broken -- cracks in their lanais and --  
5           you know, and they have to substantiate it.  
6           And I know what Goodfellow does, is they go  
7           around and they take pictures before they  
8           start an operation like this so they can see  
9           what the pre-existing condition is so if there  
10          are complaints of damages, then, you know,  
11          they can substantiate whether or not it was  
12          done before they blasted or not. And as far  
13          as I know, they did take care of all the  
14          people, but there are damages, Mr. Jencks.

15                 So I just wanted to clarify that, Chair,  
16                 and, you know, we're talking about mountains  
17                 of blue rock here, not -- and it's different.  
18                 They're not blasting, you know, subterranean.  
19                 This is they were, you know, drilling down  
20                 into the -- into the surface. What we're  
21                 doing is something subsurface for the highway  
22                 here. So I don't know, you know, how  
23                 comparable it is, but we've already heard from  
24                 people in Maui Meadows that they've suffered  
25                 damages from this kind of operation, so I

1 think you need to be prepared for that.

2 MR. JENCKS: Absolutely. I agree.

3 COUNCILMEMBER ANDERSON: Thank you.

4 CHAIR MOLINA: Thank you. Members, why don't we  
5 just -- okay, Mr. Medeiros, have a couple more  
6 minutes before it's break time.

7 COUNCILMEMBER MEDEIROS: Just to give some  
8 information. I know it may not relieve Member  
9 Anderson's fears of explosives, but I -- you  
10 know, I was trained as an ammunition  
11 specialist in the Air Force, and this was way  
12 back in the later '60s, and I was trained to  
13 handle all explosives in the Air Force up to  
14 but not including nuclear. And our technology  
15 way back then was amazing how explosives are  
16 designed where you can direct where it goes.  
17 The military had explosives that you could put  
18 on the ground and it will go directly straight  
19 down and dig a perfect round hole for you,  
20 and -- or explosives that would roll on the  
21 ground and set off land mines.

22 So the technology now, 40 years from  
23 when I learned explosives, I'm sure is much  
24 better. And like Director Miyamoto said, his  
25 experience of observing it at the quarry is

1 very true. You'll just see the ground lift  
2 and go back down and then you get in there  
3 with either hoe rams to loosen the fractures  
4 and then you excavate it with excavators. Not  
5 to say that there's no damages outside of the  
6 explosive zone. And I think the only people  
7 that could satisfy that fear would have to be  
8 a geologist that would know how the rock runs  
9 or where it goes. But as far as the  
10 explosives, it's very safe now. Not to say  
11 there isn't risk of, you know, anything  
12 happening, but it's very controlled now.

13 And I think our fears of explosives come  
14 from the days of the western movies of the  
15 dynamite being thrown around and buildings  
16 exploding. And so I just want to try relieve  
17 Member Anderson's fears a little bit. Thank  
18 you.

19 CHAIR MOLINA: Okay, thank you, Mr. Medeiros. I  
20 appreciate your talents, and, you know, you're  
21 a good man to have on the Council if ever we  
22 get one of those bomb scares, you know, you're  
23 certainly --

24 COUNCILMEMBER MEDEIROS: I'd be the first one out  
25 the door.

1 CHAIR MOLINA: Well, with your knowledge of  
2 ammunitions, I don't want to get you upset as  
3 well.

4 So, Member Anderson, before we break.

5 COUNCILMEMBER ANDERSON: I appreciate that, Member  
6 Medeiros, because I could see you nodding your  
7 head over there. I knew you had something to  
8 share with us about this. And it's not the  
9 fear of the blasting that I have, because, you  
10 know, I've seen this done just recently. What  
11 my concern is, is can we keep both lanes of  
12 the highway open while they're doing it? Can  
13 you tell me, you know, from your experience if  
14 you think that can --

15 CHAIR MOLINA: Mr. Medeiros.

16 COUNCILMEMBER ANDERSON: Not both lanes, but one  
17 lane, at least one lane.

18 COUNCILMEMBER MEDEIROS: Well, my experience is in  
19 the Air Force and we didn't do highways, but I  
20 think if you look at Haleakala Highway, even  
21 though there's more shoulder available for the  
22 work, you'll see the equipment and stuff  
23 working along with traffic. Because I think  
24 as Director Miyamoto mentioned, you know,  
25 you'll blast one time and do maybe eight hours

1 of work just with machines. It's not a  
2 continuous series of blastings. Because they  
3 normally don't do it that way. And I think if  
4 you, you know, look at the implosion of  
5 buildings, that's how controlled explosives  
6 can be. To drop, you know, an 80-story  
7 building between two other buildings is  
8 amazingly controlled. And I think they can  
9 work along highways and still be, you know,  
10 safe in what they do.

11 COUNCILMEMBER ANDERSON: And still keep one lane  
12 flowing?

13 COUNCILMEMBER MEDEIROS: You know, down there along  
14 that Pi'ilani Highway, I don't know how much  
15 shoulder work -- I mean shoulder space you  
16 have available.

17 COUNCILMEMBER ANDERSON: You don't have any  
18 practically.

19 COUNCILMEMBER MEDEIROS: So they would have to  
20 consider on how they do it and maybe create  
21 space for themselves so they can work in the  
22 direction.

23 COUNCILMEMBER ANDERSON: Yeah. There's a picture.  
24 You can see there's hardly any shoulder left,  
25 which is what happened when they restriped it.

1 CHAIR MOLINA: Okay, thank you.

2 COUNCILMEMBER ANDERSON: Thank you, Chair.

3 CHAIR MOLINA: Thank you, Members. All right,  
4 Members, we're about to take a break, an  
5 extended break. I would like to ask for your  
6 indulgence when we come back. We did invite  
7 Officer Hickle from the Police Department, as  
8 well as Chief Bal from the Fire Department to  
9 give their views on a proposed condition from  
10 the Applicant, which we discussed the other  
11 night. So if there are no objections, when we  
12 come back I'd like to start off with them,  
13 because they are, obviously, very busy people,  
14 and then we'll go back to Conditions 1 and 2  
15 and quite possibly 3 with the time we have  
16 left for this evening.

17 So that is the Chair's plan for the rest  
18 of the day. This meeting is in recess until  
19 5:00 p.m. (Gavel).

20 RECESS: 4:13 p.m.

21 RECONVENE: 5:03 p.m.

22 CHAIR MOLINA: (Gavel). Recessed Land Use Committee  
23 meeting of September 10th, 2007 is now back in  
24 session. It is just after 5:00 p.m. It is  
25 Wednesday, September 19th, 2007.

1                   Members, when we last left off we had  
2                   asked for the input from the Police  
3                   Department, as well as the Fire Department, as  
4                   it relates to a proposed condition from the  
5                   Applicant. The condition can be found on page  
6                   15 of your matrix, which has to do with the  
7                   land contribution for Fire and Police.

8                   Now, earlier I saw Chief Bal as well as  
9                   Officer Hickle from the Police Department in  
10                  our gallery. I don't see them right now. So  
11                  what we'll do, we'll go ahead and deviate a  
12                  little bit.

13 COUNCILMEMBER MEDEIROS: He's out there.

14 CHAIR MOLINA: He's not there?

15 COUNCILMEMBER JOHNSON: Read the letter.

16 CHAIR MOLINA: Okay. And we did receive a letter  
17                  from the Chief, Chief Kaupalolo.

18 COUNCILMEMBER MEDEIROS: The police is out here.

19 COUNCILMEMBER ANDERSON: On our desk?

20 CHAIR MOLINA: Yeah, we did receive a letter from  
21                  the Fire Department. I believe that's from  
22                  Chief Kaupalolo, dated September 19th. And  
23                  here we have Officer Hickle.

24                  Officer Hickle, if you can please come  
25                  up and get comfy with us. I thank you for

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1 staying a lot longer than we anticipated.

2 Members, again, this relates to the  
3 condition -- proposed condition from the  
4 Applicant, which is a land contribution for  
5 Fire and Police.

6 And, Officer Hickle, can we get your  
7 comments on it? Maybe what we'll do -- well,  
8 we don't have Staff here, but the condition,  
9 I'll go ahead and read it, states that  
10 "WCPT/GW Land Associates, LLC, its successors  
11 and permitted assigns, shall provide for both  
12 the Department of Fire and Public Safety and  
13 Police Department each one acre of land for  
14 development of Fire and Police service centers  
15 within the VMX District at the time 50 percent  
16 of the total units/lot count has received  
17 either final occupancy or subdivision  
18 approval. The acreage provided shall have  
19 roadway and full utility services provided to  
20 the parcel."

21 Officer Hickle, can you comment on -- I  
22 guess is the one acre sufficient or do you  
23 believe -- or at least do your superiors  
24 believe that more may be needed?

25 MR. HICKLE: To tell you the truth, Mr. Chairman,

1 I'm not really able to comment on something  
2 like that. It's something for the County  
3 Administrators to really discuss and  
4 ultimately decide upon.

5 CHAIR MOLINA: Okay. So do you recommend we get a  
6 letter from the Chief, and I guess basically  
7 to --

8 MR. HICKLE: Yeah --

9 CHAIR MOLINA: -- as well.

10 MR. HICKLE: -- pretty much run it through them.

11 CHAIR MOLINA: Okay. Committee Members, any  
12 questions for Officer Hickle as it relates to  
13 this proposed condition? Okay, seeing none --  
14 oh, Member Anderson.

15 COUNCILMEMBER ANDERSON: Officer Hickle, thank you  
16 for being here.

17 MR. HICKLE: You're welcome.

18 COUNCILMEMBER ANDERSON: You know, we had some  
19 budgeted funds not long ago to get you guys a  
20 new police station in South Maui, and then I  
21 guess it was derailed for -- I guess the  
22 location was not something everybody wanted.  
23 I really forget the reason, but my question is  
24 are we back on target? Do you know if they're  
25 going forward with the police station?

1 CHAIR MOLINA: Officer Hickle.

2 MR. HICKLE: I've heard that there's some guys in  
3 the Department that are actively working on it  
4 right now, yes.

5 COUNCILMEMBER ANDERSON: Do you know if they have a  
6 location?

7 MR. HICKLE: No, I couldn't really comment on where  
8 it's going to be, but I think they have  
9 something in mind, yes.

10 COUNCILMEMBER ANDERSON: You think they have  
11 something in mind, so -- well, I guess that's  
12 a step in the right direction. Thank you.

13 MR. HICKLE: You're welcome.

14 CHAIR MOLINA: Thank you. Members, any other  
15 questions for Officer Hickle? If not, the  
16 Committee will make an inquiry and get the  
17 Department's response as to the proposed  
18 contribution from the Applicant at a later  
19 point. So with that being said --

20 COUNCILMEMBER ANDERSON: Chair.

21 CHAIR MOLINA: Oh, Member Anderson.

22 COUNCILMEMBER ANDERSON: I think there's other  
23 people that have questions too.

24 CHAIR MOLINA: Oh, I didn't see any -- all right,  
25 Mr. Pontanilla.

1 COUNCILMEMBER ANDERSON: I wanted to finish asking a  
2 couple questions.

3 CHAIR MOLINA: Okay, Member Anderson, finish up, and  
4 we'll have Mr. Pontanilla follow.

5 COUNCILMEMBER ANDERSON: Thank you. So have you  
6 heard in the rumor mill when there might be a  
7 new police station?

8 MR. HICKLE: No, ma'am, I haven't heard anything  
9 about a date.

10 COUNCILMEMBER ANDERSON: Okay. And I know the Chief  
11 doesn't like me to say this, but the public  
12 facilities assessment that was done based on  
13 the National Police Chiefs Association  
14 standards, we're supposed to have 88 officers  
15 as of 2005 in the South Maui region. We  
16 currently have 45 positions down there, and  
17 last time I checked you only had 25 officers  
18 in those positions. So do you have any more  
19 officers now on -- on duty to help you guys  
20 out?

