

**WATER AND INFRASTRUCTURE COMMITTEE**  
Council of the County of Maui

**MINUTES**

**March 17, 2025**

**Online Only via Teams**

**CONVENE:** 1:34 p.m.

**PRESENT:** Councilmember Tom Cook, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair (arrived at 1:49 p.m.)  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member  
Councilmember Alice L. Lee, Member (left at 2:39 p.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member (left at 3:07 p.m.)  
Councilmember Shane M. Sinenci, Member  
Councilmember Nohelani U‘u-Hodgins, Member

**STAFF:** Keone Hurdle, Legislative Analyst  
Jarret Pascual, Legislative Analyst  
Carla Nakata, Legislative Attorney  
Lori Ann Tengan, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
Ryan Martins, Council Ambassador

Residency Area Office:

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office  
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office  
Jared Agtunong, Council Aide, South Maui Residency Area Office

**ADMIN.:** Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Jordan Molina, Director, Department of Public Works  
Shayne Agawa, Director, Department of Environmental Management  
Eva Blumenstein, Planning Program Administrator, Department of Water  
Supply  
Theodore Leong, Water/Wastewater Operations Training Officer, Department of  
Environmental Management

**OTHERS:** (13) additional attendees

**PRESS:** *Akakū: Maui Community Television, Inc.*

---

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: . . .*(gavel)*. . . Will the Water and Infrastructure Committee of March 17, 2025, please come to order. The time is now 1:34 p.m. May I ask that all participants please silence all noisemaking devices. I am your Chair, Tom Cook. Members, per the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workplace with you today, exclusive of minors. Before we would begin, I would also like to ask the Department representatives who have joined online to please also turn on your cameras when it's your turn to speak. Now I'd like to introduce the Committee Members. Committee Vice-Chair Yuki Lei Sugimura, hello. She's coming. Councilmember Tasha Kama, aloha. Good afternoon.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair.

COUNCILMEMBER LEE: Test.

CHAIR COOK: Council Chair Alice Lee.

COUNCILMEMBER LEE: Okay. The morning...well, the day's greeting is maidin mhaith...and as Pat from Parks said, sláinte. So, this is all having to do with, you know, being...what...the green day.

COUNCILMEMBER U'U HODGINS: St. Patrick.

COUNCILMEMBER LEE: St. Patrick's Day.

CHAIR COOK: The green day.

COUNCILMEMBER LEE: Yeah. . . .*(laughing)*. . .

CHAIR COOK: And aloha and Happy St. Patrick's Day, Councilmember Paltin.

COUNCILMEMBER PALTIN: Maidin mhaith, shloshlaka *(phonetic)*, whatever. . . .*(laughing)*. . . Aloha 'auinalā. Streaming live and direct from my kitchen table. I have with me one unnamed minor, one canine minor, and Mildred H. Paltin. Thank you.

CHAIR COOK: Okay. And good afternoon. Aloha St. Patrick's Day, Member Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou, mai Molokai nui Ahina. I'm at the Molokai District Office, alone on my side of the office. There are currently no testifiers here. Happy St. Paddy's Day and Hau'oli lā hānau to Kamehameha III. Mahalo, Chair.

CHAIR COOK: Councilmember Shane Sinenci is not here. but expected. Good afternoon, Councilmember Nohelani U'u-Hodgins.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER U‘U HODGINS: Good afternoon, Chair. Happy St. Patrick's Day, everyone. I would say the day's greeting, but it was just too hard and I don't want to jumble it up. . . .(laughing). . .

CHAIR COOK: Okay. From the Department of Water Supply, we have Ms. Eva Blumenstein, Planning Program Administrator. Good afternoon, Eva.

MS. BLUMENSTEIN: Aloha, Chair. Good afternoon.

CHAIR COOK: From the Department of Public Works, we have Director Jordan Molina.

MR. MOLINA: Good afternoon, Chair.

CHAIR COOK: And we also have Councilmember Johnson online that I've--welcome and aloha. Good afternoon.

COUNCILMEMBER JOHNSON: Thank you, Chair. Aloha, Councilmembers. Maidin mhaith and shincha (*phonetic*), I guess. It's always important to speak the language of the oppressed. So, hearts out to the Irish folks who's struggling for their independence. I am alone in my workspace, there's no testifiers at the Lānaʻi District office, and I'm here and ready to work. Mahalo, Chair.

CHAIR COOK: We want to welcome Director Shayne Agawa, who's going to be online, and Theo Leong, Wastewater Operations Training Officer. Is he online?

MR. PASCUAL: Chair, I believe they'll be joining us later during the meeting.

CHAIR COOK: Excellent. From Corporation Counsel we have Deputy Corporation Counsel Caleb Rowe.

MR. ROWE: Good afternoon, Chair.

CHAIR COOK: And from OCS, our Committee Staff, we have Keone Hurdle, Jarret Pascual, Lori Ann Tengan, Carla Nakata, and Jean Pokipala. And we always appreciate our Staff. And Councilmember...welcome...Councilmember Sinenci is in the house.

COUNCILMEMBER SINENCI: Aloha, Chair. Sorry for my tardiness, and maidin mhaith.

CHAIR COOK: Okay. Good afternoon, everyone. For today's meeting we have three items on today's agenda: WAI-5 on Flood Hazard Areas; WAI-4 on an Intergovernmental Agreement with the U.S. Geological Survey; and WAI-3 on an Intergovernmental Agreement with the State Department of Labor and Industrial Relations, Hawai'i Occupational Safety and Health Division.

**. . . OPEN PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: Let's begin with today's testimony at the beginning of the meeting. Staff, do we have any testifiers?

MR. PASCUAL: Chair, there's no individual signed up to testify at the beginning of the meeting. Would you like me to do a last call?

CHAIR COOK: Yes.

MR. PASCUAL: If anyone would like to testify, please come up to the podium or raise your hand on Teams. This is final call for testimony at the beginning of the meeting. The countdown is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

**. . . END OF PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .**

CHAIR COOK: Okay. As a reminder, we'll continue to take testimony after opening remarks.

