

MINUTES

PUBLIC WORKS COMMITTEE

March 21, 2007

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Mel Rapozo, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, March 21, 2007, at 10:35 a.m., after which the following members answered the call of the roll:

Honorable Mel Rapozo
Honorable Tim Bynum
Honorable Shaylene Iseri-Carvalho
Honorable Ron Kouchi
Honorable JoAnn A. Yukimura
Honorable Bill "Kaipo" Asing, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

Minutes of the February 21, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Bynum, and unanimously carried, Minutes of the February 21, 2007 Public Works Committee Meeting was approved.

The Committee proceeded on its agenda items as shown in the following Committee Reports which are incorporated herein by reference.

CR-PW 2007-10: on Bill No. 2208 AN ORDINANCE AMENDING
ORDINANCE NO. B-2006-646 AS
AMENDED, RELATING TO THE CAPITAL
BUDGET OF THE COUNTY OF KAUA'I,
STATE OF HAWAII, FOR THE FISCAL
YEAR JULY 1, 2006 THROUGH JUNE 30,
2007 BY REVISING THE SURPLUS
ESTIMATED IN THE GENERAL FUND
(Kapaia Swinging Bridge - \$200,000)
[Approved.]

CR-PW 2007-11: on Bill No. 2209 AN ORDINANCE AMENDING
ORDINANCE NO. B-2006-646 AS
AMENDED, RELATING TO THE CAPITAL
BUDGET OF THE COUNTY OF KAUA'I,
STATE OF HAWAII, FOR THE FISCAL
YEAR JULY 1, 2006 THROUGH JUNE 30,
2007 BY REVISING THE SURPLUS
ESTIMATED IN THE GENERAL FUND
(Keapana Swinging Bridge - \$35,000)
[Approved.]

PW 2007-3 Communication (2/15/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to give an update and status report on the County's bicycle/pedestrian pathway project which encompasses various segments from Ahukini to Anahola.
[This item was deferred.]

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: This is a deferred item. At this time, I will suspend the rules and ask for any public testimony. We will take the public testimony up front. Mr. Mickens?

There being no objections, the rules were suspended.

GLENN MICKENS: Thank you Mel. Good morning Committee members. You have a copy of my testimony. With your permission, I will read it for the record. I have reviewed some of my past testimonies and material on this bikepath. As you know, there were numerous. On July 25, 2006, I found a letter from my good friend Ray Chuan saying, the last page, on the last page of his six (6) page summary of this bikepath, "in the meantime, the County Council at the insistence of members (Ms. Carvalho and Mel Rapozo) has asked the Administration for a complete report on the entire bikepath project. The Mayor, County Engineer Donald Fujimoto and Building Division Chief, Doug Haigh has asked for a five (5) week deferral. The Council would only agree to two (2) weeks." Most of you are probably on Dr. Chuan's e-mail list, so you probably saw this letter along with pictures that he took of the path at that time. My point is, that we sit here today after months of deferrals still waiting for a long list of answers that were asked for eight (8) months ago and at each deferral, the list grows longer. For me, this type of flagrant, non-responsiveness by our Administration is deplorable and it should not be allowed. I don't know what action this body can take, but there should be some way to force important matters like this to get resolved. I would only be repetitious if I asked the same questions that I've asked in the last 10 other testimonies before this Council, so I would only hope that my question and those of other Councilmembers get answered today.

Once again, I want to applaud and congratulate Mel, Shaylene and Ron for pursuing this matter as I am sure that this path would have been fast tracked legal or illegal without the (inaudible). Once the public gets all the facts and sees what the cost of this white elephant is and what a huge waste of money it would be for the small usage (inaudible) they too will be grateful. As I said before, I do not oppose bikepaths per say if they are built in the right place at the right time and are beneficial to the masses of citizens who will pay for it. Obviously, this path doesn't meet these requirements, nor does it pass muster with the questions that Mr. Kawakami's son asked, do we need it, can we afford it, can we maintain it, all answered in the negative. Thank you. Any questions?

Mr. Rapozo: Thank you Glenn. Any questions for Glenn? If not, anyone else wanting to testify on this matter? Dale? Thank you.

DALE ROSENFELD: Aloha, my name is Dale Rosenfeld and like Glenn Mickens, I have been before you many times also. I'd like to reiterate that I believe that we need it, we can afford it, and that the people want it. I see people up there on the section that is under consideration for the shelters right now and I believe that they are using it even though it is not yet opened. I've moved here in 1989, I've used that trail since then. I encourage you to continue your work towards allowing this whole pathway to be completed and I thank you for your work on it.

Mr. Rapozo: Thank you Dale. Any questions for Dale? If not, thank you. Anyone else wanting to testify? This will be your only opportunity to testify, so if you want to testify, let's do it now. If not, thank you. I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Discussion amongst the Councilmembers? Any discussion before I bring up Doug?

SHAYLENE ISERI-CARVALHO: I guess the purpose for Mr. Haigh is, there were questions that were sent back on March 12, are those questions going to be addressed by Mr. Haigh?

Mr. Rapozo: I am assuming so.

Ms. Iseri-Carvalho: Okay, so I will wait.

Mr. Rapozo: Okay, thank you. Mr. Haigh?

There being no objections, the rules were suspended.

DOUG HAIGH, BUILDING DIVISION SUPERINTENDENT: Doug Haigh, Department of Public Works. When you are referring to the questions of March 12, can you refresh my memory on what that list is again just to make sure that I am addressing the right ones?

Mr. Rapozo: You know, can we get Doug a copy. The first question was...

JOANN A. YUKIMURA: The one is January 20 though. The letter with the questions.

Ms. Iseri-Carvalho: We are in Public Works, not Parks.

Mr. Rapozo: No, it is March 12. The first question was...

JAY FURFARO, EX-OFFICIO MEMBER: Mr. Chair, I gave him copy since I am not on your Committee.

Mr. Haigh: These questions we actually received a FAX copy... I first saw it last week Friday with a note on it that it was going to be amended and then on Monday it was clarified that we should answer this. At this point, to answer these as a joint effort by the Planning Department and the Department of Public Works and my understand... we met on it yesterday afternoon and my understanding is that we are not ready to respond to it in whole.

Mr. Rapozo: Okay.

Mr. Haigh: And just to give you... how we are going to respond, the first item, the Planning Department will be responding to that. The second item, Public Works Fiscal Officer is compiling all those costs to submit. And then the third item, I can respond to that. The PowerPoint that I put together for this presentation does present that alignment, except there is a modification that we had not updated yet which I would point out. The last item, clearly would be the Planning Department responding to that.

Mr. Rapozo: Okay, the first item, you are saying, is going to be answered by the Planning Department and do you know when that would be? If you don't know Doug, that is fine.

Mr. Haigh: I can't answer for the Planning Department.

Mr. Rapozo: So the Planning Department will be the applicant for the...

Mr. Haigh: No, the Department of Public Works is the applicant.

Mr. Rapozo: Okay.

Mr. Haigh: But as far as responding to how that process goes, they are the ones who administer that ordinance and they are the best.

Mr. Rapozo: The first part was, when was the new application for proposed amendments to the existing SMA use permit? That, you are saying, should be answered by Planning or Public Works?

Mr. Haigh: Okay, it has been a long process and he can explain it better than I can. We did submit our formal submittal package and it got to Planning on Monday, this week. There had been a lot of correspondence that had led up to that which Planning can best answer.

Mr. Rapozo: Okay, so the application for the amendments to the existing SMA was submitted formally and was it accepted as well on Monday? Go ahead Donald. Just state your name.

DONALD FUJIMOTO, COUNTY ENGINEER: Donald Fujimoto, County Engineer. As we speak, Ian is trying to finalize the response, but I will try to answer whatever we can. We are the applicant. Public Works is the applicant for the SMA amendment. The reason being is that we were the original applicants for original SMA application. I signed as authorized for Department of Public Works.

Mr. Rapozo: Okay, and it was formally...

Mr. Fujimoto: It was formally submitted Friday, I believe, and the reason why there was a time between Friday and September of last year when this whole issue came up was that the Planning Department worked directly with the contractor who is responsible to get all the information for this application. There was a lot of things that they had to go back and forth on, so we finally got, I think, what we consider to be a complete application for the amendment.

Mr. Rapozo: Okay, let's do this. Let's start with that question. Does anybody have any... Committee members have any question on question number 1? Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: Donald, again, this is quite disturbing because I think there were several meetings that we had asked when the application for those unpermitted structures had been submitted and we were assured by yourself and I believe even somebody else from your department that that had been done already up until even the last meeting. I knew that wasn't the case as I had checked with the Planning Commission and they said that they had not received the application, number 1. So it is real important to get accurate information to the Council. I mean, that is the reason why we ask you this information. The question was, when was the application submitted and accepted. I mean, you are saying there were correspondence back and forth. I don't care whether there is correspondence going back and forth, but you had come forward and had assured that the application had been done at Planning and that it was going to, in essence, be scheduled and I was wondering why it wasn't scheduled and that is why we checked with Planning.

Mr. Fujimoto: I apologize if I misled the Council. There was a lot of information that had to be worked out with the contractor, additional information that is required for the SMA amendment and that is the thing that was worked back and forth. I was led under the impression that, yes, we had all the information. I think as late as February, I just talked to the contractor and he said that they were still working on trying to get documents that Planning Department were requiring all of them for this amendment application.