21 CHAIR MOLINA: Mr. Hickle.

22 MR. HICKLE: I believe there's about -- somewhere  
23 between 30 and 36 officers working in District  
24 6 right now, which is Kihei.

25 COUNCILMEMBER ANDERSON: So you have ten vacancies,

1 approximately.

2 MR. HICKLE: Approximately, yes.

3 COUNCILMEMBER ANDERSON: So, again, that's an  
4 infrastructure concurrency issue, Mr. Chair,  
5 because these guys are stretched way too thin.  
6 And I got a phone call yesterday, maybe the  
7 day before, it was the day before, in my  
8 office from a woman who called to complain, it  
9 was either Friday or Saturday, about a  
10 mariachi band that was playing until 3:00 a.m.  
11 in the morning with the horns blasting. And  
12 she called the police and they told her there  
13 was nothing they could do about it.

14 And then I -- you know, and I guess the  
15 reason they gave her was because we don't have  
16 a noise ordinance. We do have -- the only  
17 noise ordinance that we have on the books is  
18 for boom boxes in vehicles, and so that they  
19 didn't have a reason to go and ask the people  
20 to stop. But it seems to me that we have --  
21 there -- isn't there a disturbing the peace  
22 kind of thing?

23 MR. HICKLE: Disorderly conduct, yeah.

24 COUNCILMEMBER ANDERSON: Disorderly conduct, but  
25 they would not come down and help her. And

1           that tells me that we're already stretched too  
2           then. And then I also had a call, I think it  
3           was the same day from -- it was the same  
4           woman. She said on top of that I got into a  
5           fender-bender about two weeks ago and I called  
6           the police and they said, is anybody hurt, and  
7           she said, no, and they said they wouldn't  
8           come. And she said, but the driver is  
9           stumbling drunk. Yes. The officer said,  
10          exchange insurance cards. That's what she  
11          did. He gave her false information. So not  
12          only did this drunk driver get back on the  
13          road. He gave her false information. She was  
14          stuck with all of the repairs. It was his  
15          fault. He ran into her.

16                 Now, if that is not an indicator that we  
17          don't have enough police officers in the South  
18          Maui region, tell me what is. And if we're  
19          supposed to have 88 by national standards and  
20          we only have 45 positions and we only have 36  
21          of those filled, that means these guys are  
22          working the job of 50 other guys that are  
23          supposed to be down there helping them.  
24          Infrastructure concurrency.

25                 So if we approve this project, how many

1 more police officers are you going to need to  
2 patrol homes that may or may not be occupied?  
3 I mean, I had discussions with you before --  
4 to tell you the truth, I'm not sure if it was  
5 you, Brad, or one of the other officers down  
6 there, but you guys spend a lot of time  
7 answering, what do you call, security alarm  
8 problems.

9 MR. HICKLE: Yeah, false alarms.

10 COUNCILMEMBER ANDERSON: False alarms. False  
11 alarms. And that takes a lot of your time  
12 too.

13 CHAIR MOLINA: Officer Hickle, any comment?

14 MR. HICKLE: I can't say on the exact number of  
15 officers that may be needed to maybe patrol  
16 because of a -- say, a housing project of this  
17 size coming in. There's a lot of large  
18 projects coming in the South Maui area.

19 COUNCILMEMBER ANDERSON: Right.

20 MR. HICKLE: And I think it's safe to say that we  
21 are going to need more officers to assist in  
22 that. I think currently we're about 60  
23 officers short and --

24 COUNCILMEMBER ANDERSON: Six-0.

25 MR. HICKLE: Sixty overall in the whole department,

1 but --

2 COUNCILMEMBER ANDERSON: But you mean 60 short of  
3 the allocated positions?

4 MR. HICKLE: I don't know if it's allocated  
5 positions or just overall positions. I do  
6 know that patrol is struggling right now in  
7 all districts, and it's pretty much a  
8 nationwide thing. Yeah, it's not just Maui  
9 Police Department.

10 COUNCILMEMBER ANDERSON: Right.

11 MR. HICKLE: It's getting harder and harder to train  
12 the officers that are willing to stay in a job  
13 like this. It's not an easy job.

14 COUNCILMEMBER ANDERSON: It certainly isn't, and we  
15 very much appreciate all your efforts. And I  
16 think that we should be very cognizant of how  
17 thin you are already stretched and not burden  
18 you beyond that.

19 So, you know, we've been short officers  
20 for so long it doesn't even seem like we'll  
21 ever be able to catch up because as the  
22 population grows, we need more officers, and  
23 we're always trying to play catch-up ball, and  
24 I'm very sorry that you're in that situation.  
25 Thank you for all your efforts.

1 CHAIR MOLINA: Thank you, Member Anderson.

2 Mr. Pontanilla.

3 VICE-CHAIR PONTANILLA: Thank you, Chair. When we  
4 do write that letter to the Chief of Police,  
5 that if we can get an indication on the  
6 location of the proposed Kihei Police Station.  
7 I know we had budgeted some monies for the  
8 design, but not the actual construction. It  
9 was five years ago the talk was to move that  
10 police station somewheres along the proposed  
11 150-acre park site.

12 Along with that, though, in regards to  
13 the property in the development area also, you  
14 know, what would be the use of that? You  
15 know, is it going to be a substation of some  
16 kind or a community police location south of  
17 the police -- so-called proposed police  
18 station? So if you could add that to the  
19 letter once we send it to the Police  
20 Department. Thank you.

21 CHAIR MOLINA: Thank you, Mr. Pontanilla. And just  
22 bear in mind that there was a January 30th,  
23 2007 letter from Chief Phillips, which was --  
24 attached to it was a response from Officer  
25 Hickle as well. So for, Members, for any

1 additional information you may need as it  
2 relates to the proposed police situation out  
3 in South Maui, there's some information in  
4 there. I can't tell you exactly which binder  
5 it is. Probably binder 7 or 6, but it's dated  
6 January 30th from Chief Phillips, and attached  
7 is Officer Hickle's letter.

8 All right. I'm sorry, Mr. Medeiros.

9 COUNCILMEMBER MEDEIROS: Mahalo, Chair.

10 Officer Hickle, what's your position  
11 with the Department? Are you their resource  
12 officer as far as CIP or facilities?

13 MR. HICKLE: I'm currently a community police  
14 officer working out of Kihei District 6.

15 COUNCILMEMBER MEDEIROS: So as a resource for the  
16 Police Department that you get sent here, what  
17 would be the knowledge about what we're  
18 talking about right now?

19 MR. HICKLE: Most of the SMA permits and conditional  
20 permits, applications that come through the  
21 South Maui area are reviewed by myself or  
22 Officer Brown. We submitted our comments and  
23 recommendations based upon our knowledge of  
24 our district area back to the Chief's office.

25 COUNCILMEMBER MEDEIROS: So you're from South Maui?

1           You're stationed in South Maui?

2   MR. HICKLE:   Yes, sir.

3   COUNCILMEMBER MEDEIROS:   I see.   And so you've had  
4           the opportunity to review this project for the  
5           Police Department?

6   MR. HICKLE:   Yes, sir.

7   COUNCILMEMBER MEDEIROS:   Okay.   Because in the  
8           condition we're looking at, it says one acre  
9           of land for development of -- well, one --  
10          each one acre of land for development of Fire  
11          and Police.   And I'm confused, because the  
12          police -- the Fire Department's letter  
13          identifies two acres for themselves, so I'm  
14          wondering if we only have two acres and the  
15          Fire has taken two acres, where's the one acre  
16          for the Police?   Maybe, Chair, you could  
17          answer that?

18   CHAIR MOLINA:   Restate that?   You want to --

19   COUNCILMEMBER MEDEIROS:   Okay, the condition says  
20          each Department will get one acre of land --

21   CHAIR MOLINA:   Correct.

22   COUNCILMEMBER MEDEIROS:   -- for the development of  
23          Fire and Police.   The letter from the Police  
24          Department -- I mean the Fire Department that  
25          we just received, in their analysis they

1 identified two acres for their use. So if  
2 they're using two acres, what is the Police  
3 using?

4 CHAIR MOLINA: That's what we're trying to inquire  
5 to find out. So I guess we'll send out a  
6 correspondence to Chief Phillips to try to  
7 get -- I believe Officer Hickle was unable to  
8 answer the question that was asked as to how  
9 much acreage they would need from the  
10 developer. So Committee Staff will draft a  
11 letter to the Chief and ask him for a specific  
12 response to that.

13 And as a side note, the letter from  
14 Chief Phillips on January 30th with Officer  
15 Hickle's letter attached basically just deals  
16 with the number of police officers in South  
17 Maui and the calls for I guess vandalism and  
18 other problems, but it doesn't make mention  
19 of, you know, where -- related to the future  
20 police station in South Maui and anything  
21 related to the Wailea 670 contribution.

22 COUNCILMEMBER MEDEIROS: Okay, thank you, Chair.

23 CHAIR MOLINA: Thank you, Mr. Medeiros.

24 Mr. Mateo?

25 COUNCILMEMBER MATEO: Chairman, thank you.

1                   Officer, good evening. Your  
2                   communication or your recommendations that was  
3                   forwarded to the Chief, your review of the  
4                   project indicated a need for additional police  
5                   officers for the Kihei area. Can you tell us  
6                   how many additional officers would have  
7                   been -- well, is needed with the inclusion of  
8                   this development in Kihei?

9 CHAIR MOLINA: Officer Hickle.

10 MR. HICKLE: There's no way I can give an exact  
11                   number, sir, regarding the exact number that  
12                   may be needed for a project of this size. I  
13                   can only say that a project of this size will  
14                   increase the need for more police officers in  
15                   the District 6 area.

16 COUNCILMEMBER MATEO: Okay, so that was the only  
17                   comment, just that we need more officers, but  
18                   there is no specifics in terms of -- as the  
19                   community grows and the impact of this project  
20                   you need X amount of numbers, there was no  
21                   number?

22 MR. HICKLE: No specific number, sir.

23 COUNCILMEMBER MATEO: Okay. Any additional  
24                   considerations for -- in addition to the  
25                   needed officers, equipment that the Department

1           would need to do its -- do its job in that  
2           area?

3   MR. HICKLE: I don't know about specific types of  
4           equipment. Obviously, you know, we need more  
5           police officers. We're going to need more  
6           patrol cars and such, and it's going to widen  
7           our patrol beat area, yeah. Obviously the 670  
8           area is undeveloped at this time. No roads,  
9           so we don't patrol the area.

10   COUNCILMEMBER MATEO: Okay. So, Officer, then, in  
11           your review of the project, then, there is,  
12           know, in your determination an impact on the  
13           Police Department in terms of being able to  
14           provide the needed services for the community?

15   MR. HICKLE: Yes, sir.

16   COUNCILMEMBER MATEO: And that would be indicative  
17           of any large development coming into Kihei?

18   MR. HICKLE: Yes, sir, any development at all adding  
19           to the problems with the infrastructure and  
20           just about everything else, every aspect of  
21           it.

22   COUNCILMEMBER MATEO: Thank you very much, Officer.

23                   Thank you Chairman.

24   CHAIR MOLINA: Thank you, Mr. Mateo.

25                   Members, any other questions before I

1 call upon Chief Bal? Mr. Victorino.

2 COUNCILMEMBER VICTORINO: Yes, on an average night,  
3 average night, how many officers you have in  
4 the entire Kihei area starting from North  
5 Kihei, from Ohukai, that area, Sugar Beach,  
6 all the way to Makena, how many officers do  
7 you have on duty?

8 MR. HICKLE: The Kihei District actually starts at  
9 the tunnel by the Pali.

10 COUNCILMEMBER VICTORINO: Okay.

11 MR. HICKLE: And it goes all the way to --

12 COUNCILMEMBER VICTORINO: So that incorporates  
13 Maalaea and everything?

14 MR. HICKLE: Yes, sir.

15 COUNCILMEMBER VICTORINO: Okay.

16 MR. HICKLE: And it goes all the way to La Perouse  
17 area. We have four beats currently in the  
18 Kihei District. We try to have five guys  
19 working at a time, you know, to cover the  
20 extra caseload, because there is quite a case  
21 load down there, so there's a lot of call  
22 backs.