**BILL 28 (2025), FLOOD HAZARD AREAS (WAI-5)**

CHAIR COOK: We'll move on to our first item, WAI-5, Bill 28 (2025), Flood Hazard Areas. Members, this first item is Bill 28, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.29, MAUI COUNTY CODE, RELATING TO THE [sic] FLOOD HAZARD AREAS." Bill 28's purpose is to allow additional flood-prone areas not delineated on the Federal Emergency Management area's flood insurance rate map to be included within the special flood hazard area. I would like to also note that I have a proposed CD1 version of this resolution, which has been uploaded to Granicus and passed out at today's meeting. Before we begin, Director Molina, would you please provide opening comments on this item?

MR. MOLINA: Thank you, Chair. Good afternoon, Members of the WAI Committee. Jordan Molina, Director with Public Works. Thank you for hearing this matter. So, we're here today with a proposed ordinance to amend our Flood Program Code to establish a process to look at adopting flood-prone areas, as the Chair mentioned, outside the existing FIRM maps. And so, some background on this matter. After the wildfires, one of the various tasks of technical support we got from FEMA was to conduct flood-mapping in Lahaina burn zone. The impetus for that is mainly to address the potential for increased sediment and runoff post-fire that can occur when fire removes all the vegetation on the ground. And should a heavy event follow, there is that increased risk of sediment-loading throughout the drainage area into our infrastructure and affecting properties. So, that's what triggered FEMA to offer this flood study for Lahaina post-fire. So, we are in that process now, finalizing those flood studies. So, what came out of that was the discussion about our existing ordinance, and what will we do with that information that FEMA is providing us. So, today is that first piece of the...that puzzle, which is to establish that process by which we would bring this new information that we obtained on flood areas and flood maps, and establish a procedure

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

by which we would adopt those areas to become regulated under the County's flood ordinance. So, that is the proposal we are here requesting consideration on. So, there's two parts to the ordinance. One is directing the Director of Public Works to bring forward that information to Council when it becomes available...when we obtain, either from the State or from the Feds, you know, engineered flood maps to delineate those areas of flooding. So, that's the requirement, to bring that forward to Council, And then the second part is for Council to act on whether to adopt those areas into the flood program to have to require flood permits for those areas. We anticipate the work in Lahaina being ready to go out for public comment sometime in May, which we'll be introducing kind of those new areas we idenif...or that's been mapped as...as being flood-prone, and developing the framework by which those areas would be subject to flood permits. So, that's all I have at this time. Thank you, Chair.

CHAIR COOK: Thank you, Director Molina.

**. . . OPEN PUBLIC TESTIMONY FOR WAI-5 . . .**

CHAIR COOK: Before we...discussion, let's see if anyone would like to provide testimony on WAI-5?

MR. PASCUAL: Chair, there's currently no individuals signed up to testify on WAI-5. If anyone would like to testify in the Chamber or on Teams, please raise your hand or come down to the podium. This is final call...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-5 . . .**

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you, Members. Let's just begin the discussion. We will start with Councilmember Johnson?

COUNCILMEMBER JOHNSON: Okay, sure. Thank you, Chair. I'm just curious, overall, and my first reaction is, how does this affect our flood insurance? The...maybe Director can...I know...I'm not sure who would want to speak on that. But that's one of my

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

concerns, is how does this affect folks? Does it lower their flood insurance? Does it increase it? Is it harder to get? Have we considered that?

CHAIR COOK: Director Molina.

MR. MOLINA: Thank you, Chair. Yeah. So, by being in...part of the flood program, it ensures access to flood insurance. So, some of these properties that currently are outside flood zones could have trouble getting flood insurance. But it is...as you kind of alluded to, it is an additional cost and burden on certain properties, but at the exchange of protecting them from those known flood hazards in those areas.

COUNCILMEMBER JOHNSON: Now, I don't follow much of what's going on at the State level, but I know there was some discussions in regards to condominiums and their insurance, and the State is looking to help out. Director, do you...have you been following that? How does that work with this bill?

CHAIR COOK: Director.

MR. MOLINA: I...I...I am not a expert on that, but the flood insurance is kind of its own animal, separate from any sort of fire insurance or property insurance that those condos might be having to deal with. Thank you.

COUNCILMEMBER JOHNSON: Okay. All right. Well, that's my questions for now, Chair. Thank you.

CHAIR COOK: Okay. Member Kama, questions for the Director?

COUNCILMEMBER KAMA: Thank you, Chair. So, yes. So, this was initiated because of the...after fire, yeah? So, was this...so, does this only apply to the Lahaina area, or could this be applied to...across the County?

MR. MOLINA: Thank you. So, the specific one in Lahaina was a direct result of the fire and that support we got through the FEMA activation. It is able to go broader. So, a second component that's being done is DLNR, with the State, is doing modeling of the stream areas across the County so to better map the flood risk along streams. So, it can be done in other areas. We are beginning...looking at some of our areas in Kihei to do this mapping as well, but it's not cheap. I think FEMA is already in the half-million to million-dollar range just to do the modeling and the mapping required to develop this level of flood mapping.

COUNCILMEMBER KAMA: Uh-huh. Uh-huh. Oh. Okay. So, my second question is, I...I...you know on page 1, 16.29.040 (1)(a)(b)(c)(d), it has these flood area and floodway in Zone AEF...Zones AE. What...what do...what does that stand for? What does that mean, all those acronyms, or initials, or --

MR. MOLINA: Yeah. Thank you. So, those represent the different types of flood zones --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER KAMA: Uh-huh.

MR. MOLINA: -- that are identified. And each of those have differing types of requirements, depending on the level of flood. So, some are shallow flooding so, you know, the mitigations are a lot simpler. But...like, for example, our Zone VE are coastal ones, those are some of the most extreme requirements --

COUNCILMEMBER KAMA: Uh-huh.

MR. MOLINA: -- which can include elevating the structure and keeping --

COUNCILMEMBER KAMA: Uh-huh.

MR. MOLINA: -- it entirely clear based on the flood elevations --

COUNCILMEMBER KAMA: Uh-huh.