Ms. Iseri-Carvalho: And then there is a question of, really, when you are saying it is the applicant, the applicant of the SMA permit which is the Department of Public Works which is a County agency, I would think that the applicant would be the person that we have the contact information with Planning. I mean, right, if you are the one who is applying, why would you not be privy to the communications that are going on with Planning and with the contractor?

Mr. Haigh: Maybe I can answer that. This process started in September. We contacted Planning, notified them about this situation and worked with them on how it was to be best handled. In October, we sent a letter to the contractor notifying them that the Planning Department wants to do an SMA amendment and we need them to work with Planning to coordinate and make sure they have the application (SMA amendment application) put together and all the back up document. On December, we sent another correspondence to the Planning Department notifying them that we wanted to do an amendment and that the contractor would be working on the supporting documentation necessary for that amendment.

Ms. Iseri-Carvalho: I know, but if you are the applicant, then the supporting documentation should go to you and you attach it on your application to be submitted to Planning.

Mr. Haigh: And, clearly, prior to Donald's signature on the final application, Public Works reviewed the documents and submitted it as a formal application. But in order to expedite the process which certainly doesn't seem like it was expedited, but in order to expedite it, we allow our consultants to work directly with the Planning Department to get the right information. This is on many of our permits, we do the same thing. We have a consultant who acts as our agent, our representative, they work out the details with the agencies that are giving the permits and then we sign off on the final permit documents.

Ms. Iseri-Carvalho: Doug, the question, again, becomes... the person that provides the information to the Council while you guys are here, should be the person that is the person in charge of the information. So when we asked whether or not the permits have been submitted and we get responses that say, that in fact, the request for the amendment to the SMA have been submitted and they have not, then there is a concern about how these developments are taking place. That is what I am saying. I don't care what your process is whether that is the normal process that happens or not, but ultimately, the responsibility is the Department of Public Works because it is the applicant for the SMA permits. So whether or not it is submitted or not, that answer should be accurate by the person that is submitting the application.

Mr. Fujimoto: Yes, you are right. The reason why it gets complicated is the fact that this amendment was actually the responsibility... I mean, the requirements to fulfill the amendment is actually the requirements of the

contractor. Their contract really states that they are responsible for getting all necessary permits. Again, we are the applicant because we were the applicant of the original SMA and this is an amendment rather than a new SMA which it is, therefore, whether it came through us or not, we still would have to go through the contractor to get the information because they were responsible for providing this information.

Ms. Iseri-Carvalho: And I am not...

Mr. Fujimoto: We were trying to circumvent or trying to short circuit that process by allowing the Planning to go directly to the contractor. I mean, we were aware of what was required. I mean, Planning told us and we just trusted the contractor to come up with the information. Some of the information, just to tell you, took some time and it was the fact that Planning wanted to see how the shoreline certification related to all areas of the variance and the contractor to go back and kind of get information and try to overlay it on their design. I know it took a while because they were saying that they were constantly working and trying to get the additional information.

Ms. Iseri-Carvalho: And then, Donald, I guess, my answer would be... then the answer when we requested whether or not the SMA permit had been submitted and accepted would have been, no, that we were still working on it, instead of, yes, that it had.

Mr. Fujimoto: That is right.

Ms. Iseri-Carvalho: So that is what I am saying. I mean, just provide accurate information for us, so we can work accordingly instead of giving inaccurate information that we need to go check and when we actually utilize our efforts in checking and then we find out that that wasn't accurate at all. And so it is a matter of credibility of the kind of information that you are providing.

Mr. Rapozo: Thank you.

Ms. Iseri-Carvalho: I guess for that question, that is all that I have.

Mr. Rapozo: I have one question. Donald, would it have been quicker if we had just allowed or required the contractor to be the applicant as if... if I heard you correctly, you said that the contract requires them to get all permits?

Mr. Fujimoto: Technically, we couldn't do that because we are the original applicant of this SMA permit, so we would be the applicant to amend the SMA.

Mr. Rapozo: Isn't the amendment and maybe this is for Planning, Ian. Isn't the... an amendment or an application to amend an SMA, isn't it treated as a brand new application?

IAN COSTA, PLANNING DIRECTOR: No. A brand new application would be assigned a whole other permit number.

Mr. Rapozo: Right.

Mr. Costa: And an amendment contains the same permit.

Mr. Rapozo: What about the requirements of the permit? Does anything change between an original permit and an SMA amendment?

Mr. Costa: Well, the submittal for the amendment needs to still be complete if that is what your...

Mr. Rapozo: I am trying to figure out if it requires the same effort and same requirements as far as Planning is concerned in an application for an amendment to...

Mr. Costa: It could be. If it is significantly... if it is a significant change, yes.

Mr. Rapozo: And who makes that determination if it is significant or not?

Mr. Costa: It is between the department and the commission.

Mr. Rapozo: And in this case, it hasn't gotten there yet or? Where is...

Mr. Costa: We received it yesterday.

Mr. Rapozo: Okay.

Mr. Costa: Part of the reason it has taken a while is that we wanted to make sure that it showed enough exhibits to properly explain what the amendment is.

Mr. Rapozo: And I heard Donald mention some of the shoreline. What was the requirement from Planning regarding the shoreline certification on this specific amendment?

Mr. Costa: We haven't, actually, we finally got a complete or what we had been asking for all this time, I think it then allows us to look at exactly where these are and they have provided a survey distance from any adjacent shoreline. Like I

said, we received it yesterday. Depending on what those exhibits show, we may be requiring additional shoreline surveys as well as certification.

Mr. Rapozo: Okay, thank you. At this point, has it been formally accepted... there an opportunity to...

Mr. Costa: I guess I would hesitate to say formally accepted since we just received it yesterday and we are going through to make sure that we have the information to properly notice it, to properly explain it if you will to the Commission.

Mr. Rapozo: I am glad that you came Ian because I have to tell you, you know, I am sure that everybody gets the same e-mails that I do regarding how the Council is holding up the process. I heard on the radio the other morning (very disturbing), the DJ saying that I want to commend the members of the Council that have really tried to make this project happen and I want to scold the few that is trying to hold this up. I take that personally because, obviously, everybody knows that I am one of the few that have been perceived to have held this up. The reality is, this was back in September. Reality is, we were told that Shaylene said that, you know, the SMA permit application had been filed and today we find out that it has finally been... not even accepted, but received yesterday and the fact that the issues that we are concerned about are being addressed. I want the public to understand that. It is not a matter of holding up a project and I think Councilmember Kouchi said it best at the last meeting. But when we read those e-mails and the perception out on the public is just not accurate. It is a process that needs to be done and we don't have control on how long it takes. If there are concerns at Planning, if there are concerns at Public Works, those need to be addressed and it will be and I am very happy to hear that they are being addressed. I just want to make that comment because, you know, the public need to know that it is not an attempt to stall this project.

Mr. Costa: I guess I feel like I should say that, initially, when we all found out, I believe for about a month or month and a half... even though from day 1, it was our position that the commission is the authority to look at any amendments. I believe we debated that for a month or month and a half which ultimately ended up in an attorney's opinion I believe. So quite honestly, we didn't... in respect for this body, we didn't go charging ahead until that was clear.

Mr. Rapozo: Yes, but, you know, the request on the radio, the request in the letters are to write your Councilmembers, not write to the Mayor, not write to Public Works, not write to Planning, it is write to your Councilmember because they are the ones holding it up and I just take serious offense to that because that is just simply not the case and I appreciate that clarification. Thank you.

Mr. Costa: I apologize for being late, but I just figured it would be better to be late with an answer, than to come on time without.

Mr. Rapozo: And I appreciate that. Thank you. Councilmember Kouchi?

RON KOUCHI: I guess the first correction that I would have, Ian, is that shouldn't have been with respect for the Council that the Administration didn't charge ahead further. It should have been in respect to the Planning Commission. The application for the SMA permit was approved by the Commission.

Mr. Costa: That is correct.

Mr. Kouchi: The Planning Commission discussed and came to a final decision of what the structure should look like and where the structure should be located and the SMA law was specifically written, so that the Commission could regulate location and aesthetic qualities of buildings in the shoreline area to protect view plains. And, really, to have, arbitrarily made a decision to go in a direction contrary to what was approved, you know, again, flaunting the authority of the Planning Commissioners and it is kind of confusing because we are here talking about an amendment, so most people watching would be thinking that, well, there was a plan and now there was a new and better idea for a plan. So before we charge forward, now, we are coming and we are following all the process to get that amendment, so that we can alter the plan and now do something. But in reality, the amendment is saying, you know what, without any input, we already changed the plan. And without coming to get the necessary approval, we just did this on our own and now, by the way, we want you to now amend it to say that what we did is okay. And I think that has always been the simple point of the Council is that it is not okay. There is an SMA law for a purpose. The SMA law is an important one and, you know, should have been followed and as we are trying chastising members of the general public to be sure that they follow that law that we need to set the right example ourselves. It is hard now to police people when we are not doing it correctly ourselves. I do have one question, is part of this amended SMA application in an area that is covered by the CDUA permit?

Mr. Costa: I believe so.