23 But typically it's four patrol officers  
24 and a sergeant. They're assigned sergeants,  
25 and usually in the evening hours it will be

1           our lieutenant and during the daytime hours it  
2           will be our captain.

3   COUNCILMEMBER VICTORINO:  So that whole area you  
4           just mentioned, approximately six with your  
5           lieutenant and your sergeant and four beat  
6           officers, you're talking approximately six  
7           people?

8   MR. HICKLE:  Yes, sir.

9   COUNCILMEMBER VICTORINO:  What about Wailuku,  
10          Central Maui?  Just give me an idea real  
11          quickly how much in Central Maui?

12  MR. HICKLE:  I believe there's probably ten to 13  
13          officers working in that district at a time,  
14          but it covers much -- a much larger area.

15  COUNCILMEMBER VICTORINO:  A much larger area.  
16          Because I was appalled to find out that  
17          Molokai, you had one on the East end, one on  
18          the West end, and then you have a sergeant in  
19          the middle and that was the whole island.  You  
20          know, so I-- what I'm making comparison, no  
21          offense to Ms. Anderson or anybody, this is a  
22          problematic problem all over our County.  And  
23          Kihei is just one example of how bad we are  
24          coverage wise.  So any time we add anything,  
25          definitely we've got to look at making sure

1 the infrastructure as far as our police  
2 officers, what you term concurrent -- whatever  
3 that word, concurrent --

4 COUNCILMEMBER ANDERSON: Concurrency.

5 COUNCILMEMBER VICTORINO: -- concurrency is put  
6 there, so that's one of the areas that I  
7 really would like to see us continue to have  
8 concurrency in how we grow.

9 Thank you, Mr. Chair.

10 Thank you, Officer, very much.

11 CHAIR MOLINA: Thank you, Mr. Victorino.

12 Mr. Pontanilla.

13 VICE-CHAIR PONTANILLA: For the Deputy of Planning,  
14 as we review our General Plan update, in  
15 regards to County facilities, County manpower,  
16 is that taken into consideration as far as  
17 when we do the update so that in the future we  
18 know what our manpower requirement's going to  
19 be for any Department?

20 MS. SUYAMA: I believe the way that they're doing it  
21 is that there was an infrastructure study that  
22 was done based upon the projected population  
23 growth for Maui for all the different regions,  
24 and based upon that they are in discussions  
25 with the different agencies to see what -- the

1 needs that are going to be required to  
2 accommodate that population growth.

3 VICE-CHAIR PONTANILLA: So as far as the need, I'm  
4 sure there's dates probably when officers or  
5 employees going to be required by the County  
6 of Maui or nothing like that has -- has come  
7 up yet. In other words, five years from now  
8 I'm looking at population growth of 5 percent.

9 MS. SUYAMA: Right. I think the population is  
10 broken down by different years, and based upon  
11 that, I'm not sure, because I'm not really  
12 involved with the General Plan update, but I  
13 would assume that it has some basic figures as  
14 to what improvements need to be done by  
15 certain years in terms of, you know, not only  
16 police -- police requirements, but probably  
17 also like what type of roadway improvements,  
18 water improvements, sewer improvements that  
19 are going to be needed. That's something that  
20 probably the people in the Long-Range Division  
21 would be best in addressing.

22 VICE-CHAIR PONTANILLA: Thank you. Thank you,  
23 Chair.

24 CHAIR MOLINA: Thank you, Mr. Pontanilla.

25 Okay, Member Anderson.

1 COUNCILMEMBER ANDERSON: Yeah, I just happen to have  
2 the study here, Mr. Chairman, so I can give  
3 you some actual figures. The South Maui  
4 carrying capacity analysis, this was March --  
5 done in March. I'm just going to throw in a  
6 couple of good figures here. The South Maui  
7 region has seen a 32 percent increase in  
8 population over the last ten years from 1990  
9 to 2000. And I'm just going to go straight to  
10 Police. The Kihei Police Substation is  
11 located in Kihei Town Center. The demand for  
12 police officers was based on a national  
13 standard of 2.56 police officers per 1,000 de  
14 facto population. This analysis was based on  
15 the assumption that current and historical  
16 police protection levels on Maui have been  
17 adequate.

18 I think Mr. -- or Officer Hickle  
19 probably wouldn't agree with that. This was  
20 written in 2004. (End of tape) de facto  
21 population projections there will be a demand  
22 for 82 officers in the year 2005, and  
23 increasing to 103 officers by the year 2020.  
24 This analysis was based on data of this region  
25 having a budget of 41 officers in the year

1           2001. As such, there is already a significant  
2 deficit of police officers for the region. In  
3 2005 there will be a 41-officer deficit, with  
4 this increasing to a 62-officer deficit by  
5 2020. Should be noted that although the data  
6 relied on the number of 2001 budgeted  
7 officers, 41, there are currently only 33  
8 officers assigned to the Kihei station. As  
9 such, the deficit described is actually much  
10 worse than stated. The employer is simply  
11 unable to fill positions due to lack of  
12 interest.

13                   This is very disturbing because, you  
14 know, our job as government is to ensure the  
15 general welfare and safety of our population.  
16 And if we don't have enough officers to  
17 currently help the people in our district --  
18 you know, the place where this party took  
19 place, this -- with the mariachi band, they  
20 flew them over from Mexico special. It was in  
21 a residential neighborhood. The streets were  
22 chock block with cars. What if somebody had  
23 needed an ambulance? And the police officer  
24 who this woman called, she called the Wailuku  
25 Station, could not help her, could not even

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1           send somebody out to clear the roadway and  
2           tell these guys to, you know, shut down.

3                        So we're already putting our community  
4           at risk today, and we have tried, you know, as  
5           far as I'm aware over the last six years, to  
6           close this deficit and to get the officers  
7           that our Police Department needs to service  
8           our community and we have still not been able  
9           to do it. Because what happens, by the time  
10          they get the new recruits in, they have people  
11          retiring, and they can't fill the positions  
12          fast enough to make up for the deficit.

13                       So I don't know how we're going to  
14          expect that by the time this project is built  
15          and we're going to need 103 officers, you  
16          know, all we have to go on is what's been  
17          happening, and what's been happening is we  
18          don't have enough officers. And if they've  
19          got 13 or 14 officers on duty in  
20          Wailuku-Kahului, you know, that's two  
21          communities they're servicing there and only  
22          six in Kihei, which is a much -- you know,  
23          really broader geographically broader area for  
24          them to cover, then -- I just don't understand  
25          why we're continuing to expand the need for

1 services that we cannot possibly meet,  
2 especially when the community plan says we  
3 must have infrastructure in place to meet the  
4 demand.

5 I was at a meeting with Officer Hickle  
6 some months ago with some people in Maalaea  
7 who have been having problems with vagrants  
8 and people making noise at night and what not  
9 at the Haycraft Park, and they're having  
10 problems having officers come and respond to  
11 them at night. And, you know, this is a  
12 little tiny park, a beach front park at the  
13 end of a dead-end street with a condominium  
14 complex right up next against it. So if there  
15 are people in that park drinking and partying  
16 late into the night, everybody in that  
17 building is affected. And they call the  
18 police and the police just cannot get out  
19 there.

20 So -- and at that meeting, as I recall,  
21 Officer Hickle, one of the officers said that  
22 oftentimes they have to send an officer from  
23 Wailuku to fill in for Kihei because they're  
24 so short in Kihei; is that correct?

25 CHAIR MOLINA: Officer Hickle.

1 COUNCILMEMBER ANDERSON: Is that still correct?

2 MR. HICKLE: As far as I know I think it's happened  
3 more than once, yeah. Depends on manpower and  
4 what's actually going on. With only four  
5 officers working at a beat at a time, we can  
6 get tied up pretty quick.

7 COUNCILMEMBER ANDERSON: Exactly. Which is probably  
8 why you guys couldn't respond with this  
9 situation this woman had with either of her  
10 situations. I mean, she told the officer this  
11 guy is visibly drunk. You know, I hate to say  
12 that publicly because it's not a very good  
13 thing to put out there, but, you know, we've  
14 got to face the facts. We've got to face the  
15 truth of what's going on here. And you face  
16 it every day, and so the rest of us need to  
17 face it too, Mr. Hickle, because it's not fair  
18 to you, it's not fair to your fellow officers,  
19 it's not fair to the public. And it's not  
20 fair to everybody that works in County  
21 government either, because we're all being  
22 stretched too trying to meet this accelerated  
23 growth that is not being motivated by this  
24 body by our Community Plan. We're already way  
25 beyond the population growth that our

1           Community Plan planned for.  Already we're way  
2           beyond what our Community Plan said we should  
3           have a population growth by the year -- I can  
4           find this real quick.  This -- this Community  
5           Plan is supposed to guide us through the year  
6           2010, and by the year 20 -- 2005 -- I'll find  
7           it real quick here, because I know it's right  
8           around here.  By the year 2005 we had already  
9           reached the population that we're supposed to  
10          be reaching in 2010.

11                        So what are we doing?  We're building  
12          out Maui for who?  We're over extending  
13          everybody for who?  Not for our resident  
14          population.  Who are we doing this for?  For  
15          people who want to walk away with profit in  
16          their pockets.  We've got to get realistic and  
17          face the actual facts here, which seem to be  
18          hard to come by.

19                        At any rate, I can't find the figure,  
20          but I know it's a fact because I've quoted it  
21          many times.  We are already exceeding the  
22          population growth that was not supposed to  
23          happen until 2010.  By 2005 we exceeded it.  
24          No wonder these guys are over stressed and  
25          over -- and overworked.

1 CHAIR MOLINA: Thank you, Member Anderson.

2 Members, I'm going to excuse Officer  
3 Hickle. If you have future questions, please  
4 let the Committee Staff know.

5 Thank you, Officer Hickle.

6 MR. HICKLE: Thank you, Council Members.

7 CHAIR MOLINA: Thank you. I'd like to call upon  
8 Chief Bal. Thank you for the Department's  
9 letter as it relates to the proposed condition  
10 from the Applicant relating to the one acre  
11 for the Fire Department. Chief, I'd like to  
12 ask you to give some opening statements  
13 related to the letter and some additional  
14 clarification.

15 We discussed this matter on Monday, and  
16 if my memory serves right, I believe at one  
17 time, I don't know if it was you or Chief  
18 Kaupalolo, had mentioned five acres were  
19 needed, and I don't know if it was you or  
20 Chief Kaupalolo stated it was one acre needed.  
21 So the Committee would like some  
22 clarification. I think this letter does  
23 provide clarification, but if you could  
24 further elaborate, Chief.

25 MR. BAL: Thank you, Chair, Members. To my

1           recollection -- and I know we've had several  
2           meetings over the past few years as to what  
3           the Fire Department has recommended, and it  
4           was for two acres, a minimum, and -- at that  
5           site.

6 CHAIR MOLINA: All right, Members, questions for the  
7           Chief? Member Anderson.

8 COUNCILMEMBER ANDERSON: Hi, Chief Bal. Thanks for  
9           being here and hanging in there with us. In  
10          one of the previous approvals that this  
11          project received there was a requirement for  
12          them to put in -- at that time I think it was  
13          one acre. I could look it up, but what was  
14          specific about it that I remember is that it  
15          was supposed to be adjacent to the highway.  
16          So -- and they want to -- they want to give  
17          you -- excuse me. They want to give you --  
18          they want to give you land in their VMX area,  
19          Village Mixed Use, and a Village Mixed Use  
20          actually is below and above about the center  
21          of the project adjacent to the Pi'ilani  
22          Highway extension, and then there's another  
23          one down here in the southern region that is  
24          not really adjacent to the Pi'ilani extension.

25                 So, you know, because it's emergency

1 services that you're dealing with, would you  
2 still want to have it where you could have  
3 direct access to the highway?