MR. MOLINA: -- which can be, you know, 10 to...to 15, to 17 feet in some areas.

COUNCILMEMBER KAMA: Oh. So, when DLNR is going to do their special flood hazard area's delineation, who pays for that? Them? Or does us? Or collectively, we both pay for that?

MR. MOLINA: The current effort underway by DLNR is being funded by them.

COUNCILMEMBER KAMA: Okay. And would that be sufficient enough to cover all of our County, the study that you'll be doing?

MR. MOLINA: It...it...it's focused just on the stream areas.

COUNCILMEMBER KAMA: Yeah.

MR. MOLINA: And so, there can be localized flooding outside of stream areas. So, like in Lahaina, for example, a lot of the flooding we see in the Waine'e area is not directly from a stream per se. It's just the way of the topography of the land drains, and those --

COUNCILMEMBER KAMA: Uh-huh.

MR. MOLINA: -- low-lying areas find themselves inundated when we have heavy storms.

COUNCILMEMBER KAMA: Uh-huh. Uh-huh. Uh-huh. Okay. Thank you. Thank you, Chair.

CHAIR COOK: Thank you. I want to welcome Member Sugimura, and ask if you want to ask questions, or if you want to wait?

COUNCILMEMBER SUGIMURA: I'll wait. But --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: Okay.

COUNCILMEMBER SUGIMURA: -- sorry for being tardy. I was in another meeting. Thank you.

CHAIR COOK: Well, you're more than welcome. And this...good afternoon. Chair Lee, do you have --

COUNCILMEMBER LEE: Thank you.

CHAIR COOK: -- questions for the Director?

COUNCILMEMBER LEE: Yes. Before I start, though, I want to let you know, I have to leave at 3:15 to go to a funeral. Director Molina, with the...the studies that were done, was the public notified...the property owners affected notified?

MR. MOLINA: Not at this time, but we are going to be doing a public outreach effort once we solidify the mapping and have a product that we can take to the public, as well as working on individual notifications to each property owner.

COUNCILMEMBER LEE: So, with us voting on this today, it doesn't obligate the property owners at this point.

MR. MOLINA: That's correct. We are not adopting the map today, so nobody's going to be in a new flood zone after today.

COUNCILMEMBER LEE: Uh-huh.

MR. MOLINA: We're just creating that process so when we do have a map, we can have that discussion.

COUNCILMEMBER LEE: Okay. So, this is enabling legislation.

MR. MOLINA: Correct.

COUNCILMEMBER LEE: Yeah. Okay. I was worried about that. Because sometimes, the property owner is not at fault, it's usually the property above him that oftentimes contributes to their problems of flooding. Okay. Thank you.

MR. MOLINA: Chair, if I may? The kind of flooding we're talking about are not just because your neighbor, it's because the whole mountain that you live on is flooding you out...not just particular your neighbor.

COUNCILMEMBER LEE: Yeah. Well, I meant...you know, like let's say in Maui Meadows or in...in those areas, those big ditches...those big whatever...ravines, whatever you call it, when the people throw their 'ōpala inside --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

MR. MOLINA: Yeah.

COUNCILMEMBER LEE: -- yeah, and there's a heavy storm, the person at the bottom catches it, you know. And so, that's what I mean about the person at the bottom getting --

MR. MOLINA: Thank you.

COUNCILMEMBER LEE: -- you know, the brunt of it. Thanks.

CHAIR COOK: Councilmember Paltin, you have questions for the Director?

COUNCILMEMBER PALTIN: You know that. . . *(laughing)* . . . Okay. So, my first question, you're talking beyond...because you're expecting the vegetation to grow back. So, when you said that this was triggered by that, this is beyond the after-effects of the fire. It's just like 50-year or 100-year storms we're talking about?

MR. MOLINA: Yeah. These are modeled to 100-year storms.

COUNCILMEMBER PALTIN: Okay. Good, good. And then how much does a flood permit cost?

MR. MOLINA: I believe \$440 in the current Rates and Fees Schedule. And that's just . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: And then...so, many of the people may build back before this process finishes? Is...is that accurate, or not accurate?

MR. MOLINA: That's correct.

COUNCILMEMBER PALTIN: Oh. Okay. And then what does the flood permit do? It just requires people to like elevate or something?

MR. MOLINA: Yeah, that's generally the...the requirement, is that the structures are elevated, and that they are not creating conditions that cause...or exacerbate flooding on the neighboring properties.

COUNCILMEMBER PALTIN: And then for many of the National Historic Landmark District or Historic Districts, the recommendation is for post and pier, and backfilling; is that correct?...so that they can get their permits? Would that backfilling contribute to more flooding, or is it better backfilling, and post and pier construction?

MR. MOLINA: On a individual parcel, it's generally not better because it's just...I mean, you save one parcel at the detriment of others. So, really, filling should be done across the flood zone to ensure that it's not creating a adverse impact to the abutting properties.

COUNCILMEMBER PALTIN: Oh, okay. And so, is the County keeping track of the recommendation? Because I think Haole Camp, that was the recommendations because

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

some...some bones were identified that, you know, if people wanted to rebuild in that area to backfill, and post and pier...the Kaua'ula subdivision, sorry.

MR. MOLINA: Yeah. So, if they're in a current existing flood zone, they'll be subject to standards of the flood ordinance when they rebuild. And I cannot say if that's --

COUNCILMEMBER PALTIN: Okay.

MR. MOLINA: -- or generally, yeah, that's not filling up the ground or . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: And then are we anticipating that would...this would trigger more cause for flood permits? And do we have adequate staff to process the permits in a timely manner?

MR. MOLINA: Yeah. I mean, tentatively, right now from the draft mapping, we're in the vicinity of 1,000 parcels that potentially are now subject to flood permits. . . . *(timer sounds)* . . . We're working to kind of refine that number to make sure we're confident behind it. You know, we're...we're growing our Flood Program, and so, yeah, we're cognizant of being able to process those permits timely. But we do have some consultant support to support our flood team. So, we feel comfortable that we'll be able to tackle it when it comes forward. And I guess just to note too, with Lahaina, a lot of it is shallow flooding, so nothing real deep, so that makes things a little bit easier to administer.