Mr. Kouchi: Then my second question would be, based upon the report or information given to us several weeks ago by Deputy Attorney Itamura. We were so focused on rule number 6 of shoreline certification. Kind of lost in the whole discussion was him pointing out in the Hawai'i Revised Statutes for a valid CDUA permit to exist, you need to be in compliance with all governmental laws, rules and regulations. And much like 19.13, if you now violate the conditions of your permit which we have done because we are now filing an amendment, you voided your CDUA permit. So how do you propose to go to the Commission and rectify this without having now a new CDUA permit? I don't believe we have one that exist

and there is no way that the County can say, you know what, we just made right what was wrong and tell the State agency and the Attorney General what to do.

Mr. Haigh: We deferred to Department of Land & Natural Resources on the issues as far as the conservation district use permit and they are the ones who administer that program. The design builder is in discussions with them. Of course, I think you are aware that we need to extend that conservation district use permit which we had discussions with the contractor in December. Our understanding is that they were working on that as a... that time, so my understanding is that there is a request into the Department of Land & Natural Resources to extend that permit. They did approve the construction plans for this project which included the rest areas that are within the conservation district, so the permitted plans we had from them showed those. You are correct, it is very appropriate for us to notify them, the results of the SMA permit amendment when it gets done.

Mr. Rapozo: Doug, if you heard Ron correctly and what he said was, as of today, we don't have a CDUA permit and if we don't have a CDUA permit, then you cannot extend a permit that doesn't exist. I guess what Ron is asking and what I will be asking is, is in fact, our CDUA permit valid at this point?

Mr. Haigh: I would defer to the Department of Land & Natural Resources whether or not that permit is valid. I am sorry that I am getting a little worked up here, but they are the authority for that permit and they have not given us any communications contrary.

Mr. Rapozo: Okay, don't have to get mad. I am asking...

Mr. Haigh: I am sorry, it is just that...

Mr. Rapozo: I am trying to address all the questions from all members of the Committee and if you don't know the answer, that is fine. We can ask DLNR and, anyway, any other questions Committee members? Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: I guess with the respect to the CDUA permit that you say that you need to defer to the DLNR, you are aware, then, that that permit is set to expire on March 24, is that what you are saying?

Mr. Haigh: That is correct and we had discussions in December with the design builder because we knew at that point because of the equestrian concerns that construction was certainly going to go beyond that date. So they told us at that time, that they were going to pursue and get the extension.

Ms. Iseri-Carvalho: So what is the area that is covered by the CDUA permit?

Mr. Haigh: It is from Keālia Beach north.

Ms. Iseri-Carvalho: And that is the only area from Keālia Beach all the way to, I guess, the end of point was Kumukumu Stream?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: And my next question is for... but I just want to point out, though, Mr. Chair of this Committee, that in the CDUA permit, it does indicate as you are well aware of, Doug, that the conservation district use application is approved subject to these conditions. The number one condition is that the applicant shall comply with all applicable statutes, ordinances, rules, regulations and conditions of the Federal, State and County government and it also says that if there are failure to comply with any of this... well, before we even go there, it says, any work done on the land shall be initiated within one year of the approval of such use and unless otherwise authorized, be completed within three (3) year of the approval. The applicant shall notify the department in writing when construction activity is initiated and when it is completed. It says, number 21, failure to comply with any of these conditions and I have listed two (2) of them that I find applicable. There are many more that are applicable. Failure to comply with any of these conditions shall and it is mandatory language shall render this conservation district use permit null and void. So there is a concern that, here, maybe you are having discussions, but that clearly is different from what the application permit states. Because it does state that if you do not comply within three (3) years, then it says, failure to comply shall render this conservation district use permit null and void which imply that you would have to go back again and get a new permit. Now, that is what the language says here. It is not my language, it is the language that is in the permit, so when you say you are having discussions, there is a concern that if the permit actually says that it is going to be null and void, that you would, in fact, have to get a new permit based upon that language. That is all that I am saying with respect to that. And then I have another question with respect to the process for the SMA, Committee Chair.

Mr. Rapozo: Go ahead.

Ms. Iseri-Carvalho: So, Ian, can you tell me which section of SMA rules and regulations allow for the amendment? What is the process for the amendment of an SMA permit?

Mr. Costa: I cannot cite that for you right now.

Ms. Iseri-Carvalho: Do you want to borrow it and then we can take a recess?

Mr. Costa: If you can put it in a communication. That wasn't one of the questions.

Ms. Iseri-Carvalho: I think as a matter of planning, there must be people that come forward and ask for... I mean, how many people ask for amendments to the SMA permit?

Mr. Costa: Yes, well, do you have them... I think you can better cite it for us.

Ms. Iseri-Carvalho: I just want you to point out what section authorizes the process of evaluation for amendments to SMA permits?

Mr. Costa: Okay, I can have that answer for you later.

Mr. Rapozo: Okay, anything else? Committee members? Councilmember Furfaro?

JAY FURFARO, EX-OFFICIO MEMBER: Mr. Chair, I am a non-committee member, but I just want to visit on this as the Chairman of the Finance Committee.

Mr. Rapozo: Sure.

Mr. Furfaro: Donald, I think... thank you for all of those answers that you brought us up to date on, but I just want to make sure I understand when it comes to what may be challenged in the future about possible penalties related to the delays in the project and so forth. Is there a specific piece? I know we are the applicant and maybe Doug can help with this. We are the applicant, but the contractor is, in fact, acting as our agent. It is very clear that there is probably some responsibility on his part that we should document for the purpose of any kind of damages he may pursue with us the fact that if we get caught up in a delay because of something that was inappropriate in the application, we need to clearly document that he was part of the process as representing the applicant, which is the County as the agent. In your mind, that is very clear? I will acknowledge that you nodded your head, yes, so that everybody knows that I am asking a very reasonable question when it comes to my responsibility to make sure that we protect the financial aspects of the County. So the answer is yes?

Mr. Fujimoto: Right, and thank you for making that clarification.

Mr. Furfaro: So there is an equal part on the contractor as the agent for us to be equally involved and urgently responding to getting these application corrected?

Mr. Haigh: That is correct.

Mr. Furfaro: Thank you very much.

Mr. Rapozo: Thank you. Any other questions for question number 1? If not, we will move onto to question number 2. What cost have been incurred to date for the entire bicycle/pedestrian pathway project? Please include funding sources, grant sources, in kind matching sources, and what, if any amounts are reimbursable by the highway grant? I know that...

Mr. Fujimoto: I believe we did draft up something and we are going to incorporate it in the response from... I guess we can make copies. There are some tables and some...

Mr. Rapozo: Let's go to number 3 while staff is making copies. What are the plans for the current alignment of the current alignment of the bicycle/pedestrian pathway in the vicinity of the Wailua Golf Course? Doug, thank you very much for the tour yesterday. We did go and actually go the entire the length of the proposed route and I heard you... were you planning on doing a PowerPoint today, is that what...

Mr. Haigh: Well, I had originally put... see, the first correspondence and you asked for an update and specifically talked about permitting issues.

Mr. Rapozo: Right.

Mr. Haigh: So I did a general PowerPoint going over the total path talking about the different permit issues and in there I have showed what the preferred alignment is for the golf course. But since that time, we moved the one that was going along the north edge of the 12th hole to go to Leho Drive instead. So that... I don't know if that PowerPoint is really relevant at this point to go through.

Mr. Rapozo: We, then, we will probably not do the PowerPoint. Are there any questions pertaining to the Wailua Golf Course alignment?

Mr. Haigh: And just one quick one. I did get DVD's made of the public information meeting that we had which specifically focused on the Wailua Golf Course. I meant to draft a letter today to... hopefully, I will get back to my office and do that to transmitting each and everyone of you Councilmembers a copy of the DVD of the full meeting. Two (2) Councilmembers were able to make that meeting, but I think it would be really beneficial for all of you to... if you get an opportunity to watch that DVD, so we will be sending that to you, plus the minutes from the public meeting.

Mr. Rapozo: Thank you. Any questions on the golf course alignment? I will say Doug that we did go the entire span of that course. As we explained yesterday, there are some concerns about the narrowness of some of those areas between the ditch and the water or pump station I think is one area. I can't remember what that other hole is, the one that is really up... right up against the t-box. I think

other concerns of mine were the trees that will have to be moved or removed. In certain parts of that alignment, I think that is a cause for concern. I don't know how practical it is to ask our consultant or whoever is doing the planning to provide for us a map that will accurately depict the actual spacing between the various... between the ditch and the fence and the path and then the golf course. Is that something that they could...

Mr. Haigh: Part of the consultant contract is to prepare conceptual design which really gets up to 35% and he will be providing... locating the path on the plot plan.

Mr. Rapozo: Okay.

Mr. Haigh: So we will be pretty close. Now, a lot of that will be final design issues, but the key pinch points that we are talking about, he is very well aware of those and is focusing on the best solution to address those. So in these conceptual plans, we should have those items identified and when those plans are done, it will certainly be appropriate for us to come and share with you and at least give you the plans. You can look at them and if you want us to make public presentation on them, we could.

Mr. Rapozo: Yes, and I think that would be helpful. I was not aware of... I think the trees are a concern. Some of those trees are actually will be beneficial to have removed for safety reasons for the golf course, that was quite obvious. But there are, I believe, a kamani tree or a couple of kamani trees that are very old and that seems to be right in the path of the path. I think once we have the conceptual and we can actually put an overlay of the actual path down to see exactly what has to be removed, I think that would be helpful for the community as well. On top of that, the cost, what is the estimated cost of that route now with the wall. The eight (8) foot wall that is going to separate the path and the golf course as well as the four (4) foot fence that will be... I shouldn't say, wall, we will use barrier. The four (4) foot barrier that separates the path from the ditch and then the eight (8) foot barrier that will separate the path from the course. So I think an estimate as to what the cost will be, what the materials will be, I think that will help us here as well as the public understand what that will entail. Is that something that...