4 CHAIR MOLINA: Chief Bal.

5 COUNCILMEMBER ANDERSON: Or would it, you know,  
6 matter to you if you were internally located  
7 within the project without direct access to  
8 the extension -- the highway extension?

9 MR. BAL: I'm sure most of you realize that any of  
10 our fire stations, either proposed or  
11 otherwise, is always having direct access. I  
12 believe that there may be changes somewhere  
13 down the line and we were still going to be  
14 able to reserve that right as far as directing  
15 where this is going to be. Because it was  
16 still going to be Phase II before the Fire  
17 Department got around to -- or meeting with  
18 the developer to decide where this is going to  
19 be.

20 COUNCILMEMBER ANDERSON: Yeah, but we're writing in  
21 conditions right now in regard to this. So  
22 if -- you know, I don't want to tie you down  
23 to any location, but if -- if you're saying  
24 that it's -- you know, for safety reasons you  
25 have to have direct access to the highway,

1           then we can put that in our conditions so it's  
2           not, you know, an arguable point by the time  
3           you get to Phase II.

4 MR. BAL:   If I may ask a question?

5 CHAIR MOLINA:  Chief.

6 MR. BAL:   When -- does anybody know -- is there a  
7           time line when Phase II is to be?

8 CHAIR MOLINA:  I think that might be a question for  
9           the Applicant.

10                   Mr. Jencks, if you'd like to come up and  
11           respond to the Chief's question.  Proceed.

12 MR. JENCKS:  Yes, sir.  If I may respond directly to  
13           the Deputy Chief, the Phase II submittal will  
14           be submitted as soon as we get through the  
15           Phase I process.  We already started working  
16           on the preliminary design engineering work,  
17           and our goal is to get it submitted as quickly  
18           as -- I would say within six months of Phase I  
19           approval.  And, as we discussed, if I may, the  
20           Fire Department would have the say on where  
21           this piece of land would be located.  So if it  
22           is their desire to be located adjacent to the  
23           highway in the VMX District, that would be  
24           what we would be doing.

25 CHAIR MOLINA:  Chief, does that answer your

1 question?

2 MR. BAL: Yes, it does, thank you.

3 CHAIR MOLINA: Thank you, Mr. Jencks. I believe --  
4 who asked the last question? I believe it  
5 was -- Mr. Mateo, followed by Mr. Medeiros.

6 COUNCILMEMBER MEDEIROS: Chairman, thank you very  
7 much.

8 Deputy Chief, the two acres that the  
9 Chief indicates would be preferred, is there  
10 any kind of standard or rationale between the  
11 two acres versus the one acre or how the  
12 Department itself comes up with this kind of  
13 determination?

14 CHAIR MOLINA: Chief.

15 MR. BAL: Over -- over the last four years we've --  
16 we have seen what's happened to our fire  
17 stations as far as being land locked or being  
18 hemmed in one way or the other. Our original  
19 is three to five acres is what we're looking  
20 at. We concluded that the two-acre parcel in  
21 this area would be sufficient for us to grow  
22 out, as well as dealing with our other  
23 stations in that area.

24 COUNCILMEMBER MATEO: Okay. And based on the  
25 Department's strategic plan, long-range

1           planning, then two acres would suffice in  
2           doing exactly what you talk about, the  
3           expansion of the service for this district?

4 MR. BAL: Based on the strategic plan, two acres is  
5           not what we're talking about.

6 COUNCILMEMBER MATEO: So the strategic plan dictates  
7           to the Department the requirement of what kind  
8           of acreage?

9 MR. BAL: Five acres.

10 COUNCILMEMBER MATEO: Thank you.

11                         Thank you, Chairman.

12 CHAIR MOLINA: Thank you, Mr. Mateo.

13                         Mr. Medeiros?

14 COUNCILMEMBER MEDEIROS: Mahalo, Chair.

15                         There was mention of -- I think Member  
16           Anderson asked and, Chief, you concurred that  
17           the stations should be -- should have direct  
18           access to the road or highway; is that  
19           correct?

20 MR. BAL: That's correct.

21 COUNCILMEMBER MEDEIROS: Okay, but we have stations  
22           that are -- don't have direct access, such as  
23           Lahaina, Napili. They have to go down a side  
24           road before they get on the main road. Do  
25           those -- are those considered direct access?

1 MR. BAL: It wasn't before my time, but I didn't  
2 design that. Seriously, what -- what we've --  
3 the Chief and I have learned over the combined  
4 60-plus years is that there's definitely  
5 changes that should be made for the long term,  
6 and we really don't want to be caught up and  
7 20 years, 30 years down the road have other  
8 people in our positions that will be caught up  
9 in this. Because as history shows, you know,  
10 we're getting hemmed in from all sides. So we  
11 want to -- we want to do our due diligence.  
12 We want to do our studies, which was something  
13 that we developed over the four years that  
14 we've been here, and we'd like to, you know,  
15 prepare for what's coming, or even for what's  
16 not coming, and take the time and in the  
17 future that our people aren't having to put  
18 out extra money for more property and what  
19 have you, have a property that's properly  
20 sized, built for 50 years, and look at staying  
21 there at least a hundred.

22 COUNCILMEMBER MEDEIROS: Okay. My question was  
23 direct access, and not the size of the  
24 property. So you would consider direct  
25 access, such as the Wailuku Station, Kahului

1 Station, being built right on the roadway, is  
2 that more your definition of direct access?  
3 MR. BAL: I -- that is direct access, even the --  
4 where Lahaina is, as far as we're concerned,  
5 it's reasonable. And as we look into Phase I,  
6 whatever it is, we'd like to think that we  
7 will be doing some really good planning for  
8 what -- what we should be having in the  
9 future.

10 The -- the Haiku is -- proposal is a  
11 good example where we'll also have besides  
12 having direct access to the highway, we have  
13 two -- actually there's like five feet of  
14 roads in that area to respond to very narrow  
15 and very spacious houses, but we also have  
16 sight distances that we have to be concerned  
17 about as our trucks come out onto the main  
18 road, we have over a thousand feet either way  
19 of sight distance, and it depends what area  
20 you're in is what we have to consider.

21 COUNCILMEMBER MEDEIROS: Okay, thank you, Chief.

22 Thank you, Chair.

23 CHAIR MOLINA: Thank you, Mr. Medeiros.

24 Mr. Pontanilla?

25 VICE-CHAIR PONTANILLA: Thank you.

1 Chief, I have one map in front of me and  
2 there's several locations with designation  
3 multi-family VMX, and I don't know what kind  
4 criteria you guys looking at, but we do have a  
5 fire station on Kilohana Drive, and I'm  
6 assuming, you know, with the five-mile radius  
7 you can cover that in less than, what, five,  
8 ten minutes. When I look at this map here,  
9 and because there's a VMX designation, which  
10 borders Wailea development, in your  
11 consideration when you look at this, do you  
12 look at the development of this particular  
13 project or do you look at the surrounding  
14 areas, meaning not only this development, but  
15 also Wailea development and Makena Resort?

16 CHAIR MOLINA: Chief?

17 MR. BAL: There are many considerations. One of the  
18 major considerations that we would build  
19 another station within two miles of the other  
20 one is the density that will run us over  
21 10,000, and that's where it becomes very  
22 critical. Because like the Police, we have  
23 hundreds of false alarms. That puts us out of  
24 the running for any further calls that will  
25 come in, and Kihei and Wailea, they're down

1           there by themselves and not something that  
2           Central would, you know, be able to enjoy four  
3           or five in.

4 VICE-CHAIR PONTANILLA: Okay, thank you. Have you  
5           seen the project -- proposed project map?

6 MR. BAL: It's been some time since I've seen that.  
7           I don't know if it's the same one.

8 VICE-CHAIR PONTANILLA: Okay. I would suggest that  
9           you take a look at this, because there's  
10          several VMX location and, you know, if you're  
11          looking at covering density, then probably  
12          taking a look at, you know, not -- not so much  
13          north of the project, but more central or  
14          south of the project.

15 CHAIR MOLINA: Chief, you need more time to respond  
16          to Mr. Pontanilla's question?

17 VICE-CHAIR PONTANILLA: Just a comment, Chair.

18 CHAIR MOLINA: Okay.

19 VICE-CHAIR PONTANILLA: You know, to give the  
20          Chief -- to take that -- you know, take the  
21          project location map back and, you know,  
22          taking a look at, you know, where would be a  
23          good possible site. And if you're looking at  
24          density, then you probably need to look at,  
25          you know, center of the project or more south

1           towards the Makena Resort area.

2   MR. BAL:   Actually, if I may, that's not what I  
3           meant as far as the density.  I wouldn't want  
4           to put my fire truck, fire station in the  
5           middle of a large --

6   VICE-CHAIR PONTANILLA:  It's not going to be in the  
7           middle of the project.

8   MR. BAL:   Right.

9   VICE-CHAIR PONTANILLA:  But somewhere close where  
10          you can get to Wailea development, it's close  
11          to the highway, and, you know, faster response  
12          to Makena Resort.  So if you can take a look  
13          at that when you guys propose your station out  
14          there.  Thank you.

15   CHAIR MOLINA:  Thank you, Mr. Pontanilla.

16                Members, for the sake of moving things  
17          along, I would ask that you reserve any more  
18          questions related to the Applicant's condition  
19          for the next time we meet, or you can --  
20          actually I would prefer that you ask the Chief  
21          additional questions as it relates to this,  
22          because we do have -- I would like to address  
23          Conditions 1 and 2, and also, I neglected to  
24          report to you the Applicant did bring over I  
25          guess a forestry expert related to the

1 proposed condition for the dry land forest, so  
2 I would like to give that individual an  
3 opportunity to make himself available to you  
4 for questions and to give us an overview.

5 So I'm going to excuse the Chief,  
6 otherwise we could be here past the 6:30 time  
7 that the Chair had mentioned to you. So  
8 anyway, I'd ask that you consider that request  
9 from the Chair.

10 And thank you, Chief, and we'll be in  
11 touch.

12 Okay, next, Members, let us -- well,  
13 since we're talking about the dry forest area,  
14 Mr. Jencks, if you would be kind enough to  
15 introduce your expert regarding the dry  
16 forest --

17 COUNCILMEMBER ANDERSON: So we're not going back to  
18 water? Now we're going to --

19 CHAIR MOLINA: Yeah, what we'll -- can we go back --  
20 let Mr. Jencks have his expert do his little  
21 spiel and then we'll go back to water.

22 MR. JENCKS: Little spiel?

23 CHAIR MOLINA: I'm coming up with all kinds of words  
24 here.

25 MR. JENCKS: Okay. Thank you, Mr. Chair.

1 CHAIR MOLINA: And if you will, Mr. Jencks, Members,  
2 this is located on page 14 of your matrix. It  
3 is the Applicant's proposed condition that  
4 WCPT/GW Land Associates, Inc., LLC, its  
5 successors, and permitted assigns shall submit  
6 a conservation and stewardship plan for the  
7 propagation of native dry land forest plants  
8 within the project for approval as part of the  
9 initial Phase II application.

10 Okay, Mr. Jencks.

11 MR. JENCKS: Thank you, Mr. Chair. And the last  
12 time we were here, today's Wednesday, it was,  
13 I guess, Monday, we were talking about this  
14 issue. I delivered to you a -- the most  
15 current copy of what's entitled the "Revised  
16 Conservation Stewardship Plan for Honua`ula  
17 Wailea 670, Kihei, Maui, Hawaii." And within  
18 this document there is a detailed preservation  
19 program plan.

20 This -- the development of this plan has  
21 been ongoing for about a year. Mr. Ford did  
22 speak to you, Mr. John Ford is here from SWCA.  
23 He did speak to the Committee in March of  
24 2006, I believe. Newer Members have not had  
25 the benefit of hearing Mr. Ford speak to this

1 issue. He is -- has been responsible for  
2 putting together the scientific response to  
3 the claims that we've heard and public  
4 testimony about the wiliwili trees, the age of  
5 the trees, their significance, and the  
6 significance of this area that some feel is  
7 worth protection.