UNIDENTIFIED SPEAKER: . . . *(Inaudible)* . . .

COUNCILMEMBER PALTIN: Okay. Holy moly. Best of luck. Thanks, Chair.

CHAIR COOK: . . . *(laughing)* . . . Member Rawlins-Fernandez, your turn for questions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I am supportive of this legislation. I think what...I was looking at the amendments that you had to see what your concerns were that you were trying to address on your ASF, but it looks like it's nonsubstantive. And then I had the same question as Member Kama, and then I was wondering if it would be good to include somewhere in there that the...the zone...the Zoning acronyms--or I don't if they're acronyms, they're just like code--are defined in the definition section above. And then that way if anyone is just looking at this section that they'll know that they...they'll...where to find those Zoning codes because they are defined...well...yeah, they're defined above. And I was looking at the definitions, that I think this is outside of the bill itself, but I was looking for what FIRM stood for. And unlike how FEMA is in quotes, FEMA, and then it...and then it spells it out, FIRM is not FIRM and then Flood Insurance Rate Map. So, I would recommend amending that section because that...I was looking for what FIRM stood for in the definition section, and I had to go Google it because like I couldn't find it. Sorry, more...more just technical --

CHAIR COOK: No, no problem.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: -- input. I don't know if I have like so much questions.

CHAIR COOK: So, let's ask...let's ask Director Molina for a response.

COUNCILMEMBER RAWLINS-FERNANDEZ: About what?

CHAIR COOK: About your question or concern.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, just in...in response.

CHAIR COOK: He can clarify.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I...I...okay. I didn't --

CHAIR COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- have any questions. I...I was making comments --

CHAIR COOK: Director Molina --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but he can respond to the comments I've made.

CHAIR COOK: -- where would people normally find clarification on a flood map?

COUNCILMEMBER RAWLINS-FERNANDEZ: In the definition section.

CHAIR COOK: The definitions.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no. That wasn't my question.

CHAIR COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: All of that is found in the definition section. And so, what I was saying that in 16.29.040, subsection A. Applicability, that perhaps there can be, you know, reference to the definition section, which is 16.29.030...because not everyone is like looking at the entirety of the code. And so, if they're just looking at this section alone, without having access to the section before it and without looking at it--like Member Kama asked like what are these...what do these letters mean? And then if they don't have that section...like this bill doesn't have that section...then someone won't know to look there, necessarily, unless they know how to read our code. You know what I mean?

CHAIR COOK: Okay. Got it.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if there can be a reference to that section under this section, I think that would be helpful for the...for folks that see the bill. . . .(timer sounds). . .

CHAIR COOK: Got it. Staff, you got that? Member Sinenci, you have questions for the Director?

COUNCILMEMBER SINENCI: Mahalo, Chair. And I understand...mahalo, Director Molina. I understand that this will be...the first phase would be creating a map...or the maps already kind of --

MR. MOLINA: Yeah. So, this bill just creates the process for adopting mapping. And we are, with FEMA, working on finalizing the maps for Lahaina.

COUNCILMEMBER SINENCI: Oh, okay. And then just a couple questions that I was just thinking of. Would it require the County anticipating acquiring some properties? Would it include...they wouldn't include paving over streams, or anything like that, or going through CWRM to get all of that? Or does it also affect maybe some of the potential wetlands that are...might be in...in certain areas? I know Hāna, we have some wetlands.

MR. MOLINA: No. So, this pertains to development on private property, and how people build on their property. So, it doesn't affect any...or it doesn't prompt us, the County, to undertake any projects as a result. Part of this program though is for repetitive loss properties...there is hazard mitigation funding that can be supported to buy out certain properties that are problematic. So, that's a mechanism that could...the County can pursue kind of separate from this regulation, which is intended to manage how people build. Basically, so they know, when they building in a flood zone, that they build appropriately, and we don't end up with Kihei where everyone...you know, a lot of that predates the flood program, so none of the mitigations were put into those properties. And so people are surprised when they see flooding, even though we know it floods in those areas.

COUNCILMEMBER SINENCI: Got it. Especially, when we going to be start to rebuild most of Lahaina.

MR. MOLINA: Correct. So, that's...that's what's driving us to have to bring this forward, is we...we becoming aware of the hazard, and for people to also be aware of it. And then the decision about whether, you know, it's just a recommendation to people, or we want to regulate them to make sure those protections are put into place when they rebuild.

COUNCILMEMBER SINENCI: Okay. And...and again, this...I thought Nohe was showing me a map of the entire island, but this is particular to Lahaina for now.

MR. MOLINA: Yeah. So, there's existing...the FIRM maps are for Countywide that exist currently.

COUNCILMEMBER SINENCI: Okay.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

MR. MOLINA: And so, the map for Lahaina would be an expansion of that, to add the additional areas that have not been mapped previously.

COUNCILMEMBER SINENCI: Okay. Thank you for that clarification.

CHAIR COOK: Thank you, Member Sinenci. Member U‘u-Hodgins.

COUNCILMEMBER U‘U HODGINS: Thank you. For the record, I was showing Member Sinenci the Flood Hazard Assessment Tool, where it shows all the different flood zones. It doesn't necessarily give a definition of what all the zones mean, but it shows you where the zones are. I don't think I have too many questions. I do know that the processing is going really well, so I'm super stoked on that. Because it was difficult before, but I heard it's going well. Oh, I guess, I do have one question. For the 1,000 parcels now may be affected by the flood map, that's island-wide and not just Lahaina . . .*(inaudible)*. . .

MR. MOLINA: No, that's just the Lahaina parcels.

COUNCILMEMBER U‘U-HODGINS: That's just Lahaina. Okay. So, then island-wide then, we can assume what kind of increase?

MR. MOLINA: I mean, it depends on what we're going to undertake. But generally, the flood mapping that was done previously was more your coastal hazards.

COUNCILMEMBER U‘U-HODGINS: Uh-huh.