Mr. Haigh: Absolutely, in fact, that is something that I am anxiously awaiting for, but he... he still hasn't made all the adjustments we made from what we had at the public meeting. And with this conceptual plan and then we will get our best estimate to date and at that point, we will have the best estimate that we will have until we get to the design and that will be forthcoming as part of his contractual requirements.

Mr. Rapozo: Do you have a timeframe on that?

Mr. Haigh: I don't have a commitment.

Mr. Rapozo: Six (6) months?

Mr. Haigh: I would say with three (3) to four (4) months, we should have that information.

Mr. Rapozo: Thank you. Any other questions pertaining to that question on the golf course alignment? Go ahead Councilmember Bynum.

TIM BYNUM: (Inaudible)... you mentioned that there is a DVD for the last public meeting and know that somebody from Hō'ike was filming, was that going to be broadcast on Hō'ike? Do you know?

Mr. Haigh: I don't follow Hō'ike's schedule. I would have assumed that it had already been broadcasted, but I don't know for sure. That was part of the intent of having them there.

Mr. Bynum: Right, so you can make that... you are going to make that DVD available for Councilmembers?

Mr. Haigh: Yes.

Mr. Bynum: And I guess we could make it available to the interested members of the public if they were interested.

Mr. Haigh: And I would like to thank the IT Department publicly for making those copies for me.

Mr. Bynum: And that was the fourth public meeting regarding...

Mr. Haigh: That is correct.

Mr. Bynum: This segment of the...

Mr. Haigh: And it was the one we did especially to address the golf course issue. We sent letters out to every person who had signed the petition as a concerned golf courser... golf course person that we could have a valid address for and I think we ended up sending out 200 personal invitations to come to that public meeting.

Mr. Bynum: Thank you.

Mr. Rapozo: Thank you. Any other questions Committee members? If not, Councilmember Furfaro?

Mr. Furfaro: Thank you. Doug, thank you for this summary piece passed out on the revised estimated cost. It is very complete and I do want to make reference to page 2 under the running balance of contributions.

Mr. Rapozo: Hang on Jay, we are finishing up question 3 first.

Mr. Furfaro: Okay, just since he passed this out, I think I got ahead of myself and I will wait. Thank you.

Mr. Rapozo: Thank you. Any other questions pertaining to the golf course alignment? Council Chair?

BILL "KAIPO" ASING, EX-OFFICIO MEMBER: Yes, Doug, is the pathway along the golf course in its final stages? Let me make reference to the wall. So that is the way that you are going to do it? There is going to be a six (6) foot wall, eight (8) foot wall, what is it?

Mr. Haigh: Our commitment is to have a solid wall between the golf course and the path. The height of the wall varies depending on the hazard conditions. It is very possible that... some of this... we have to get in conceptual design stage and really look at how we are going to do that and then it will get further massaged in the final design stage and how we are going to do that. But we are committed to provide the visual barrier between the golfers and visual and also additional sound barrier between the golfers and the path users and we are committed to provide a safety protection to the path users. Those are two (2) items that the Administration is committed... absolutely committed to.

Chair Asing: What about the visual impact of the general public driving along the course? You drive there now, it is flat, you look out, there is a golf course that you can see that is visible. You are going to put a six (6) foot wall, concrete wall, along the highway there? That is, you know, you are not going to get my support and I am going to tell you that. To put a wall in an area that everybody drives and looks at the golf course and you put a wall there, a six (6) foot concrete wall blocking of the view for the public. It is not environmentally sound. That is awful. I will not agree to that and I think you are going to get the public up in arms when you put that wall. The wall is expected to go from approximately where the ditch crosses the highway and go to the golf course, am I correct?

Mr. Haigh: Actually, it would go from where the golf course is adjacent to the highway, that is where the wall would go, the entire length of the golf course adjacent to the highway.

Chair Asing: You are crazy.

Mr. Haigh: What the final...

Chair Asing: That is nuts.

Mr. Haigh: Design of that wall, what it is going to look like has not been finalized. There are different alternatives and at the public presentation, some of that was discussed and there were slides showing possible ways to treat that wall, so it would look more like vegetation than just a wall. It is important, I think, to... I understand the first reaction, but I think it is important to give us a chance to at least present options to how to make this thing work.

Chair Asing: I don't care what you do with the wall. I don't care. The fact that you put a cement wall blocking the view to the course and the ocean is ridiculous. I don't care if you paint it green, if you put a vine that is all green, just the wall in itself, you are blocking that view. We had Pflueger... you remember that issue on the mound? Just the mound, the berm caused an uproar. Now you are putting a wall there, what do you think you are going to do to the general public? It is absurd as far as I am concerned. I just don't agree and cannot agree to that. I think you are going to have to go re-look that item and that is the reason I asked, is it in the final stages? If it is in the final stages, I will suggest that you look at it again. You are not going to get my support on that for sure that I am going to tell you now and I don't believe you are going to get the support of the general public. Just imagine, driving along there, you see the ocean, you see the flat golf course and you are going to put a wall.

Ms. Yukimura: Chair, is there any view of the ocean?

Chair Asing: Yes.

Ms. Yukimura: I don't know. I mean, I agree with you about the view of the golf course, it is very nice especially when they take away the horrible temporary maintenance shed, but I just want to be accurate in terms of ocean view.

Mr. Haigh: I think the view plain impact can be analyzed because you are not necessarily right up against the wall. You are not necessarily... in some places when you are driving, you will be higher than the wall and the topography is such that it rises up away from the walls. So it is not... I don't think you are going to have a situation where you are driving in this corridor... kind of like, going from Kap... (change side of tape)... your final determination to present to you the solution and look at view plain issues and try to simulate how it is really going to affect... it is your perspective where you are and how their topography lays on how much impact that wall will have to your view to the golf course. Your comment was brought up at the public meeting and I agree that it is very nice seeing golf course and we certainly don't want to destroy that view plain.

Chair Asing: Thank you.

Mr. Rapozo: In the original EA that was done on that segment, was that wall part of that?

Mr. Haigh: The draft EA had fencing.

Mr. Rapozo: What kind of fencing?

Mr. Haigh: We were representing a chain link fence at that time.

Mr. Rapozo: Of about how high?

Mr. Haigh: It varied depending on the safety requirements?

Mr. Rapozo: Did it get up to eight (8) feet?

Mr. Haigh: Over eight (8) feet.

Mr. Rapozo: And that was addressed in the EA?

Mr. Haigh: In the draft EA, yes.

Mr. Rapozo: Thank you. Councilmember Bynum?

Mr. Bynum: I just think this situation is interesting in that it is that idea of trying to balance... concerns of all members. Initially as you mentioned in the EA, the wall wasn't solid, everywhere, it was only solid in certain key areas like it was next to a t-box. And then to try to respond to the concerns of the golfers who basically... many of whom were saying, I don't want to see those people on the path, I don't want to know they are there and then they morphed into, well, let's make the wall solid then. So there was discussion about how that impacts the view plain. There are areas where I don't think any wall is necessary because it is not a safety issue in terms of golf balls and stuff. So I just want to say that, you go this way, and then you go this way, the bottom line is that, you know, there is probably a middle ground and I was... personally, I thought, oh, solid wall all the way, but, you know, some of those is perspective about what it is going to be the impact like Doug was saying. There are places where the wall won't be a problem. There are places where it would be nice if it was screened or no screening. That is the way it was originally designed and then to try to address the concerns of golfers... I don't even want to know those folks are there and then came up with this wall idea.

Chair Asing: Tim, I understand that. You are talking about the golfers. I am not making reference to the golfers, I am making reference to the general public that drives along this highway.

Mr. Bynum: I agree.

Chair Asing: You look out and you see the golf course, it is flat and you are going to take this golf course and you are going to put a wall up and that is the concern. Now, there are concerns from the golfers, but did you invite the public there? The public who is going to drive along this area everyday and what kind of view plain are you going to take away from the public and that is my concern.

Mr. Bynum: And I think the answer was, yes, the general public was there, there were golfers and non-golfers and all of those issues were discussed. I'd like to see what you said about the perspective and how that view is impacted in the long run. I think part of the design, final design process, should look at all of those factors, but I think those concerns that I did hear expressed at the public meeting and we will have the opportunity to see the DVD of that. But it is finding that balance of how do we accomplish the goal of safety and pedestrian and public use and minimizing the impact to the golf experience. You know, Ed Okamoto was involved in all of these processes and, you know, he is putting his input in on behalf of that. I would like to see that, more information about how the visual plain will be impacted.

Mr. Rapozo: And I am sure that we will see that in upcoming months. Anymore questions about the alignment on the golf course? If not, let's go back to question number 2 which is the question that pertains to the cost and we did just get the copy of... it is labeled Exhibit B. Any questions on the... Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: I have a question. It shows here, Donald and Doug, the project cost on the second page of \$35,342,300. Is that how much we have expended? That is the project cost?