8 So I'm going to have Mr. Ford come down  
9 and give you a brief synopsis of who he is for  
10 the benefit of those who haven't heard this  
11 before, and also a brief summary on what it is  
12 we have concluded with regard to the  
13 preservation plan and its program elements, if  
14 you don't mind.

15 CHAIR MOLINA: Okay, thank you, Mr. Jencks.

16 MR. JENCKS: Mr. Ford.

17 CHAIR MOLINA: Mr. Ford, could you state your full  
18 name and I guess your position as well before  
19 you give use your (inaudible).

20 MR. FORD: Thank you, Mr. Chairman, Members of the  
21 Committee. My name is John Ford. I am the  
22 program director and senior biologist at SWCA  
23 Environmental Consultants in Honolulu. I came  
24 to Hawaii in 1971 and received bachelor's and  
25 master's degrees from the University of

1 Hawaii. Did my master's work in the lower  
2 Nahiku area on Maui and have been back many,  
3 many times doing research work since that  
4 time.

5 I've served as an ecologist with the  
6 U.S. Army Corp of Engineers, Honolulu District  
7 Office, with the U.S. Fish and Wildlife  
8 Service in Honolulu. I've served as a vice  
9 president of the Nature Conservancy of Hawaii.  
10 I've also served as the coordinator for  
11 National Wildlife Refuge Planning and Design  
12 in Hawaiian Pacific. I'm a former member and  
13 acting chair of the State Natural Area Reserve  
14 Commission under Governor Waihee. My  
15 responsibilities at SWCA cover the company's  
16 programs throughout the Hawaiian islands,  
17 Guam, and east Asia, which includes projects  
18 in China. I have a staff of ten  
19 professionals, and I also consult extensively  
20 with subject matter experts well-known and  
21 respected within the Hawaii conservation  
22 community.

23 Very quickly, just some of the types of  
24 projects that I'm involved in now with the  
25 company include comprehensive conservation

1           planning for national wildlife refuges here on  
2           Maui, Molokai, on Oahu, Guam, and the remote  
3           Pacific islands. We are doing invasive  
4           species research, control, and eradication for  
5           the Marine Corps and for the Hawaii Department  
6           of Transportation Highways Division. We're  
7           doing endangered species conservation projects  
8           throughout Hawaii and Guam right now. So my  
9           charge from Charlie was to take a look at the  
10          forested area or the a`a lava area that is  
11          apparently different from the buffle grass and  
12          kiawe area that's on the north part of the  
13          parcel in question and characterize that and  
14          make recommendations on what's the best thing  
15          to do.

16                 I immediately contacted my colleagues,  
17                 who I know are recognized experts in this  
18                 field. Dr. Darrel Herbst, who's the co-author  
19                 of the bible on native Hawaiian plants, and  
20                 Dr. Art Medeiros here on Maui. I spoke with  
21                 Fern Duvall and Benton Pang from the U.S. Fish  
22                 and Wildlife Service, who is an endangered  
23                 species botanist responsible for that program  
24                 for the Fish and Wildlife Service. Maya  
25                 LeGrande, a botanist from the university also

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1           came to the site with me on several occasions,  
2           and we also became aware of the interest  
3           expressed by Lee Altenberg, so we also went  
4           out in the field with Lee Altenberg on several  
5           occasions.

6                     And, you know, in our discussions  
7           Charlie said, well, I want to do the right  
8           thing. What should we do? And, first of all,  
9           we gave him sort of an overview of our vision  
10          of what was happening out there. The term --  
11          you know, going by the letter of the law, both  
12          the terms "endangered species" and "critical  
13          habitat" have legal definitions under the  
14          endangered species act, and endangered species  
15          are those that are listed by the Fish and  
16          Wildlife Service after careful in-house review  
17          and public review. Then the Fish and Wildlife  
18          Service is beholden to designate critical  
19          habitat for those endangered species, be they  
20          animals or plants.

21                     We looked over the studies that had been  
22          done in 1988 and then subsequent studies that  
23          were done in 1993, and then once more in the  
24          '90s. We went out and reviewed the area  
25          ourselves. (End of tape) and we looked at the

1 work that Dr. Altenberg had done, and to date  
2 nobody's found a listed endangered species on  
3 the property, including Dr. Altenberg. There  
4 is no designated critical habitat in the area.

5 History of the land, it is -- was used  
6 as a training area during World War II. Right  
7 now the greatest threat to the area is deer  
8 that run wild through the area. Deer, goats,  
9 seed predators such as rats are throughout the  
10 area, and of course invasive weeds, primarily  
11 grasses, are a real problem.

12 Taking all the studies that have been  
13 done into account, we identified I think 24  
14 native species, of which 12 of those only  
15 occur in the Hawaiian islands and no place  
16 else, endemic species, but 81 percent of the  
17 species we found on the parcel are exotic or  
18 alien or non-native species, so 109 non-native  
19 species occur up there.

20 So the property kind of is what it is.  
21 It's not really a remnant wiliwili forest,  
22 because according to the definitions by these  
23 distinguished botanists, native dry forests  
24 really begin at a lower elevation of about 300  
25 meters. So this is more of an upper coastal

1 shrub land that happens to have wiliwili trees  
2 in it, and it is really fractured by all these  
3 past disturbances. Certainly it couldn't be  
4 characterized as being untouched.

5 But we told Charlie, you know what, we  
6 think that there can be some restoration here.  
7 And so he agreed, even in March of 2006, to  
8 set areas aside for preservation and to  
9 attempt to restore some of that area.

10 So we began a process of trying to  
11 define what that area should be, and that is  
12 still evolving. We've decided that a  
13 contiguous area, or maybe two contiguous  
14 areas, is preferable to several smaller areas  
15 or several areas for a number of reasons in  
16 consulting with experts on this, and so we're  
17 in the process of defining of what that area  
18 should be.

19 We have followed through with some of  
20 the recommendations provided by some of you to  
21 contact other experts that you're aware of,  
22 and we received some very helpful input from  
23 them. Jonathan Price at the University of  
24 Hawaii - Hilo, for example, he provided some  
25 very valuable information to us, and we have

1 altered our plan to essentially try to now  
2 identify the true value, the true nature of  
3 this area, characterizing it very carefully,  
4 of course, and come up with a plan that we  
5 believe is very workable.

6 One of the things we researched was  
7 whether or not any other Federal, State, or  
8 non-profit organization had identified that  
9 area as something they wanted to protect.  
10 Well, none of the government agencies had, and  
11 so we inquired around through the non-profit  
12 organizations, and in my discussions with the  
13 Director of Science for the Nature Conservancy  
14 he said they were actually approached and  
15 asked if they would be interested in either  
16 purchasing the area or receiving an easement  
17 on the area to protect it. They studied it  
18 and declined, and they declined for three  
19 primary reasons.

20 One was that the area is already zoned  
21 and has been zoned for some time for  
22 development. And for the kind of effort that  
23 they do, they felt that that wasn't a good  
24 omen, necessarily. Second, the area was too  
25 small for them to really devote the kind of

1 resources necessary. And third, the area  
2 simply didn't have the density of native  
3 species nor endangered species, any endangered  
4 species that they would normally work to  
5 protect, and so they declined to do that.

6 So I was happy that Charlie agreed to  
7 set aside a protection area and to fund it.  
8 So working together we came up with a revised  
9 plan that identifies -- and you see it before  
10 you, set aside funding, set aside criteria to  
11 hire a preserve manager, and then a number of  
12 preserve elements that would include action  
13 elements if that would include fencing, and  
14 fencing was in fact a requirement provided to  
15 us by DLNR to get the deer out. Fencing and  
16 removing ungulates, controlling invasive  
17 weeds, controlling non-native seed predators  
18 within the preserve, creating a plant  
19 propagations effort, develop and implement  
20 scientific monitoring, develop a public  
21 outreach program, and also a fire suppression  
22 plan.

23 So really in that sense we're kind of --  
24 we're on the same road we started out to be  
25 on. We always knew we were going to have a

1 conservation area. The question was really  
2 what was it going to look like and where was  
3 it going to be. And so we're proceeding at  
4 pace in that regard. And so at this point,  
5 let's see -- yeah, at this point I think I'd  
6 be happy to entertain questions, if there are  
7 any. It's a pretty good summary, I think, of  
8 where we are.

9 CHAIR MOLINA: Thank you, Mr. Ford.

10 Committee Members, questions? Member  
11 Johnson, followed by Member Anderson.

12 COUNCILMEMBER JOHNSON: Yes, when you approached  
13 these other organizations and they stated that  
14 the area was too small, was that the area that  
15 you proposed to conserve?

16 MR. FORD: No, we're talking about the entire a`a  
17 flow, the entire --

18 COUNCILMEMBER JOHNSON: The 110 acres?

19 MR. FORD: Yes. Yeah. That was just too small for  
20 them to really -- and the fact that, you know,  
21 that whole area has already been zoned for  
22 development for sometime and the fact that  
23 it's so heavily fractured and has so many  
24 threats, the invasive gull wasp, goats, deer,  
25 that -- and the very high number of exotic

1 species that are in there, I mean really take  
2 an enormous amount of management to try to do  
3 something with it. And there's no guarantee  
4 of success, even if they set that whole area  
5 aside and try to protect it, there would be no  
6 guarantee of success. And they just felt that  
7 it wasn't worth their effort.

8 Normally they take areas that are --  
9 have a large number, a high density of  
10 endangered species that are seriously  
11 threatened. That's their primary business  
12 model, is to try to protect areas such as  
13 that. And so in this case they felt that, you  
14 know, it just didn't -- just didn't meet  
15 their, you know, criteria.

16 Last year they also developed maps using  
17 their GIS system of dry forest areas  
18 throughout the State that are worthy of their  
19 efforts in protection, and they had several  
20 minimum mapping requirements, and it included,  
21 you know, area, density of endangered species  
22 and, you know, this area didn't meet that  
23 criteria and it wasn't mapped. And I was  
24 shocked to discover that even Puu O Kali  
25 didn't meet that requirement and wasn't on

1           their map either.  So they had -- you know,  
2           they had pretty stringent -- they're really  
3           trying to go in and protect the very best of  
4           the rest.

5   COUNCILMEMBER JOHNSON:  And this was Nature  
6           Conservancy?

7   MR. FORD:  Yes.  Yeah, The Nature Conservancy.

8   COUNCILMEMBER JOHNSON:  Okay, because there are  
9           other entities.

10  MR. FORD:  Oh, yes, uh-huh.

11  COUNCILMEMBER JOHNSON:  One of the things I think  
12           that I want to correct that you stated was  
13           that this area has been zoned for development.  
14           I believe the only entitlement in that area  
15           was for the golf course and clubhouse in that  
16           area, but it's not zoned for any other type of  
17           development that I'm aware of.

18  MR. FORD:  Okay.  Well, as I said, you know, in  
19           their assessment, they felt that because of  
20           the existing situation as it was characterized  
21           to them and based on their research, it just  
22           didn't meet -- didn't meet their requirements.

23                    You know, I -- one of the things that we  
24           discussed in developing the plan was that this  
25           would be a great opportunity to get other

1 organizations involved in the protection of  
2 this area that Charlie proposes to set aside.  
3 You may get volunteer service groups available  
4 to go out and help, you know, with weed  
5 pulling and propagation and things of that  
6 nature. Benton Pang of the Fish and Wildlife  
7 Service was really happy to see what Charlie  
8 wanted to do and encouraged him to apply for  
9 grants that the Fish and Wildlife Service  
10 provides to help with conservation efforts.  
11 And I think, you know, that's a great idea. I  
12 think we should do that.