MR. MOLINA: So, like in Lahaina particular, like it...it wasn't really mapped except for what...yeah, the very low-lying areas and those coastal inundation areas.

COUNCILMEMBER U‘U-HODGINS: Wow. Okay. And then the mapping is on...we're still anticipating it to be done next month?

MR. MOLINA: Yeah. Fortunately, we were able to restart with FEMA after the Administration changeover. So, we're moving ahead with finalizing the mapping, and we're on track for about a May, we estimate.

COUNCILMEMBER U‘U-HODGINS: Oh, okay. Okay. Cool. That's all I have. Thank you.

CHAIR COOK: Member Sugimura?

VICE-CHAIR SUGIMURA: This is fabulous. So, I'm sure that our Chair here can hardly wait for you to do Kihei as well...or South Maui, as well as how is Upcountry impacting him. . . .*(laughing)*. . . Right? That's what you're talking about.

MR. MOLINA: Yeah. So, we are...you know, County is initiating its own on those studies in our problem areas in Kihei, not solely for adding more people to the flood regulation,

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

but also to help us...to help guide us on what...what kind of capital projects we might be able to undertake. But, you know, for me, my view on Kihei is that we can't build the mega infrastructure to protect everybody. And so, it's going to be a combination of what we can build and as far as...and then regulating people to ensure they have protections on their property through the flood regulations too.

VICE-CHAIR SUGIMURA: Yeah. So, all that we learned because of the wildfire and...and to be...to be ready for...not the...not that we want it, but the next big one, and how to harden our...our private properties and...and the surrounding environment. So, will you be...when you go to the Committee...I mean, community, besides showing your maps, are you going to also bring in that portion of this? Or is it purely informational on your property needs to do...or is in this flood-prone area?

MR. MOLINA: Yeah. So, the way the program is set up, it's really triggered by development. And so, if people aren't developing, there's nothing to require them to do. So, the first thing is just awareness of their hazards, what depths of flooding they can anticipate in their areas, and then if they want to pull permits to modify their property or their structures, then they can do so under these...under the flood regulations.

VICE-CHAIR SUGIMURA: Wow, very good. Very good. I support this.

CHAIR COOK: Thank you. Member Johnson, you have another question?

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. So, no map adding new flood zones will happen until the Council passes the ordinance, right? So, we have to actually get the map, and then...that's the process is, once we get the map, then we up or down it? Or do we modify it? Or we say, hey, you need to add this section? I mean, how much do we touch the map, Director?

MR. MOLINA: Yeah. So, generally, the map...you know, it's a very technical engineering product. And it would be more whether you disagree with the framework of the flood ordinance, which is very limited also because we are directly implementing the National Flood Insurance Program. So, for example, this ordinance had to go to review with the State and FEMA to get their concurrence that it's within the regulation. So, a lot of that is we're kind of stuck with what we get. So, it's more or less --

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: -- going to be an up or down vote from Council about whether to include these additional areas or not.

COUNCILMEMBER JOHNSON: And I'm sorry if you mentioned this before, but you're doing the whole County all at once? Are we doing just Lahaina and sections? How --

MR. MOLINA: Yeah. So, right now, with FEMA's assistance, we're doing the Lahaina burn zone. So, that's the Wahikuli --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: -- side and the Kaua'ula side. And then DLNR is doing mapping along streams. So, we'll have that data.

COUNCILMEMBER JOHNSON: Right, that's what I heard. So, thank you for that.

MR. MOLINA: And then we're doing some limited in Kīhei, Waiakoa being the first one we're working on right now. Thank you.

COUNCILMEMBER JOHNSON: So, as...as...as a homeowner--take for example my cousin guys in Wahikuli, they...they'll see it, and they'll say...you know, the map would say, you are or you're not in that extended flood zone. And then they can go to the County and say, hey, because we are in it, we...we're going to help them with the permits, make it...maybe make it easier for them to get the permits to build, you know, more hardening or with--the choices they have?

CHAIR COOK: Director.

MR. MOLINA: If...if you look at help as us telling them how to do it, then, yeah. But it is an additional requirement on them, so it will be a burden, for the most part, for people to have to adopt these new standards --

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: -- in...in...in consideration for the safety mitigation it provides them. So, it...it's...it helps, depending on how you look at it, but it...it's also additional regulation and additional cost on these properties in Lahaina.

COUNCILMEMBER JOHNSON: The cost is...is permit cost and design cost, right?

MR. MOLINA: Yeah, and the construction. For the most part, you need to elevate these structures, so that's not...generally more expensive than slab on grade, depending how deep you need to elevate. You know, it's the higher you go, the more expensive it is. So, those...those types of mitigations that'll be required in those rebuilds add cost to home construction.

COUNCILMEMBER JOHNSON: Okay. So, they'll...all right. And we...they're...I know you mentioned it earlier, we're going to have ample time for community input because I think that's really the...an important part of this phase. Thank you so much. Thank you, Chair. No further questions.

CHAIR COOK: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. All my questions have been answered, and I support the bill. Thank you.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: Thank you. Chair Lee?

COUNCILMEMBER LEE: I just wanted to ask Jordan again, I think you said in your...one of your responses mentioned a 200-year storm. Did you say that?

MR. MOLINA: No, 100-year is what the models for the mapping are designed to --

COUNCILMEMBER LEE: Okay. What defines a 100-year storm?

MR. MOLINA: Basically, it's the 1 percent chance of a certain intensity of rainfall event occurring. So, yeah, one every 100 years, a rain big enough.

COUNCILMEMBER LEE: So, you...the duration, and the...the amount of water it generates.

MR. MOLINA: Correct.

COUNCILMEMBER LEE: So, what would that be?

MR. MOLINA: I can't say exactly what it is, but it's part...partly on historical rainfall data to determine what that amount of rainfall they assume for the...for purposes of modeling and . . .*(inaudible)*. . .

COUNCILMEMBER LEE: Okay. When was the last time we had the 100-year storm?