Mr. Haigh: No, this second page is showing projected cost and a lot of these cost are very preliminary stage.

Ms. Iseri-Carvalho: Doug, that is why I would refer to the question. The question of March 12.

Mr. Haigh: Which is the first page.

Ms. Iseri-Carvalho: What cost have been incurred to date for the entire...

Mr. Haigh: Yes, the first page provides the cost incurred to date.

Ms. Iseri-Carvalho: Okay, so that is \$12 million?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: And then we wanted... the other question was, there were grants that had been received, right?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: So you are saying that we only received, of this, a HUD grant of \$300,000 for the Kapa'a/Keālia and then we only received FHWA STIP grants?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: Okay, what was that grant that Senator Inouye gave?

Mr. Haigh: That is the HUD grant. When we met previously, I remember the EDA grant because we had that from another project, but it was a HUD grant.

Ms. Iseri-Carvalho: So that was inaccurate when you said it was an EDA grant?

Mr. Haigh: That was inaccurate. I said that we are going to have to get back to you and...

Ms. Iseri-Carvalho: So it was a HUD grant that was not Inouye's grant or it was?

Mr. Haigh: Well, it came from Senator Inouye's office. He processed it and got it through to us. It is a HUD grant. It is a... what do you call them again? I...

Ms. Iseri-Carvalho: Heritage?

Mr. Haigh: No, it is... the term when they stick money onto the bills and...

Mr. Furfaro: Earmark.

Mr. Haigh: An earmark, it was an earmark. I wasn't going to use that term.

Ms. Iseri-Carvalho: And when was that received? Do you know?

Mr. Haigh: That would have been... that money was used to do the planning work, so it would have been in 2000 somewhere. Wait, don't write that down. Let me get back to you if you want the actual information. I don't want to give you misinformation.

Ms. Iseri-Carvalho: And that is good. We have this FHWA, okay, do you have the dates for when we received this grants?

Mr. Haigh: Absolutely.

Ms. Iseri-Carvalho: Okay, go ahead.

Mr. Haigh: Not with me, but we can provide those to you.

Ms. Iseri-Carvalho: Okay, and I guess... so these were the only source of funding. The HUD grant, the FHWA grant, the County match, we also had this CIP bond fund.

Mr. Haigh: And that is correct.

Ms. Iseri-Carvalho: And these were given... when were these provided? Do you know?

Mr. Haigh: The bond funds for Lydgate Park were part of the Lydgate Park bikepath project, so we did use 48,000 some odd dollars of County funds and that would have been during that project time. And then Kapa'a/Keālia, these were the funds that we used to supplement the HUD grant to do the planning work.

Ms. Iseri-Carvalho: It was like a match or...

Mr. Haigh: It wasn't a required match. The grant was 100%, but the contract value, it wasn't enough, so we needed to supplement it with additional funds.

Ms. Iseri-Carvalho: So these were actually cash amounts that the County provided in addition to the in-kind that we got?

Mr. Haigh: These are bond fund moneys that were used.

Ms. Iseri-Carvalho: County cash, right?

Mr. Haigh: Right, correct, well, bond.

Ms. Iseri-Carvalho: Bond.

Mr. Haigh: It is just a little different than General Fund. It is not a General Fund item, it is a bond fund.

Ms. Iseri-Carvalho: Not General Fund, but, I mean, it is still money that the County pay out cash.

Mr. Haigh: Right.

Ms. Iseri-Carvalho: And then this in-kind is all of the land donations when you go to the second page?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: And then you indicate a balance of contribution remaining of negative \$1,386,575, can you explain that?

Mr. Haigh: Okay, what this... I didn't get a chance to see that they were going to give this to you. I presented this in the past and, you know, it takes us through the projects.

Ms. Iseri-Carvalho: And I guess, Doug, the reason why I am raising this is because I saw a different project summary sheet that doesn't match this sheet.

Mr. Haigh: It is very possible.

Ms. Iseri-Carvalho: You know, and that is why I want some clarification.

Mr. Haigh: And sometimes they get adjusted when we get the real numbers and we adjust it. I am not sure if this is the latest one or not. I hadn't had a chance to review it.

Ms. Iseri-Carvalho: It was updated December 18, 2006.

Mr. Haigh: Like I said, I haven't seen this before, so I haven't had a chance to review it, but it looks like with that date and its project modification number 3, these are the most current numbers we have looking out over the whole project. Now, a lot of these funds have not been committed to, have not been obligated and Federal Highway Administration, State DOT are not going to commit the funds if we don't have the balance there. So when you see it start going into a negative amount, they would never award the money that would need to be matched if there is a negative amount there. Also, as I have discussed in previous meetings, we are looking at getting additional soft match approved.

Ms. Iseri-Carvalho: Doug, I am just asking to just explain that amount.

Mr. Haigh: Which amount would you like?

Mr. Rapozo: Hang on real quick. Let me clarify this. Before we go on with this sheet, you have the sheet?

Mr. Haigh: Yes.

Mr. Rapozo: Is this something that we should be looking at right now or should we just all tear it up and throw it away?

Mr. Haigh: I would like time to review it and prepare to respond to it. Like I said, I wasn't... I've seen this before, but in order to give you a clear, precise response, I need a little time to review it.

Mr. Rapozo: Okay, but this is what you just provided to us, right?

Mr. Haigh: This was... Public Works Fiscal gave it to Planning and my understanding, it wasn't going to be on the floor today, so I never did get a chance to look at it.

Mr. Rapozo: Okay, so you are working off the sheet... the front sheet is what we were going to work off today?

Mr. Haigh: And even this I haven't seen before, but I have confidence in what Clint does and I have background information on these numbers.

Mr. Rapozo: Okay. Continue, Councilwoman.

Ms. Iseri-Carvalho: I guess I...

Mr. Rapozo: Yes, I mean I see no reason, but if you have any questions because it is real no sense of working off of a... Councilmember Furfaro, I know you have a question pertaining to this.

Mr. Furfaro: Well, I got a little ahead of myself, but, Doug, maybe when you come back, you can be prepared as I read this sheet from the County people associated with Public Works. So what we have on this sheet is documented appreciated value and I believe we have the appreciation, the land value, that comes to \$7.5 million let's just say. I am rounding the number if you are looking at that sheet.

Mr. Haigh: That is correct.

Mr. Furfaro: And as we fade into the different increments, a certain amount of this, you know, this descending balance appears that is left. But my question here, going forward and this Council worked very hard with Kaua'i Lagoons when we got to the Nāwiliwili/Ahukini portion of this to be able to leverage additional lands for the bikepath to the efforts of both the Council as well as the ownership there. It does not look to me that the appraised value of that portion is included in this descending balance that you have. I think it is very important if you go back to

work on this sheet, that we have a known value of that land because without it, we cannot draw on the Federal money. That is how I read this sheet.

Mr. Haigh: And that specific issue of those lands, we need to move forward on the environmental planning work in order to be able to acknowledge those lands. We have a contract in place and we plan on starting on... the consultants already started work and we plan on having the first public meeting on that in late Spring. So we are moving forward to get that environmental planning work done and once the final environmental assessment is approved, then we can look at evaluating those lands and getting confirmation from DOT and Federal Highway Administration that they will accept them as a soft match.

Mr. Furfaro: Okay, again, I am just putting up a red flag. We do not want to get to the point that as the path moves forward, we end up with a negative checkbook.

Mr. Haigh: Absolutely.

Mr. Furfaro: That we can't draw Federal money. Okay, you are working on the environmental piece and so forth, but this chart as I interpret it as a businessman, it is going to... as it descends, it gets to a negative balance. We want to have the appraised value on what the Council worked so hard with Kaua'i Lagoons and their mutual understanding of this benefit for our community, we want to be able to have a value there that is accepted. We don't want to wait to the point that, you know, the project stops again because we are not financially in a strong position to be asking to draw on that credit. Okay, thank you for that.

Mr. Rapozo: Thank you. Any other questions? Doug, as you go back and try and update these documents, I would ask that you take a step further and following up on the golf course alignment, include those anticipated cost. Also, I would assume that some of these numbers on this sheet is probably too low simply because this was... I remember this sheet from a while back, so I would assume that some of these numbers are quite high. In fact, I remember that this was the sheet that we used when the \$50 million figure was first spoken about. It was off this sheet using today's dollars and it was simply my... I said something like, Doug, in today's figures, we are looking probably at about \$50 million and you said, yes, and that was an estimate and that \$50 million has been portrayed in various ways. But, simply put, these figures are probably a lot more just because of concrete cost and oil cost and everything else. So as you prepare the figures, what I would like to see is as accurate as possible a number including the eight (8) foot wall, the four (4) foot fence, the realignment of the golf course route taking into account the cost of concrete and fuel for the trucking and all of these things to really get an accurate figure. I think that is important that this Council gets the accurate number. Again, we have been accused of a lot of things and I think it is important that the public realize that the bottom line is this: we don't have money right now to complete the path. That is the bottom line. Unless we get some more money, unless we get some

land donations that we can use for a match providing the Federal government even gives us the match, this path may not be completed. That is the reality of this and I think the people need to understand that and it is not about permits, it is about funding and it is bigger than what the media has presented it to be. It is an issue that, we all here seven (7), got to decide on where we are going to go with this. We still have some connectivity issues in Hanamā'ulu along the Moody property. There are other issues that we have to deal with. We are going to be faced with some tough decisions as far as cost, but for us to even consider the future, we need to know the exact number and this was the same numbers, like I said, we saw earlier. I believe that we are well over budget right now and we have to figure out a way to make this happen. So that is what I am asking you Doug, that you go back, put all that in some kind of spreadsheet that we can see really what is the cost of this project. What will this cost be... not just in the areas that we are working on, but, also, put in a figure. If we need to go and condemn land in Hanamā'ulu and I don't know what that might be, but put in an estimate so that we can... an honest estimate, so we can let the public know. It may even be an \$80 million project, we don't know. Now that \$80 million is going to be the new number, but that is the reality of it. We don't know what it is. I can tell you when I said \$50 million, it was based on the 35. Looking at what, today, what we are looking at with a fencing and all of that stuff, I have to say, it is probably a lot more. That is just the reality of it Doug. We cannot deny the fact that this is an expensive project. It is a project that the people want and that is all that we ask and that is all that I am asking is, please, let us know, what the exact or accurate estimate is at this point.