13 COUNCILMEMBER JOHNSON: Yeah, and I just wanted to  
14 add that I'm in favor of Mr. Lee Altenberg's  
15 plan, which would be to preserve I believe the  
16 110 acres, so I just want to advise you of  
17 that, that I don't think the other area is  
18 quite sufficient, but that's my personal --

19 MR. FORD: What other area is that?

20 COUNCILMEMBER JOHNSON: The area that you're  
21 proposing, which would be only the small  
22 percentage.

23 MR. FORD: No, I think you need to read this plan.  
24 It says on the front page, "This plan  
25 supersedes the first conceptual plan presented

1 to the Maui Council Land Use Committee on  
2 March 15th." There is no acreage in here.  
3 We've already decided that it's going to be  
4 larger than six acres.

5 But one of the things that not only I  
6 but others in the conservation community are  
7 concerned about is that this area has been  
8 miscast, unfortunately, as the last remaining  
9 area where these species occur. And that is  
10 not the case by any means. I think that's --  
11 that does a disservice, and I think that  
12 designing this preserve or devoting perhaps  
13 more to it than necessary actually diverts  
14 resources from areas that desperately need the  
15 help.

16 And I know that doesn't exactly -- that  
17 science doesn't sound convenient with, you  
18 know, the bias of those who don't want the  
19 project, but there may be many reasons for the  
20 project, but it's not appropriate to say this  
21 area is something that it isn't. And, you  
22 know, I understand Mr. Altenberg's opinion on  
23 this, but it is -- it is not widely shared  
24 among the conservation community.

25 COUNCILMEMBER JOHNSON: Yes, and the only reason

1           that my assumption about the number of acres  
2           is that I made the assumption and I'm -- I'm  
3           pretty sure other Members did too, that this  
4           is just how you would handle the preserve plan  
5           and that the acreage would be as it was  
6           originally proposed. Because there's nothing  
7           in here that would indicate to the contrary,  
8           so that's why you would see that I would make  
9           such an assumption.

10       MR. FORD: I can appreciate that, but as I said --

11       COUNCILMEMBER JOHNSON: That's all, Mr. Chair.

12           Thank you.

13       MR. FORD: As I said, it takes a lot to figure out  
14           what the acreage is because the whole area has  
15           to be reconfigured, and so that's not  
16           something that can be guessed at, and it's  
17           something that has to involve all the people,  
18           all the stakeholders involved.

19       CHAIR MOLINA: Okay.

20       MR. FORD: And so this is why we --

21       CHAIR MOLINA: Mr. Ford, thank you. I think you've  
22           answered Member Johnson's questions.

23           Next, Member Anderson.

24       COUNCILMEMBER ANDERSON: Thank you, Mr. Chairman.

25           Mr. Ford, if you could keep your answers

1           succinct, because we're working on a time  
2           limit here, and I think I have quite a few  
3           questions here. First of all, I don't think  
4           anybody has miscast this area as the last  
5           remaining native --

6 MR. FORD: That was your comment at the last meeting  
7           on Monday, was that Lee Altenberg said it was  
8           the last remaining area of wiliwili forest and  
9           you wanted that --

10 COUNCILMEMBER ANDERSON: No, that's not what I said.  
11           It's one of the last.

12 MR. FORD: I see.

13 COUNCILMEMBER ANDERSON: And probably one of the few  
14           that is located in an area accessible by the  
15           general public, should it be opened. And if  
16           you could just tell me, without going into  
17           detail, who approached The Nature Conservancy?

18 MR. FORD: I spoke to Dr. Sam Gon, who's the  
19           Director of Science.

20 COUNCILMEMBER ANDERSON: So you approached them?

21 MR. FORD: No, no, I spoke to him and asked him  
22           about this area, if he was familiar with it,  
23           and he said he had been approached by someone  
24           who was interested in finding out if they  
25           would like, and I don't know who that person

1 was.

2 COUNCILMEMBER ANDERSON: So you don't know who it

3 was?

4 MR. FORD: No, I don't know who it was.

5 COUNCILMEMBER ANDERSON: Yeah, so it would be nice

6 to have gotten something in writing, but, you

7 know --

8 MR. FORD: I (inaudible).

9 COUNCILMEMBER ANDERSON: I'm offended that you said

10 people with a bias against this development

11 are trying to stop it because they're

12 misrepresenting the value of this area. I

13 think that's a really unfair comment to make,

14 because we've had a lot of testimony from

15 people who see the value here. So, you know,

16 I just want you to know that here we are,

17 2007. The first survey done was in 1988,

18 which was wholly inadequate. This application

19 came forward in 2001 without any updates to

20 it, and in our application requirements it

21 requires identification of environmentally

22 sensitive areas, habitat and botanical

23 features, which include but which are not

24 limited to wetlands, streams, rocks, rock

25 outcroppings, endangered plants and animals,

1           and exceptional trees, and, if applicable, a  
2           baseline study and preservation mitigation  
3           plan and comments from the Department of Land  
4           and Natural Resources, U.S. Fish and Wildlife,  
5           and U.S. Corp of Engineers.

6                        So my question to you is -- is it Dr.  
7           Ford or Mr. Ford?

8   MR. FORD:   Mister.

9   COUNCILMEMBER ANDERSON:   Why is it that here we are  
10           in the 11th hour, September '07, and you're  
11           giving us a revised conservation stewardship  
12           plan, has not been reviewed by U.S. Fish and  
13           Wildlife, has not been reviewed by DLNR, has  
14           not been reviewed by U.S. Army Corp of  
15           Engineers, and I see no survey in here  
16           whatsoever?  So what is this?  I mean, this is  
17           just a lot of talk.  Where's your survey to  
18           show what areas you plan to preserve?  You  
19           know, you just said the only question that  
20           remains is where you're going to preserve and  
21           what you're going to preserve, and that's what  
22           we need to know.  I mean, that should have  
23           been done and supplied with the application  
24           with review from all these agencies.

25   MR. FORD:   Yes, the list of species that occur there

1           you have in your six or seven folders. So we  
2           know what's in the area.

3   COUNCILMEMBER ANDERSON: No, I'm asking you about  
4           this study, Mr. Ford. How come there's no  
5           survey in here to show us where these  
6           plants --

7   MR. FORD: The surveys have been done. We know the  
8           surveys there contained in your documents  
9           there. They're there already, so we're basing  
10          our recommendation --

11   COUNCILMEMBER ANDERSON: Well, your surveys do not  
12          comport with the survey that Dr. Lee Altenberg  
13          did, and he --

14   MR. FORD: We're going off his survey, yeah.

15   COUNCILMEMBER ANDERSON: -- walked the land and  
16          GPSed everything.

17   MR. FORD: Yes, and he found -- as he found two more  
18          native species than were originally found in  
19          1988, but his --

20   COUNCILMEMBER ANDERSON: I'm talking about --

21   MR. FORD: -- report does not discuss any of the 109  
22          non-native species that are there.

23   COUNCILMEMBER ANDERSON: That's not what I'm asking  
24          you about.

25   MR. FORD: Okay.

1 COUNCILMEMBER ANDERSON: I'm asking you why you  
2 don't show a map in this stewardship plan that  
3 shows the areas that you feel are most  
4 significant and worthy of preserving?

5 MR. FORD: We already know that the areas --

6 COUNCILMEMBER ANDERSON: Why is it not in this --

7 MR. FORD: -- within the a`a --

8 COUNCILMEMBER ANDERSON: You're asking us to accept  
9 this as your preservation plan, but you're not  
10 telling us in this plan --

11 MR. FORD: I think we clearly state that the  
12 boundaries of the area will be decided  
13 together with stakeholders and will be  
14 presented in Phase II.

15 COUNCILMEMBER ANDERSON: Well, you know what, we  
16 represent the stakeholders of this County,  
17 Mr. Ford, and we're bound by the rule of law,  
18 and you should be too. So why hasn't this  
19 survey been sent to U.S. Fish and Wildlife,  
20 DLNR, and U.S. Army Corp of Engineers for  
21 their review and comment? Because you're  
22 asking us just to take your word for it, and I  
23 got -- you know, I got some people with some  
24 good credentials here, and, you know,  
25 you're -- everything you're telling us is

1 verbal. You're not giving me anything in  
2 writing but this stewardship plan. And do you  
3 know Creighton Litton from DLNR, Department of  
4 Natural Resources and Environmental  
5 Management, University of Hawaii at Manoa?

6 MR. FORD: Yes.

7 COUNCILMEMBER ANDERSON: Do you think he's a  
8 credible professor and that he knows what he's  
9 talking about?

10 MR. FORD: I don't know his work. I know who he is.

11 COUNCILMEMBER ANDERSON: Well, he totally --

12 MR. FORD: I know Bob Cabin, who --

13 COUNCILMEMBER ANDERSON: He totally endorses Dr. Lee  
14 Altenberg's survey and his request for  
15 preservation. Do you know Mr. Robert Cabin,  
16 university professor?

17 MR. FORD: Cabin, yes, uh-huh.

18 COUNCILMEMBER ANDERSON: Do you think he's a  
19 credible source?

20 MR. FORD: Very much so. I cited five of his papers  
21 in there.

22 COUNCILMEMBER ANDERSON: All right. He also  
23 thinks --

24 MR. FORD: I don't think he's seen the site,  
25 however.

1 COUNCILMEMBER ANDERSON: That doesn't matter. He's  
2 saying --

3 MR. FORD: Someone might have written a letter  
4 saying --

5 COUNCILMEMBER ANDERSON: -- "As someone who has  
6 spent considerable effort attempting to  
7 restore degraded Hawaiian native forests, I  
8 can professionally and personally attest to  
9 the value of preserving what little remains of  
10 this ecosystem, because attempting to restore  
11 it is an extremely long, costly, laborious,  
12 and uncertain endeavor. Thus, I urge you to  
13 steer this development towards preserving as  
14 much of the remnant forest and habitat as  
15 possible. Do not hesitate to let me know if  
16 there's anything more I can do." Maybe I  
17 won't. Maybe I'll call him.

18 Do you know Dr. Angela Kepler?

19 MR. FORD: No.

20 COUNCILMEMBER ANDERSON: Well, she's a well-known  
21 biologist.

22 MR. FORD: Is that Kay Kepler?

23 COUNCILMEMBER ANDERSON: Yes.

24 MR. FORD: Yes, I know Kay Kepler. I didn't know  
25 her first name was Angela.

1 COUNCILMEMBER ANDERSON: Yeah, and do you think that  
2 she's a credible source?

3 MR. FORD: Uh-huh, I do.

4 COUNCILMEMBER ANDERSON: Yeah, and she's well-known  
5 here.

6 MR. FORD: Yes, uh-huh.

7 COUNCILMEMBER ANDERSON: And she totally supports  
8 Dr. Lee Altenberg's request and she totally --  
9 now, granted, she hasn't had the benefit of  
10 seeing this, but she totally finds the report  
11 previous to this, which the developer  
12 submitted, as completely inadequate,  
13 completely skewed towards the purpose of  
14 allowing development in this critical habitat.

15 Now --

16 MR. FORD: It's not critical habitat.

17 CHAIR MOLINA: Hang on, Mr. Ford. Hang on

18 COUNCILMEMBER ANDERSON: Well, you know, that  
19 remains to be seen because it doesn't say --  
20 when it says endangered plants here and  
21 animals, there's no qualifier -- qualifier in  
22 here that says it has to be a listed  
23 endangered plant to be an endangered plant.  
24 And so when it says endangered, I think the  
25 term is used loosely, not because the Federal

1 government has put it on the endangered  
2 species list. You know how long it takes to  
3 get on that list and how long people have been  
4 waiting to get things accepted on the Federal  
5 endangered species list and the fact that the  
6 Bush Administration is not forwarding any of  
7 those requests? You must know that if you're  
8 in this profession.