MR. MOLINA: I would have to get back to you on that. It...it doesn't happen --

COUNCILMEMBER LEE: Oh, okay. Not recent...not recently?

MR. MOLINA: No, I don't believe we've seen one. Although, I will say that in the Kihei flood that happened 20 --

COUNCILMEMBER PALTIN: It happens every year.

MR. MOLINA: -- 22, there...there...

COUNCILMEMBER LEE: Excuse me, the...the...that's our in-house engineer talking.

MR. MOLINA: Yeah, yeah, yeah. There was some rain gauges that indicated a 200- to 500-year rainfall in certain areas, but we don't have the best rain gauges across the County. So, some areas probably could see it more than others, but for most of our developed areas, I don't think we've seen one that big.

COUNCILMEMBER LEE: Okay. All right. Thank you.

CHAIR COOK: Member Paltin, your turn.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER PALTIN: Can a regular person fill out the flood permit themselves, or do they need like some sort of degree of expertise?

MR. MOLINA: I will have to follow up on you with that. But depending on what they're trying to accomplish, it could require involving surveyors and engineers to produce some of the mapping requirements for the project.

COUNCILMEMBER PALTIN: Do you know what a civil engineer charges per hour?

MR. MOLINA: In the range of \$150 per hour.

COUNCILMEMBER PALTIN: And, you know, like we said, in Kihei, they flood a lot. I'm not sure if it's in the flood hazard area mapping already, but is there any kind of ramification to already-built houses, or this is only triggered by new development, and not just development?

MR. MOLINA: There is a threshold on the replacement value. Once you exceed 50 percent, then you become required to comply. Most repairs we've seen do not hit that threshold though. So, even though you're existing in a flood plain regulated, you may not necessarily trig the full...trigger the full-blown requirements of the Flood Program.

COUNCILMEMBER PALTIN: Okay. So, if it's...if you are doing renovations that are 50 percent or more, then you might have to get a flood permit, and hire a civil engineer, and elevate, and all the things.

MR. MOLINA: Correct.

COUNCILMEMBER PALTIN: And do you know if it's a low- to moderate-income family, that they could get assistance with the CDBG-DR the additional cost that...now that they're going to have to comply with flood permit kind of stuff, and the timeline for when these costs would be applied to those that are rebuilding? If April is the public outreach, and then maybe we adopt this maybe in June, anybody that rebuilds in July, August, or, you know, when the CDBG-DR monies become available?

CHAIR COOK: Director.

MR. MOLINA: Yeah. So, as soon as...if this map...or the additional maps were enacted, then whenever that ordinance takes effect, it would apply to those rebuild permits at that time. I'm not sure on the CDBG applicability. I'm assuming those kinds of costs are part of the program, but I would have to defer to Office of Recovery to get back to you on that.

COUNCILMEMBER PALTIN: And when you say part of the program, would it be part of the program for everyone, or just the low- to moderate-income families?

MR. MOLINA: Regarding the CDBG, as I understand it, it's primarily low- to moderate-income.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER PALTIN: Okay. So, then everybody else is just kind of SOL, and they got to come up with hundreds of dollars on their own?

MR. MOLINA: Unfortunately, that's the tradeoff. And that's where we struggle bringing this forward. So, I just...I had to pick a hat. And so, I'm charged with administering the Flood Program, and the hat I chose was to ensure these hazards are addressed when people rebuild. And...and that's why I'm asking Council to adopt the map too. Thank you.

COUNCILMEMBER PALTIN: Do we have any vacancies in the Flood Permitting Division?

MR. MOLINA: Not at that this time, but we are limited to a staff of one at this point, and slowly growing that program as we transition out of Planning and into Public Works.

COUNCILMEMBER PALTIN: How...how many are you going to grow it to? Three?

MR. MOLINA: We don't have a good sense at this point, but we do have some consultant staff on board to help carry the load of...of the program. Because it's not just the reviews, we have annual audits and other requirements of the program that we have to satisfy as well.

COUNCILMEMBER PALTIN: So, 4LEAF can do flood . . .*(timer sounds)*. . . permitting as well?

MR. MOLINA: Right now, they are not. Potentially, we could look at whether we bring them in...but I know we're keeping up at the moment. And we might have a different consultant helping us on the flood permit because it's kind of its own technical review that's required.

COUNCILMEMBER PALTIN: Okay. Thank you. I heard the bell.

CHAIR COOK: Thank you. Thank you, Director. Member Rawlins-Fernandez, any questions for the Director?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I appreciate Director's candidness in the struggle of choosing how to approach this because private insurance companies is such a scam, so I get it. The CEOs of the companies make millions of dollars a year at the expense of people being denied their claims. Thank you for letting me *(audio interference)*. I don't have any additional information. Member Paltin has got to mute.

CHAIR COOK: Okay. Thank you. Member...Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: But I did send my amendments to Staff. And then I guess I do have a question for Staff, but I can hold it until we're like actually making the amendments if you...if you prefer, Chair.

CHAIR COOK: Okay. Let's finish our rounds of questions, and then we can do that. Okay.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Sounds good. Mahalo, Chair.

CHAIR COOK: Member Paltin has something burning.

COUNCILMEMBER PALTIN: Sorry, I just got make a disclosure. I have another adult male in the house, George Vierra, pau hana.

CHAIR COOK: Okay. So noted. Tell him hi. Okay. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. For Director Molina...so, for...for this piece, when people come in for their permitting, this would be another review of their plans?

MR. MOLINA: Thank you, Member Sinenci. It's a whole additional permit on top of the building permit.

COUNCILMEMBER SINENCI: On top of your building permit, you'll have to go through this, and you cannot bypass it. You have...this...this will be part of your permit being approved.

MR. MOLINA: Correct.

COUNCILMEMBER SINENCI: Okay. All right. Got it. Thank you. Thank you, Chair.