Mr. Haigh: And you are absolutely correct that we need to do that, you need that information... in about three (3) to four (4) months, we should have really good information on the Lydgate to Kapa'a route and the Ahukini and better information on the Ahukini to Lydgate. When we have that information, we should be able to give you a really good update and, at that time, we will also have a good evaluation of the land acquisition cost and potential soft match on the Lydgate to Kapa'a section. So within three (3) to four (4) months, we should be able to come back with a much more accurate, much more representative number with the backup and I can give you... by that time, I will have preliminary appraisals of the Lydgate to Kapa'a lands, so I will do my best to give you the best numbers we can get.

Mr. Rapozo: And I appreciate that Doug. I think that is something that we all can use. Hang on real quick. Any other questions from Committee members regarding question number 2? If not, Councilmember Furfaro and then Council Chair.

Mr. Furfaro: You know, you pointed out here the value of the project when the bids come in and so forth and I also want to point out how important this piece is on the land appraisals because, clearly, that will give us how much money we can leverage. On the flip side, I think Public Works and you are both engineers, you know the term, the other thing is, we might have to make some valued engineering decisions. Like every bridge may not be three (3) "I" beams to cross. Every public

facility may not have the customized terrazzo and tile appropriate. I think you gentlemen know what I am talking about because, quite frankly, the advantage that we have when we get the true estimates and appraisals on the land, that tells us how much money we can borrow and then we want to complete this 100% and we want to do it urgently. I very much want to point that out that the community is anxious to use it, but we may have to use some valued engineering process here. So that we have a good workable path, but it is the best possible path for the best possible price. Thank you for letting me share that.

Mr. Rapozo: Thank you. Council Chair?

Chair Asing: Yes, let's see now, the second page on the Keālia... let's see, 1, 2, 3, the 4th item down, Kapa'a/Keālia Bikepath and you have the project cost, Doug, of \$13,210,000. My understanding is that you show a \$13 million cost there and the initial award for the contract was \$11.9 million, so between the awarding of the contract of the \$11.9 million, did you have some change orders because you have a difference of \$1.2 million added to the award, the contract award price.

Mr. Haigh: I need to review that number and get you the accurate information of what it entails. The current contract amount is not \$13 million. I don't know exactly what it is.

Chair Asing: No, I have it. It is \$11,975,000.

Mr. Haigh: When I say current contract amount with current change orders.

Chair Asing: And that is the reason I am asking. I am asking because there is a difference of \$1.2 million, so we've had change orders of \$1 million already?

Mr. Haigh: No, we have not. I know that the current contract amount is not \$13.2 million. I know that is not correct, but I need to tell you how that number came about. I am going to have to do some research.

Mr. Rapozo: And, Doug, I guess the other, I guess what you are going to do is re-look at these numbers and come back with an accurate schedule of what has been paid to date.

Mr. Haigh: Yes.

Mr. Rapozo: Okay, and then, above that, is the bigger picture that you... in about four (4) months, you can probably get us a better idea.

Mr. Haigh: But as far as paid to date, I am pretty sure that the first page is accurate on that. Clint is very good.

Mr. Rapozo: But we will wait for you to be sure.

Mr. Haigh: Okay.

Mr. Rapozo: Any other questions pertaining to question number 2? If not, question number 4, we will wait for the response. That is not on the agenda. Unfortunately, that specific issue is not on the agenda, so we are not going to talk about that on the floor, but we will await the response from, I guess, Planning I would assume or Public Works. Any other discussion, questions, pertaining to the bikepath? Now is your opportunity or questions of them. If not, I am going to release them and enter into discussion. Yes?

Ms. Iseri-Carvalho: Are we going to get a response from Mr. Costa? He went and...

Mr. Rapozo: Yes, I don't know where he went.

Ms. Iseri-Carvalho: Maybe we can call him back after they are done.

Mr. Rapozo: And if staff could get Mr. Costa back. Anymore questions for Doug or Donald? No, thank you.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: While we await the arrival of Mr. Costa, any discussion from the Committee members first? No discussion? Tim?

Mr. Bynum: Well, I want to make some closing comments, but I will wait for Mr. Costa. And what is it that we are asking of Mr. Costa?

Mr. Rapozo: There was a question of him pertaining to question number 1 on the process.

Mr. Bynum: I thought that was on next week's agenda.

Mr. Rapozo: No, that is this week. Next week is the County Attorney's deal. Any discussion from non-committee members, so I will suspend the rules and Mr. Furfaro?

There being no objections, the rules were suspended.

Mr. Furfaro: Thank you. I do want to say that I think Doug might have missed an opportunity here to present the fact that they seem to be controlling some of the cost as budgeted against the original piece. But I am glad to hear that he will be giving us an update, but I don't want to... anyone to misunderstand on the particular cost piece. It is really important that my determining our leverage with

the appraisals of land gifts that we have, it really tells us that, you know, there is a number that we have to live within because we can only leverage so many dollars and that is the point that I am trying to make that we may have to make... as we move forward and get the path complete, we may have to make some valued engineering decisions on particular material types and so forth that work for the best possible path and that was my point. So, at the end of the day, there is a budget that we have to work with.

Mr. Rapozo: And the reality, Jay, as you... I don't know if you have been down the Keālia Kai portion of the bikepath. There was some... you talk about value engineering, we already spent quite a bit of the money on the, I think, over built bridges. On the over built, what do you call, culvert that... I have a picture although I can't bring it up, but I will have it for you all. I actually stood in the culvert to show the magnitude of this culvert which I think is way over... it is just too big, but these are done and no (inaudible) intended, but that is water under the bridge. But moving forward, I think, not just this Council, but I think the people of Kaua'i deserve to know what the cost of this project is. When the encouragement from the public is to hurry up and get this thing built, I think we have to understand that, with that, comes a cost. Mr. Furfaro, you said it correctly, you know, there comes a point where you have to reassess and say, maybe some of these things have to go. Maybe we need to... I remember you saying that (a while back) we would much rather see the path lengthened than spend all this extra money on the amenities that we could have provided a longer path. So, anyway...

Mr. Furfaro: Well, I want to say that I have not gone with you and Councilmember Iseri-Carvalho. I know that you have been very diligent down there, but I have had an opportunity to see and, yes, there were some opportunities where we could have saved some money on some of the amenities which actually... we don't want to get to the point that, along the way, the amenities are so exclusive that the path is no longer 16.7 miles, but rather only 15 and that is what I am referring to. Depending on Doug folks and they do fine work and I think they had an opportunity to express that they are attempting to control cost going forward in a very difficult construction market. So thank you for the time as a non-committee member to express my concerns on the financial package and getting the appraisal done on the Kaua'i Lagoons gift.

Mr. Rapozo: Thank you. Go ahead Mr. Bynum.

Mr. Bynum: I think for the members of the public that watch the frequent Council meetings about the bikepath, one thing is clear is that it is a complex project. It is a big project and, you know, it is kind of a moving target because things change as we go along the way. Construction cost change, but it is also a collaborative effort in a very large way and that for each segment of this, there are a number of public meetings. It is very clear to me from attending the vast majority of those meetings that the public's input has a very big impact on how things turn out and questions about what amenities should be there, how they should be built are

all brought up in these meetings. And as we discussed today, it was like, should there be a fence, shouldn't there be a fence, is it a screen... it changes based on the concerns put up with the public. In a long run, a collaborative effort can make a really good decision that meets the most people's needs. So the other thing about funding is that, you know, as the planning process moves forward, you get more clarity as you choose alignments, where the path is going to go, and there are opportunities along the way for the County to acquire land which, as Councilmember Furfaro says, leverages our ability to access Federal funds for these types of projects. If you could see a chart and we can provide this chart to anyone who would like to look at it, the acquisition of land in Keālia allowed the County to leverage over \$30 million of Federal funding that we've set aside for these kinds of transportation programs. At some point, as these costs go up, you take away from that segment of the available matching funds, but we have already identified other areas where cooperative land owners who see the win/win potential of this project for enhancing their environment and their properties where they are making other gifts of land or agreements of easement that can be valued. So we have to look at this as we go along. We have to plan in the current environment that we are in and it is a... in the long run, we end up with the benefits for the community, access along our coastlines, safe pedestrian... safety for our communities and some of the elements we attempt to connect the coastal path with our communities to give people options. I think that, in the long run, the oversight of the Council, the public meetings that we have... when we do the environmental assessments, they involve 50 or more public agencies reviewing all of the aspects and that process ends up with a product that we can all be proud of in the long run. So I want to thank everybody's involvement. The public that comes out to the meetings, the Council for their oversight and asking tough questions and the hard work and diligence of the consultants, the various consultants... that is the other thing, when you come to these public meetings, you see, wow, there are these really sharp people out there that are working really hard that try to answer these questions. So I would encourage members of the public to come out to these public meetings, meet with the consultants, talk with them, ask the questions, so that the product that we end up with in the long run is the best possible product.