9 So, you know, the fact that it's not on  
10 the Federal endangered species list means  
11 nothing to me. The fact that is that I've  
12 got -- not to mention the people that I just  
13 named -- Office of Hawaiian Affairs, they're  
14 also highly supportive and very critical of  
15 the previous report. So, you know, you can  
16 stand here and say whatever you want, but  
17 let's see something in writing. Let's see the  
18 survey of what you're going to save. You  
19 know -- you know, before it was six acres.  
20 Now you're saying you don't know what it's  
21 going to be, but it's going to be something  
22 more, and it might be something here and  
23 something here and something here and  
24 something there. And what is it going to be?  
25 Is it going to be in the middle of a golf

1 course and, you know, a landscape feature? We  
2 don't know because this doesn't say. This is  
3 just a bunch of talk in here. There's no plan  
4 in here. I don't see any plan at all. It's  
5 just saying, you know --

6 MR. FORD: Actually, the first two pages represent  
7 the same structure of the plan that was  
8 approved for the Palama Nui development on the  
9 Big Island, setting aside a native forest.  
10 Information was provided by Dr. John Price,  
11 who you recommended that we contact.

12 COUNCILMEMBER ANDERSON: Well, you know, and I  
13 highly respect Dr. Price. As a matter of  
14 fact, so does Dr. Lee Altenberg, because it  
15 was his studies that Dr. Lee Altenberg used in  
16 his review. So he's not saying anything new.  
17 He's just repeating what Dr. Price --  
18 Dr. Jonathan price has already said about --  
19 about this --

20 MR. FORD: Dr. Price --

21 COUNCILMEMBER ANDERSON: -- and he sees this as a  
22 critical habitat. And whether it's Federally  
23 listed as a critical habitat is not the issue.  
24 The issue is there is only three low land dry  
25 land native forests that carry some of the

1 species here, one of which is found nowhere  
2 else.

3 MR. FORD: What species is that?

4 COUNCILMEMBER ANDERSON: 95 percent of this habitat  
5 has been destroyed Statewide.

6 MR. FORD: What species is found nowhere else?

7 COUNCILMEMBER ANDERSON: You're asking me questions?

8 MR. FORD: There are no species that aren't found  
9 anywhere else on the property.

10 COUNCILMEMBER ANDERSON: What about the -- the --  
11 what is that vine called?

12 MR. FORD: Nehe.

13 COUNCILMEMBER ANDERSON: No, I don't think that's  
14 the one.

15 MR. FORD: Awikiwiki?

16 COUNCILMEMBER ANDERSON: No.

17 MR. FORD: That's a candidate endangered species.

18 COUNCILMEMBER ANDERSON: And that's what I mean, a  
19 candidate.

20 MR. FORD: Uh-huh, but going by --

21 COUNCILMEMBER ANDERSON: So --

22 MR. FORD: I have to advise Charlie based on the  
23 rule of law, which you've repeatedly said over  
24 and over again, and the rule of law is that  
25 there are no Federally protected endangered

1 species, and a candidate endangered species  
2 carries no protection under the law.

3 COUNCILMEMBER ANDERSON: Well, under our zoning  
4 ordinance it certainly does. Our zoning  
5 ordinance does not say it has to be --

6 MR. FORD: How does it --

7 COUNCILMEMBER ANDERSON: -- a Federally listed  
8 endangered species or that the exceptional  
9 trees have to be, you know, listed on some  
10 kind of critical habitat with the Federal  
11 government. This is our rule of law that  
12 we're following, Mr. Ford. And, excuse me,  
13 but I think it certainly supersedes whatever  
14 the Federal government is doing, especially  
15 over the last six years.

16 And I might also mention that the other  
17 rule of law that we have to follow here is our  
18 Community Plan. And it says to protect,  
19 preserve, and restore unique natural areas  
20 with significant conservation values. And,  
21 you know, I think that there is significant  
22 conservation value here. It also -- I'm not  
23 going to get into this with you, Mr. Ford.

24 I will get into that further, Mr. Chair,  
25 but, you know, I have a real difficult time

1           having Mr. Jencks bring forward someone to  
2           discredit Dr. Altenberg, who put in immense  
3           amount of time as a community member because  
4           he felt the value of this was so significant  
5           that he could not turn his back on it and not  
6           try to do something. And I'm really upset,  
7           because back in '06 Chair Carroll at the time  
8           sent letters out when this first came up  
9           asking Mr. Jencks -- and I'll just say it.  
10          "Since the dedicated work of Dr. Lee Altenberg  
11          has now revealed a significant native plant  
12          habitat area still exists and a promise was  
13          made by former owners to set aside and aid the  
14          plant preserve, could the new developer  
15          support this concept?"

16                 This is the answer we got. "The  
17          project" -- from Mr. Jencks. "The project  
18          team has continually updated the floral  
19          studies conducted by Char & Associates and has  
20          recently brought additional professional  
21          biologists onto the site to provide input into  
22          the issues brought forward by Lee Altenberg.  
23          In summary, Lee Altenberg's claims regarding  
24          remnant dry land forest preservation and the  
25          presence of unique plant species cannot be

1 validated by the academic professional  
2 community."

3 You know, didn't even have the respect  
4 to call him Dr. Lee Altenberg, and he's making  
5 a claim to discredit this man with no written  
6 documentation to back it up. And here we have  
7 all these professionals of the academic  
8 community supporting what Dr. Altenberg has  
9 done. And Mr. Jencks knows, because  
10 Dr. Altenberg told him about the articles that  
11 he has had published in peer-reviewed  
12 journals, such as Ecology, The American  
13 Naturalist, Genetics, Evolution, and that only  
14 last month, Mr. Chairman, Dr. Altenberg went  
15 to Washington, D.C. to serve on the National  
16 Science Foundation review panel for their  
17 program in advancing theory in biology.

18 So, I'm sorry, but, you know, if you  
19 want -- if you want to get us to buy into what  
20 you're having to say, don't discredit other  
21 people who are respected members of our  
22 community.

23 CHAIR MOLINA: Okay, thank you, Member Anderson.

24 Mr. Ford, can you provide in writing at  
25 a later point --

1 MR. FORD: Certainly, certainly.

2 CHAIR MOLINA: -- in writing that you've --

3 MR. FORD: In quick summary, I'd say I think the  
4 only thing that separates us here is the  
5 actual acreage, because, again, we are  
6 proposing a conservation area.

7 COUNCILMEMBER ANDERSON: Well, you know what, we  
8 don't know what it is.

9 MR. FORD: I understand that.

10 COUNCILMEMBER ANDERSON: And here we are --

11 MR. FORD: And we are working on it now.

12 COUNCILMEMBER ANDERSON: -- in the 11th hour and you  
13 want us to just say, okay, we'll let you do  
14 whatever you want. Give us a survey that says  
15 something.

16 CHAIR MOLINA: Okay.

17 COUNCILMEMBER ANDERSON: And give us a map that  
18 shows us the sites that you -- that what is  
19 actually on the site that you intend to  
20 preserve.

21 MR. FORD: Thank you.

22 CHAIR MOLINA: Mr. Ford, thank you.

23 MR. FORD: Okay.

24 CHAIR MOLINA: And if there's any other requests  
25 from other Members, we'll take that into

1 consideration.

2 Mr. Medeiros.

3 COUNCILMEMBER MEDEIROS: Yeah, I just have a short  
4 question, because I think Mr. Ford has been  
5 questioned extensively and we've, you know,  
6 gained a lot of information from his  
7 responses, but I just wanted to ask you,  
8 Mr. Ford, that you mentioned that you did  
9 your -- I guess your master's dissertation in  
10 Nahiku?

11 MR. FORD: Yes.

12 COUNCILMEMBER MEDEIROS: Can I ask you on what it  
13 was?

14 MR. FORD: Hihiwai.

15 COUNCILMEMBER MEDEIROS: Hihiwai?

16 MR. FORD: Hihiwai.

17 COUNCILMEMBER MEDEIROS: Interesting, okay.

18 Thank you, Chair.

19 CHAIR MOLINA: Thank you, Mr. Medeiros.

20 And thank you, Mr. Ford.

21 All right, Members, we just have a few  
22 more minutes. Chair would like to address  
23 Condition 1. I believe Member Anderson had  
24 some considerations for us. I don't know if  
25 you're up to it, but --

1 COUNCILMEMBER ANDERSON: Five minutes you want to  
2 talk about water?

3 CHAIR MOLINA: Well, we can go past five minutes.  
4 What is the pleasure of the body? The body  
5 want to end at 6:30? The Chair's open.

6 COUNCIL MEMBERS: 6:30.

7 CHAIR MOLINA: Okay, so ordered by the body. All  
8 right, Members, Chair would like to ask for  
9 one-minute recess, and then I'm going to  
10 detail to the body what the Chair would like  
11 to have from you at our next meeting, as well  
12 as our other resource personnel. Meeting in  
13 recess, one minute. (Gavel).

14 RECESS: 6:25 p.m.

15 RECONVENE: 6:26 p.m.

16 CHAIR MOLINA: (Gavel). The recessed Land Use  
17 Committee meeting for September 10th, 2007 is  
18 now back in session. Thank you for that very  
19 brief recess, Members.

20 Again, I just wanted to restate, before  
21 the Chair gives his recommendation, at the  
22 request from Dr. Ford -- or Mr. Ford, again,  
23 relates to the statements he made to the  
24 Committee, so, Mr. Ford, if you have any  
25 additional questions, please feel free to

1 contact our Committee Staff. And I'm sure we  
2 will have them contact you for any additional  
3 clarifications and materials needed from you  
4 as it relates to this matter, the dry forest.  
5 Thank you.

6 Members, as it relates to the  
7 Applicant's proposed condition related to the  
8 contributions towards the Fire and Police  
9 Department, first of all, Chair's going to be  
10 very blunt. Is this something that you would  
11 want from the Applicant? Yes or no, very  
12 simple, or is there consensus at least for  
13 that part, or does the Committee not want to  
14 even consider that condition?

15 COUNCILMEMBER JOHNSON: And what are we going  
16 (inaudible)?

17 CHAIR MOLINA: Well, basically the Applicant, if you  
18 look on page 15, wants to donate -- well, I'm  
19 going to guess that the amount of acreage may  
20 be in question as to what this Committee would  
21 want, but, yeah, in -- but as far as general  
22 consensus, does the Committee -- is the  
23 Committee in favor of accepting some type of  
24 contribution without looking at the acreage at  
25 this point?

1 COUNCIL MEMBERS: Yes.

2 CHAIR MOLINA: All right. So we will await the  
3 response from the Police Department as to what  
4 amount of acreage they need, and we heard from  
5 Chief Bal that according to the Strategic  
6 Plan, Fire Department Strategic Plan it calls  
7 for five acres, but it would seem by their  
8 letter that they seem satisfied with two  
9 acres. So at a later point I will ask each  
10 one of you, or the Chair can do it, to throw  
11 in a number there other than the one (end of  
12 tape) Departments. So we have general  
13 consensus that the Committee will accept this  
14 contribution as a condition, am I correct?

15 COUNCIL MEMBERS: Yes.

16 CHAIR MOLINA: Okay, Member Anderson.

17 COUNCILMEMBER ANDERSON: Yes, as long as we specify  
18 two acres for the Fire, we wait for the  
19 Police, and that we include in the condition  
20 that the two acres to the Fire Department must  
21 have direct access to the Pi'ilani extension.

22 CHAIR MOLINA: Okay, Members, is that agreed upon by  
23 the body? All right, so ordered.

24 And on the dry land forest, is this a  
25 condition the body would like to accept as

1 well? I know there may be some revisions. Do  
2 we have consensus on it at this point?

3 COUNCIL MEMBERS: No.

4 CHAIR MOLINA: Members --

5 COUNCILMEMBER ANDERSON: Mr. Chairman, I have a  
6 whole bunch of stuff here to present to the  
7 Committee. I've been bringing this stuff in  
8 for weeks waiting for an opportunity to  
9 present it, and we're being forced to follow  
10 the conditions that are here. We hear from  
11 one Department person after another, from one  
12 representative of the Applicant after another,  
13 and I would like to get my opportunity to  
14 present the information that I have and the  
15 conditions that I have. So I thought that's  
16 what we were going to do today, and, you know,  
17 we went from water to traffic to this, all  
18 because we're following who can have -- who  
19 happens to be here. But, you know, we're the  
20 decision makers, and I think we need a chance  
21 to get down to it.