CHAIR COOK: Thank you. Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. I'm going to follow up on Member Paltin's line of questioning. So, not only when I had to do flood permits did I had to get them engineered to help me complete this permit, but you also had to get a surveyor, as you said, which we don't have too many surveyors. And the surveyors we do have are so busy. I've been trying to convince one of my boys, and even my daughter, to become a surveyor in the future because they make really good money, and they're in complete...we are in complete desperate need. And so, not only was it an issue finding somebody as an engineer to do the work, but as a surveyor to shoot your base flood elevation when you're going to submit this permit. But I wanted you to confirm, Director Molina, when you were talking about the 50-percent ratio and when they have to comply to flood, is it the...it's not the structure of the building, but rather the valuation of the building, yes? Or is it the structure? I...I can't remember.

MR. MOLINA: I believe it's the value of the building.

COUNCILMEMBER U'U-HODGINS: So, right now, with construction materials being so expensive, do you see that altering how much the construction is going to cost, and changing how much people might need to comply with the flood if it's so expensive to repair?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

MR. MOLINA: Potentially like, you know, the Lahaina side because everyone's rebuilding already, but for an existing property, that definitely could be a factor if the house is small, and low value, or single-family. We don't see it as much with the condos because the condos have so much value that some of those unit repairs will pretty much never really trigger --

COUNCILMEMBER U'U-HODGINS: Yup.

MR. MOLINA: -- that threshold. And also there's a ten-year look-back period.

COUNCILMEMBER U'U-HODGINS: Yup.

MR. MOLINA: And so, it...the 50 percent accumulation of repairs only goes back ten years under the Federal program. So, that's another parameter on that --

COUNCILMEMBER U'U-HODGINS: Yup.

MR. MOLINA: -- question.

COUNCILMEMBER U'U-HODGINS: Yeah. I remember doing a few of those, and having to log all the...the renovations to a certain structure. And it's...it adds up quickly if you have a small place, but not so much if your property value is, let's say, \$10 million, like certain people's ones...your renovations are going to be quite small. But if your house is not worth very much, you'll hit that 50-percent trigger really fast. Thank you.

CHAIR COOK: So, Members, is there a need for another round of questions? The Chair has a brief question, and...and then we would move on. So, Director Molina, can you give kind of a thumbnail sketch of what some of the improvements may need to be done? I mean, like you might have to bolt down a propane tank, you might have to elevate your AC unit.

MR. MOLINA: I can...I...I am not versed enough to give you the best examples, but...yeah, elevating the structure above the base flood elevation or the flood depths is generally the...the requirement, as well as some of the equipment involved has to be elevated as well. I guess that's all I'll speak to for --

CHAIR COOK: Yeah.

MR. MOLINA: -- that...that question. Thank you.

CHAIR COOK: Well, I think that we...we're fortunate that we've moved the flood review from Planning to Public Works. It'll be done much more efficiently and effectively. It will cost some money, but one...one perspective too is, when it's done more commonly, it might be less expensive per unit because the people on the island will be more familiar with it. So, I'm just trying to be encouraging. It is really...I mean, Kihei is a classic example of people not being thoughtful and...and taking precautions because they didn't know. But if you are in a situation, you'd be really glad you spent that extra money and take

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

the precautions because you're just going to...it won't affect you as much. Okay. Okay. Seeing that there's no further discussion, we'll move on to decision making. The Chair would like to entertain a motion to recommend passage of Bill 28 (2025) on first reading.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: So moved by Member Sugimura, seconded by Councilmember Kama. Members, any discussion before I move onto my Amended [*sic*] Summary Form?

VICE-CHAIR SUGIMURA: Proceed.

COUNCILMEMBER PALTIN: Chair, sorry, I have one more question.

CHAIR COOK: Okay. Now...no problem. Member Paltin.

COUNCILMEMBER PALTIN: It's for Director Molina. We recently heard about Hale Kaiola having like drainage issues. But I don't know if it has to do with base flood elevation or, you know, faulty engineering, or whatever. How does that kind of thing, where we constructed something and now there's drainage issues that cause flooding...how does that play into additional flood hazard areas like...just wondering?

CHAIR COOK: Director.

MR. MOLINA: I guess I'd have to get more information on the specifics as far as whether...yeah, whether it's a construction issue, or they're in an area that, you know, is known to be flood-prone...kind of two different dynamics--one they could've created on their own versus one was always an existing condition based on the topography of the area.

COUNCILMEMBER PALTIN: And so, if it's something that they themselves created, it wouldn't be an addition to the flood hazard area map even though the results is the same? Or are you aware?

MR. MOLINA: I'm not aware on that particular issue. But yeah, if it's a drainage issue they created from their site, then that wouldn't be within the framework of a flood development permit.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you for the leeway, Chair, just...burning question.

CHAIR COOK: Okay. So, we have a motion on the floor, and we've just had they're...our discussion. I'm going to move onto my Amendment Summary Form. Any...any objections?

COUNCILMEMBERS: No objections.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: Members, your Chair would like to entertain a motion to substitute Bill 28 (2025) with a proposed CD1 version --

VICE-CHAIR SUGIMURA: So move.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: -- incorporating the amendments referred to in the ASFs description. Motion made by Councilmember Sugimura, seconded by Member Kama, to substitute Bill 28 with the proposed CD1 version. Members, this ASF incorporates nonsubstantive and technical revisions for clarity, consistency, and style. Any discussion? I think now, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support the motion to substitute with the amended...amendments that you propose. I...okay. I guess I would first call on Ms. Nakata to provide feedback on the two amendments that I was looking at. One is an amendment to Section 16.29.040, and it would read, I think, (A)...subsection (A)(1), the last line, "the following special flood hazard area, defined in 16.29.030, are established." So, it would just add, defined in 16.29.030. So, I'll...I'll...Chair, if you will allow, I'd like to ask Ms. Nakata to provide feedback on that proposed amendment.

CHAIR COOK: Ms. Nakata?

MS. NAKATA: Yeah. Thank you, Chair. Staff would have to confess, I'm a little confused about if the intention is to refer to the definition of special flood hazard area, that's in 16.29.030, which reads, "Special flood hazard area means an area having special flood or flood-related erosion hazards, and shown on a FIRM as Zone A, A0 [sic], AE, AEF, A99, AH, D, VE or V." There are two terms from the four that are listed in (A)(1) that also have definitions. Those are general floodplain and coastal high-hazard areas. And those have five of the zones in them. Floodway area and flood fringe area are not in the definitional section. So, is the intention to refer to the special flood hazard definition as opposed to the individual definitions? And the other question--I think this might be for Director Molina--is the definition of special flood hazard area also contains in zone A99, which is not listed in 16.29.040?