Mr. Rapozo: Thank you Tim. Councilmember Kouchi?

Mr. Kouchi: Thank you Mr. Chairman. I guess I am a little disappointed. I've tried to be respectful and calm in trying to present the concerns and questions that I have had. Certainly, I am a little disappointed that, you know, Doug had his (inaudible) raised... I am not the one that chose to violate the SMA permit that got us into the pickle. And he has stated, it is a land board decision and the only point I was trying to make is that now that it has been determined by the Administration that the proper course of action in their opinion is not to tear down the structures to comply with the original permit, but to, in fact, seek an amendment to the permit is that let's be sure that we are applying for all of the appropriate permits that we in fact need, so that we can have a legally constituted bikepath when we get to the end of the day. You know, when he keeps saying that we are discussing the extension, it

seems to be missing the point that, again, we may not even have a valid CDUA that exist, so let's make our application for a valid CDUA, so that the bikepath is in compliance. Well, we've had a lot of letters in the support of the bikepath. There have been others who are not supportive of the bikepath and the worst thing that we could do is give them a legal reason to undo everything at the end of the day. The most important thing that we can do to ensure that the bikepath is lasting and is most cost effective is to make sure that we have all the correct permits and that is the only thing that I was trying to ask. Can we please ask the land board what is the status of our permit, not to extend it and the land board will only give the County feedback based on the information that we are presenting to them. So if we are not fully disclosing all of the facts and we get a decision from the land board that turns out later on not to be correct, then, again, we will have failed in our mission to the taxpayers and we will have cost them more money in the long run. You know, we are already admitting the mistake by being at the Planning Commission. Let's be up front with the land board and based upon their determination, let's take the appropriate course of action and at the end, make sure that everything was done correctly and then we can move forward without worrying about any other potential action. I think that was the only point that I was hopefully trying to make and still hope that we will be asking them the correct question. Thank you.

Mr. Rapozo: Thank you Mr. Kouchi. Anyone else?

Mr. Bynum: I just want to respond a little bit to what Councilman Kouchi just said because I heard two (2) words that... and the way that we choose words are really important. And I heard two (2) words that didn't seem to jive. One was, choose to violate the permit and I don't know that anyone choose to violate... made a choice, sat in their office and said, oh, let's violate this permit. I've watched this very closely over the months and there was an SMA permit that described rest areas that as having picnic tables and bike racks. They did not describe roofs. Somewhere along the line, somebody decided to put roofs on. It is clear that and Councilman Kouchi also used the word mistake which I am more comfortable with. It is clear that, at that time, what should have happened is, somebody said, hey, our SMA permit didn't describe these roofs, so let's go make an amendment and we made this mistake. So when the mistake was discovered, my understanding is construction was halted on those immediately then we have to say, okay, what do we do about this mistake and how do we resolve it. And the place where that resolution comes is at the Planning Commission. So what I heard here today was that they have been working with the contractor to make sure that they are very clear about the questions that they are asking of the Planning Commission in order to get their response and I think that is the appropriate way to proceed. I don't think anybody sat in their office and said, hey, let's violate this permit. I think when the discrepancies were found, the construction was halted and then in the ensuing months, we looked about, now, what is the appropriate way to resolve this mistake. That is my perception of where we are at with this. Now other issues have come up and we will be back here next week talking with the County

Attorney's Office about, are there other issues or not, but regarding this one, I wanted to make that point.

Mr. Rapozo: Thank you. Sure Mr. Kouchi.

Mr. Kouchi: And I guess the part left out was the discussion when Mr. Fujimoto and Mr. Costa was here when they, in fact, said, specifically that several of the physical pavilions were to be located somewhere else in the SMA and a conscious decision was made to cluster them to that one side of the park and they thought it would be better facilitating the use and Mr. Costa specifically said in the testimony and we can go back to the tapes to get it, that, in fact, an intended consequence of a conscious decision to cluster the pavilions wound up in a greater walling off of the view corridor. In fact, why the pavilions were spread out is to protect the view plain integrity which is the function of the SMA law. So I certainly was referring to that clustering of the pavilions as the conscious decision having been made in violation of what the SMA did. Now, willful and intending something to be bad is not what I said, but in this particular case, they thought it would be better and, again, that is why I mentioned earlier that it seems not so much a disregard for the Council, but a disregard for the Commission and its authority and the long and careful thought that goes into placement of structures as well as design criteria in the SMA and somebody not fully understanding what, in fact, the intent of the law is. And why that law is in place and why it is so important to adhere to it and to have at least had a discussion should we cluster it, could we take a look visually at what that impact would be and none of those things are going to be in the discussion because we are going to say, we already spent the money, it is already there, we would be crazy to go tear it down, so you have preemptive decision making to the Commission. Having said all of that, as long as we have a valid CDUA and everything winds up being amended and approved, fine. But, you know, willful, I stand by the statement that I made.

Mr. Rapozo: Thank you. Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: Yes, and just as follow up. We seem to neglect to, again, mention that the County is in violation of the H.R.S. and that we have laws that protect people, not only the County, but everybody that lives on this island, that lives next to the shore. Whether you be in Hā'ena or Hanalei or whether you be in Kapa'a or whether you are in Kekaha, it is the entire island and it is the entire State that the law applies to. Clearly, that law states that no development shall occur without a permit in a SMA area. The County has come forward and has admitted that they have not received permits for things that they are required to get permits for. You cannot state that you are going to do a structure and this has happened... people look at and earlier today, we talked about Pāpa'a Bay and we talked about how we need to protect access there because what is going to be the effect on all of those other properties that are just shoreline that protect us from getting access. Yet, we look at this situation as somebody different. The law doesn't apply to the County differently or to the State or any governmental agency

than it applies to a private citizen. Whether it be Mr. Pflueger or Mr. Sheehan or Mr. Smith or anybody like that, we have been closely following all of the violations that have occurred in Kapa'a as well as in Hanalei where they have built these humongous illegal structures on the beach like the County without permits. They have expended a lot of money in it... thousands and thousands of dollars on these structures that prohibit us from going onto that beach and what have we done, well, we have sought to get those overturned by the Board of Land & Natural Resources, we have gone to court and the Caren Diamond case with Harold Bronstein. We have consistently followed the law when it applied to a private citizen and we should consistently follow the law when it applies to a governmental agency. That you need to get your permits before you do a structure and if it is not permitted, some people try to use semantics when they say, let's build a fence and we may have an idea of what a fence is, a six (6) foot fence. Today, we have a different view of what a fence is and I can tell you, there is an illegal fence that exist over in Hanalei and numerous other places where people, even in Kapa'a, where we just visited, the site visit with the County Engineer that they are building on County property. County beach property and we have these fences and we have these trees and we have this naupaka and, to me, those accesses are just as important as Pāpa'a Bay. I mean, we need to treat all of these as important precious resources that should we not protect, are not going to be there for not only us or our children, but their children as well which is what public resources are. They belong to the public forever and whether it be a County facility that is violating the law or whether it be a private citizen, the lady of justice is blind, it should be applied equally. And the end should not justify the means just because Mr. John Doe over in Hanalei builds his huge structure on the beach and encroaches on the beach and takes away our sand and all of that. Why should he be treated any different? Should we allow him to go back to the County each time and get an after-the-fact permit? That is outrageous to suggest that we would allow that kind of activity to happen and it has been happening. I can actually bring forth cases that that has happened even despite the awareness that has been brought by private citizens and neighbors that say, they are building illegally and, yet, they have been allowed to get these... what I consider illegal after-the-fact permitting, so I am trying to find out from the Planning Director what is the process to get a permit after-the-fact, after you violated the law? Is this what we should do when people do things illegally, well, let's just excuse the law and let me make your thing legal? We have another thing on the record with TVR's where people are saying that they are illegal now and that are we now going to legislate and make them legal? Is that what the community wants? It is just shocking to me sometimes how the law somehow falls to the wayward side when they think of money, that money should take precedence. You know, it is something I am not quite used to, so I think that everyone should follow the law equally and that we should not be giving special permits for after-the-fact building that were not initiated in the beginning. I was at a coastal hazard meeting that was put on by DLNR and I was told at that meeting in front of several people there that if there was a violation of CDUA permit and I said if that had expired, then what is the process? What is the remedy? And I was told that the remedy was that they would have to start all over again. So we will have to follow up if that is

going to be the case, but that was by a DLNR official. So, you know, I mean I think rules are there for a reason and they are there to protect not only the County, but they are there to protect private citizens and they are there to protect people like us. You know, your normal public that wants these kinds of things, but we want to make sure that it is legal. And, you know, all of these things that were brought up by Councilmember Furfaro about the bells and whistles, clearly, if you saw the pictures of the kinds of design that have gone into this bikepath, I think a lot of people would have been much more satisfied with the natural and rustic setting and the rural character that this island has as opposed to six (6) inches of concrete along your beach. It is just horrendous, I think, in the visual aspect and Councilmember Kouchi talked about part of granting applications on SMA permits is that you need to consider these factors and those factors are about the view and you see these huge pavilion structures that actually, in my view, destroy the panoramic experience of the entire ocean corridor along Keālia. You know, we all have an opinion about what is best for this island, but, clearly, we are guided by rules, we are guided by objectives, we are guided by missions and they are stated in the law. So I would hope that that would take the foremost priority here and not look, again, as the ends justifying the means because should we allow this to happen in this case, then clearly all those rich landowners that want to build their structures or already have built their illegal structures will be knocking down the doors of the Planning Department to issue themselves their own after-the-fact permitting and how are we to discriminate against them. So with that in mind, Mr. Chair, I would be anticipating what the process is and I hope that there is a process that is in the rules. I could not find it on how we grant SMA permits because I know that they have been granted. The amendments have been granted and, yet, I have yet, in all my research, been able to find something written, so that they are consistently followed. Whether it be a private citizen or a County official or a State official, so I will be waiting for that and thank you for the time.