22 CHAIR MOLINA: Well, that's -- that's the Chair's  
23 intent. That's why we've been trying to be  
24 very thorough. It's been called democracy and  
25 it takes time, so we have to make sure we hear

1 from everybody before we make a so-called  
2 well-informed decision.

3 COUNCILMEMBER ANDERSON: I know that, Mr. Chair.  
4 I'm sorry. I'm just -- my temper is very  
5 short right now because, you know, I come in  
6 here prepared every time trying to present  
7 this information, we get halfway into the  
8 subject, and we go to another one. So --

9 CHAIR MOLINA: Yeah.

10 COUNCILMEMBER ANDERSON: You know, I think -- I  
11 just -- I appreciate what you're trying to do,  
12 but --

13 CHAIR MOLINA: Well, that's a nice segue into what  
14 I'm going to state to you now.

15 COUNCILMEMBER ANDERSON: Okay.

16 CHAIR MOLINA: So, Members, the Chair's intent is to  
17 defer this meeting. We will meet again on  
18 this. I'm looking as a tentative date of  
19 October 17th, 1:30 back here. I'm looking at  
20 this as much like the same process that we  
21 have for the Budget, where we do the Q and A  
22 with all our resource personnel and then we  
23 get to a point where we need to deliberate.  
24 And the Chair's looking at deliberating on the  
25 conditions we have not received consensus yet,

1           and by the 17th the Chair requests from you  
2           all of your requested additional conditions or  
3           additional amendments to the proposed  
4           conditions from the Planning Department, and  
5           if need be also some of the Applicant's  
6           conditions that he is proposing as well, if  
7           that is something the body would like to  
8           consider.

9                        So we are at a phase now where we need  
10           to deliberate. I think we've reached the  
11           maximum on -- as it relates to Q and A of our  
12           County resource personnel and also the  
13           Applicant, to some extent. I mean, there  
14           may -- I'm sure there may be a point where we  
15           need to hear from the Applicant, but the Chair  
16           would like to start proceeding -- you know, we  
17           need to get down to business, in short,  
18           Members.

19   COUNCILMEMBER ANDERSON: Chair.

20   CHAIR MOLINA: Member Anderson.

21   COUNCILMEMBER ANDERSON: We do need to have more  
22           discussion with the Applicant on a couple of  
23           issues, specifically on water issues. You  
24           know, we got started several weeks ago, and  
25           because there wasn't consensus we moved on to

1 something else, and we never got back to it.

2 And we were going to have Corporation Counsel

3 look at the water agreement with Haleakala

4 Ranch, and we never got a response on that.

5 And I'm wondering if that's going to be forth

6 coming or not?

7 CHAIR MOLINA: Well, we'll ask Corporation Counsel.

8 Mr. Giroux.

9 MR. GIROUX: Chair, I'm not clear exactly what the

10 body is looking for as far as a comment. I

11 mean, if they wanted to read it over and if

12 they have specific questions, I'm sure --

13 COUNCILMEMBER ANDERSON: No.

14 MR. GIROUX: -- between the Applicant and myself we

15 can probably try to bring some clarity to the

16 issue, but I think going over that document

17 line by line with the body, I don't think is

18 going to be very productive. I would ask the

19 body to come to some type of consensus as

20 well. I mean, I would hate to spend three or

21 four hours going over that document and not

22 really bringing any more clarification than

23 reading the document in and of itself.

24 COUNCILMEMBER ANDERSON: You know, Mr. Chairman, we

25 made a very specific request that he review

1 the document and tell us what it says. I  
2 myself have already spent more than three or  
3 four hours reading the document. So, you  
4 know, if he doesn't want to do it, then I'll  
5 tell you what I've come up with and -- and  
6 we'll ask the Applicant directly the questions  
7 that are not clear, because I've got some real  
8 concerns with this water agreement, which has  
9 been highly redacted and, you know, leaves a  
10 lot of unanswered questions. And, you know, I  
11 know Mr. Jencks has told us that everything he  
12 redacted has to do with economic.

13 COUNCILMEMBER JOHNSON: Financial.

14 COUNCILMEMBER ANDERSON: Huh?

15 COUNCILMEMBER JOHNSON: Financial.

16 COUNCILMEMBER ANDERSON: Financial information, but  
17 that just cannot be true when you look at  
18 what's been redacted. It might be a financial  
19 consideration. Who knows what it is, but it  
20 certainly isn't dollar figures or anything,  
21 because I've read that document four times  
22 myself, Mr. Chairman, already, and I'm here to  
23 tell you that most of what's redacted has  
24 nothing to do with finances. It has to do  
25 with the promises made and what they're going

1 to be doing. And we need to know that,  
2 because they're using a public resource. And  
3 if this body approves this project, that gives  
4 them the go ahead to use this water source.  
5 And -- otherwise they wouldn't be using it.  
6 It would stay in the ground for future  
7 generations to use.

8 So, you know, by making our decision in  
9 the affirmative, we're giving them the right  
10 to go and drill this water and use it  
11 according to this water agreement. And, you  
12 know, if Mr. Giroux or Ms. Nakata would like  
13 to give him the discussion that was made  
14 August 10th regarding this agreement and what  
15 we asked him to do, we asked him to read the  
16 agreement and review it for us. It's a legal  
17 document. And that's all we're asking him to  
18 do, review it as an attorney and tell us what  
19 it says.

20 CHAIR MOLINA: Mr. Giroux, I'll ask that you try  
21 your best to summarize that agreement for us,  
22 and perhaps quite possibly put it into  
23 layman's terms, since most of us are not legal  
24 experts, and just --

25 COUNCILMEMBER ANDERSON: I mean, that's his job,

1           isn't it, to give us legal counsel and tell us  
2           what, you know, the legal document says? He  
3           doesn't want to spend three or four hours  
4           reading it? Excuse me.

5 MR. GIROUX: Chair. Chair, that's not what I said.  
6           I said I didn't want to waste this body's time  
7           going over it line by line. Because if you're  
8           going to ask an attorney to summarize, what's  
9           going to happen is I'm going to be expanding,  
10          not summarizing. So --

11 COUNCILMEMBER ANDERSON: No, we don't want you to do  
12          that.

13 MR. GIROUX: -- if, you know, I mean -- well, I'm  
14          not going to be saying things that are not  
15          accurate, and not accurate as far as what the  
16          contract says because it's a legal document.  
17          What that document is is what it is. Now, if  
18          you want to go by -- line by line and ask  
19          Mr. Jencks what he believes he's getting  
20          himself into, I think that would be a lot more  
21          productive for this body.

22 CHAIR MOLINA: Thank you, Mr. Giroux.

23                       All right, Members, we'll end the  
24                       conversation as it relates to that particular  
25                       condition.

1           Members, I'm going to put it upon you to  
2           meet with the developer if you have to get in  
3           direct contact in order to move things a  
4           little faster here. The Committee spent a lot  
5           of time. I know our Committee Staff has been  
6           worked pretty hard. Mr. Jencks has stated to  
7           me -- I don't know if you want to state it  
8           publicly again, Mr. Jencks. He is available.  
9           He will meet with anybody any time.

10           Am I correct in saying that, Mr. Jencks?

11           Okay, so you are welcome to meet with  
12           him, or he will come to you or you can email,  
13           phone call, et cetera.

14           Mr. Medeiros.

15           COUNCILMEMBER MEDEIROS: Yes, Chair, thank you. So  
16           your plan is to schedule it for October 17th?

17           CHAIR MOLINA: Yes.

18           COUNCILMEMBER MEDEIROS: Starting at 1:30?

19           CHAIR MOLINA: 1:30. And we may look at a possible  
20           evening session as well.

21           COUNCILMEMBER MEDEIROS: Thank you, Chair.

22           COUNCILMEMBER ANDERSON: Mr. Chair.

23           CHAIR MOLINA: Member Anderson.

24           COUNCILMEMBER ANDERSON: You know, I appreciate your  
25           suggestion that we meet with him individually,

1 but I think that there might be some kind of,  
2 you know, Sunshine Law, some kind of  
3 proprietary problem with that, because he is  
4 in a public process right now. What we're  
5 doing is a public process, and I have a real  
6 hard time having him meet with Members and  
7 tell them things individually that none of the  
8 rest of us know he said, much less the public,  
9 and influence Members one way or the other. I  
10 think that's wrong. We're in a public  
11 process. All of our decision making and all  
12 of our deliberations should be in the public.  
13 So I think the time for meeting individually  
14 is long since past.

15 CHAIR MOLINA: Well, that is an option -- well,  
16 again, Mr. Jencks is a member of the public as  
17 well, so it is at your option, Members. You  
18 can correspond in writing so that way it  
19 becomes a public document as to what was  
20 discussed between you and the developer or the  
21 Applicant, and, again, I guess just as -- for  
22 informational purposes, to answer questions,  
23 and it is not his intention to influence. I  
24 think we're all under the understanding that  
25 we try to gather all of the information and

1 data to make a well-informed decision. So,  
2 again, he has made himself available, and it  
3 is your choice. It will be the Chair's  
4 preference if you want to move things along a  
5 little faster, you can get your questions  
6 answered and you're free to share with the  
7 body what you discussed with the developer.

8 COUNCILMEMBER ANDERSON: Or not.

9 CHAIR MOLINA: Or not, but I believe all of you have  
10 the integrity to share with the body what was  
11 discussed.

12 Mr. Pontanilla.

13 VICE-CHAIR PONTANILLA: Thank you, Chairman. When  
14 we do meet on October 17th, I just want to  
15 request that we go up to a certain time, like  
16 maybe 6:00, and then we convene on Thursday,  
17 the following day.

18 CHAIR MOLINA: All right, we will look at that  
19 option as well, Mr. Pontanilla.

20 VICE-CHAIR PONTANILLA: Thank you.

21 CHAIR MOLINA: I know this body has been pretty  
22 strong when it terms -- when it comes to  
23 putting in the hours. We've all worked hard.  
24 I think we've shown the public that we can  
25 pound away if we have to.

1           So with that being said -- and I would  
2           like to leave the developer with a parting  
3           consideration.

4           Mr. Jencks, if I could get your  
5           attention. In light of what we heard with  
6           regards to water and traffic, if you could  
7           present to this body at our next meeting the  
8           feasibility of possibly reducing the size of  
9           the project, if that is something that you're  
10          considering. And we understand -- well, at  
11          least the Chair understands there may be some  
12          financial concerns by reducing -- I know you  
13          have a bottom line that you have to meet, but  
14          it -- based on what we heard from the Water  
15          Director and as it relates to traffic, I think  
16          it's something that we need to explore, at  
17          least throw it out there, if it's your choice,  
18          to consider a possible downsizing of the  
19          project and what kinds of options we have to  
20          consider in terms of contributions from the  
21          developer should this project be approved, how  
22          it may affect that area as well, for example,  
23          donations of acreage for a Fire Station or  
24          Police Department and the like. So food for  
25          thought, something for you to chew on.

1           And, Members, again, I ask you to come  
2           prepared and be ready to deliberate on the  
3           conditions that we have not reached consensus  
4           on. And if we do not reach consensus, then so  
5           be it, we will move on until ultimately we  
6           make a decision on this matter.

7           So with that being said, it is 6:40,  
8           Wednesday, September 19th, 2007. This Land  
9           Use Committee meeting -- recessed Land Use  
10          Committee meeting of September 10th, 2007 is  
11          now -- excuse me, before I do that, Staff, any  
12          announcements the Chair needs to be aware of  
13          before we adjourn? Okay, thank you. This  
14          meeting is adjourned. (Gavel).

15        ADJOURN: 6:40 p.m.

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C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 19th day of October, 2007, in Honolulu, Hawaii.

  
\_\_\_\_\_  
Jessica R. Perry, CSR NO. 404