Mr. Rapozo: Thank you. We will be deferring this obviously and part of the deferral will be getting Ian back here to discuss the amendment process because I would agree. In all the years that I have been here, I don't know. The after-the-fact permit process, I think, is an abused one. I think, really, if you violate the law, then you should restore that structure back to where it was and apply for the permit. That just makes the most logical sense. If you choose, for whatever reason, you know, intent... it may not be intent, but as a landowner, you should know that there are certain requirements that you need to do. Go hire a consultant, go hire a company or go talk to the Planning Department, find out what your requirements are and if you choose to not follow them and, say, maybe I won't get caught and then you get caught, then guess what, tear it down, reapply and get it built. Now, the problem that I have in all of this is that we are the authority. The County is the authority. This County and when I saw County, I mean everybody including the Council wrote the laws. We are supposed to enforce the laws. We are the experts, so there is no excuse in my opinion. There is just no excuse. We should have known better and whether it was intentional or not, for me, it really doesn't matter because we should have known. We should have and shame on us for not. The bottom line is

this, is now that we have recognized what we have done and we need to correct it. Through what means, I think Councilmember Iseri-Carvalho brings up a good question. Is, in fact, is there a process... an authority to issue an after-the-fact permit? This may open up... (change tape).

Ms. Iseri-Carvalho: ... state of mind is not stated in the language of the statute, then you would (inaudible) state of mind which is negligence. Therefore, it is irrelevant when you are talking about a higher state of mind like intentional because that is not what is required by the law. Simply, by doing a negligent act, which in this case, in my opinion, it is... that would clearly satisfy the requirements of the violation under Section 205.

Mr. Rapozo: The problem with this now is, as we have set the precedent, this County has set the precedent with this case, then everyone else will have this case to rely on and we will see an influx of after-the-fact permits. How do you tell somebody no after we did, you know. It is like closing the gate after everything has run away. So, anyway, with that, I will entertain a...

Mr. Furfaro: I had something as a non-committee member. I just want to point out that, you know, this is the body that makes the rules and regulations and in everything that you go through if you have an experience and you discover things that need correcting, then I encourage us to continue to build on setting good policy. If we find that the Planning Department does not have a process that deals with after-the-fact permits, then maybe that is something we need to look at in Committee and so forth. But the other point I was trying to bring across today is, clearly, we are at a point where, you know, we all can't be ma'a, you know, familiar with every moving part in a corporation of this size, but we clearly have a need to handle some damage control and that is why I brought up the piece that when the contractor is acting as our agent as well, it is pretty important to document that because he equally has some responsibility when it comes to challenging us on fines and, you know, not meeting deadlines. It is really important that we evaluate these things on face value and move forward to constantly make improvements to get better at what we do. And if anything, just like with the conservation district use application, I mean, clearly we brought a new sense of understanding. Look, if you encroach into a conservation district, you need to be dealing with the appropriate ruling with the Department of Land & Natural Resources. Again, I just take it in the sense that we need to constantly make improvements, we need to learn as a group, you know, I don't think anybody is doing anything here with any malice, but, certainly, the number 1 thing we should stand forward as Councilwoman Iseri-Carvalho pointed out is, we need to really walk the talk and follow the rules especially setting that precedent. But I don't think that there is anything here that we cannot, as a group, work out to conclude, so that we have a fine Public Works project for the community. And it is good that we have these kinds of dialogue, they are healthy to make improvements. Thank you.

Mr. Rapozo: Thank you.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Just one comment on that Jay real quick is that, you know, this issue was raised back in...

Mr. Furfaro: I understand that and I have been here. I am talking from a standpoint of making improvements in the County.

Mr. Rapozo: I agree.

Mr. Furfaro: You don't get better at what you do if you are not constructive about how you make improvements and that was my point and thank you for the time.

Mr. Rapozo: You know, I guess, for me, when the issue is raised in maybe September and today is March and only now the remedy is being sought. I understand that there were communications, but I bring that up because I think as we go through the process of learning, it is also... there is a responsibility to be open and willing to take constructive criticism and act on that and that is something that I have learned from...

Mr. Furfaro: And I pointed that out. It is good leadership and we just need to be constructive about it and we need to motivate people to do their best.

Mr. Rapozo: Right. Thank you

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Iseri-Carvalho, and unanimously carried, PW 2007-3 was deferred.

There being no objections, the Committee recessed at 12:17 p.m.

The meeting was called back to order at 1:35 p.m., and proceeded as follows:

CR-PW 2007-12: on LEGAL DOCUMENT:

C 2007-146

Grant of Non-Exclusive Water Line Easements, submitted by Building Division Chief for approval by the Council, from Keālia Makai Holdings, LLC, a Delaware limited liability company, to the County of Kaua'i, for:

1. Water Line Easement 1 – (Keālia Beach), TMK: 4-7-007-001; CPR No. 1 (Lot 1A),
2. Water Line Easement 2 – (Keālia Kai Parking Lot), TMK: 4-7-007-027; CPR No. 2 (Lot 27B), and
3. indemnifying the Grantor.

[Approved.]

There being no further business, the meeting was adjourned at 2:09 p.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on May 2, 2007:



MEL RAPOZO
Chair, Public Works Committee



What costs have been incurred to date for the entire bicycle/pedestrian pathway project?

**LIHUE-ANAHOLA MULTI-USE PATH
 COSTS INCURRED TO DATE**

PROJECT PHASE

FUNDING SOURCES

	County-CIP Bond Fund	Herit. Trails HUD Grant	FHWA (STIP)	County Match	Cost to Date
Nawiliwili-Ahukini			1,019		
Ahukini-Lydgate Park			336,495		
Lydgate Park Bike/Pedestrian Path	48,236		2,883,240		
Lydgate-Kapaa			805,348		
Kapaa-Kealia	57,850	300,000	7,713,689		
Kuna Bay-Anahola			0		
	106,086	300,000	11,739,791	*	12,145,877

*see attached distribution for County allocated soft match
 (Kealia Land Contribution)

What (if any) amounts are reimburseable by the highway grant?

Federal Highway reimbursements to date: **10,670,387**

Total Scope of Work Approved to date: **18,927,060**



Lihue-Anahola Multi-Use Path
 Allocation of In-Kind Contribution Among the Various Project Segments
 Updated: 12/18/2006
 Reason for update: Revise estimate for Kapaa - Kealia Bike Pedestrian Path, Project Modification #3

Item	Project Cost	County Share (In Kind Contribution)	Balance of Contribution Remaining
Kealia Land Contribution (donated land)	390,000	97,500	7,449,000
Kealia (Kuna Bay) to Anahola Planning & Permitting	3,000,000	750,000	6,601,500
Kealia (Kuna Bay) to Anahola D/B Construction	13,210,000	3,302,500	3,299,000
Kapaa-Kealia Path D/B Construction	1,242,300	310,575	2,988,425
Kapaa-Kealia Path D/B Construction	3,125,000	781,250	2,207,175
Lydgate to Kapaa Planning & Permitting, Des & Pre ROW	625,000	156,250	2,050,925
Lydgate to Kapaa ROW Acquisition & Construction	500,000	125,000	1,925,925
Ahukini to Lydgate Planning & Permitting	6,250,000	1,562,500	363,425
Ahukini to Lydgate Land Acquisition	500,000	125,000	238,425
Ahukini to Lydgate D/B Construction	500,000	125,000	113,425
Nawiliwili to Ahukini Land Acquisition	6,000,000	1,500,000	-1,386,575
Nawiliwili to Ahukini D/B Construction	\$35,342,300	\$8,835,575	

Length (miles)

Remarks

3.0 CMAQ-0700(56)
 estimated
 4.3 STP-CM-0700(48)
 CMAQ-0700(49)
 2.0 estimated
 STP-0700(51)
 estimated
 4.0 estimated
 CMAQ-0700(57)
 6.0 estimated
 16.3 estimated

Remarks:
 This is an estimate for the allocation of the value of donated land among the various project segments.
 This estimate will be revised as the various projects are programmed for federal-aid. The revised estimate will reflect actual cost and/or updated project cost estimates.
 The billing ratio for the federal share can be 100% only when the balance of contribution remaining is greater than zero.