CHAIR COOK: Director Molina, would you like to comment on that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo (*audio interference*) Nakata. Do...do you want to hear my intention first, or you...do you want to hear from Director Molina?

CHAIR COOK: No. Why don't you do yours first?

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't care. Whatever.

CHAIR COOK: No, go ahead and do yours --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR COOK: -- and then I want...he'll...he'll have a comment after pau. Thanks.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. My intention was for each of the descriptions--the A, B, C, or 1, 2, 3, however we're now naming it...labeling it. So, flood...floodway area, coastal high-hazard area, but also, so that there's some kind of reference to the...the letters. Because generally, we don't use acronyms, and these are not acronyms, they're like codes--or Director Molina can explain that better--but they're just...they're letters on the map indicating what kind of area they are on the map, and so I...I get all that. But if someone's just like reading it and, you know, if the assumption when reading it is that you're supposed to know what these letters mean and you don't, then it...it's not helpful. So, that...that's why I wanted to make some kind of reference to the definition section so that when folks are reading this...this section, that there's...there's some kind of clues for them to be able to understand it better. Okay. Go ahead.

CHAIR COOK: Okay. Director Molina.

MR. MOLINA: Okay. A couple of different things going on. I guess I want to start with the...what's defined. Staff was correct that like floodway and flood fringe area are not defined per se, but floodway is defined and flood fringe is defined. I got to follow up with Staff on A99. I think that might just be a historical reference that is no longer used. And then, I guess, just to Councilmember Keani...or Rawlins-Fernandez's comment, my only response is, you got to read the whole chapter in its entirety. And it's...the way I understand is like those definitions, it's already understood that you have to go back to the definitions sections. when you're reading through entirety of a code. And just knowing the...the delineations, which these letterings are, is just the beginning of understanding kind of the full depth of the code. And so, it's...I guess for anybody watching, you got to read the whole chapter to understand exactly what's going on here because, yeah, the amendments by themselves will be not understood well. Thank you, Chair.

CHAIR COOK: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I understand what the Director is saying, but the...the bill doesn't have the whole chapter. And so, when folks are readying just the bill, then they...you know, I don't know how well, you know, average folks understand like how to access the Maui County Code, and how to read the entirety of the chapter, and all that. So, just trying to be helpful to someone who might be reading the bill, and not know to go in the section before, which is definitions, to know what these things mean. But if it's problematic, I don't have to add it...but I would like to because I think it would be helpful.

CHAIR COOK: Chair's comment is, basically, this is part of the...it is a highly technical...the flood control has many different components. But maybe the Director can weigh in on

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

the impact of modifying the way that its written. We're trying to accomplish your objectives to be able to implement it.

MR. MOLINA: Thank you, Chair. As a former OCS Analyst, I don't like that drafting, but I don't think it affects the bill at all. So, I would have no objection on it. Thank you.

CHAIR COOK: Okay. So, Staff --

VICE-CHAIR SUGIMURA: As former OCS --

CHAIR COOK: -- are you capable of...okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ask the former OCS Analyst how he would write it. . . .*(laughing)*. . .

MR. MOLINA: I think it's understood already, but I...I can understand the concern in providing additional direction. So, I don't...I don't think it has effect, and so no objection. Thank you.

MS. NAKATA: Chair, we can go ahead and add in a reference to the definitions 16.29.030 but, as I stated earlier, currently the only place that all of the zones are designated in a definition is the special flood hazard area definition. Thank you, Chair.

CHAIR COOK: So, Staff, where does that leave us for rewriting it? *(pause)*

MR. PASCUAL: Chair, I would ultimately defer to our Legislative Attorney.

MS. NAKATA: Chair, I think what Member Rawlins-Fernandez is requesting is that in the second sentence of Section 16.29.040(A), it read "the following special flood hazard areas, as defined in 16.29.030, are established."

CHAIR COOK: Okay. Any objections from the body? No? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR COOK: How does that meet--okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. That's what I wrote, but I...I think...I...I think we have to...I have to actually make a motion unless you're accepting it as a friendly amendment. I'm...you know, Rosenberg's is new and you can do all kind of things without like things that, you know, Robert's required, so...

CHAIR COOK: Friendly amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then there was no objection. And then the other amendment I wanted to make, I think, is outside of the scope of this bill.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

But I wanted to confirm with Ms. Nakata, and that was to amend the 16.29.030, and that's the definitions.

CHAIR COOK: Ms. Nakata.

MS. NAKATA: Sorry, Chair. Was this the amendment dealing with FIRM?

COUNCILMEMBER RAWLINS-FERNANDEZ: Uh-huh. Yeah.

MS. NAKATA: So, currently, there's a definition in 16.29.030. It says, "Flood Insurance Rate Map (FIRM) means." And so, the definition is already there. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I can make the amendment in this bill?

MS. NAKATA: Oh, I'm sorry. What was the amendment? I...I thought it was that you were thinking there was no defined term for FIRM.

COUNCILMEMBER RAWLINS-FERNANDEZ: No. So, I wanted to make it similar to the way FEMA is defined. So, "FIRM," and then, "means Flood Insurance Rate Map, which is a map that the... the FEMA"...or "Federal Insurance Administration has delineated both," dut, dut, dut, dut.

MS. NAKATA: Apologies, Chair. Which section are you in, please, Member?

COUNCILMEMBER RAWLINS-FERNANDEZ: In the definition section, where it defines Flood Insurance Rate Map, FIRM.

MS. NAKATA: Could you please repeat the amendment? Are...are you talking about breaking out Flood Insurance Rate Map (FIRM) into two separate definitions?

COUNCILMEMBER RAWLINS-FERNANDEZ: No. I'm going to...I'm going to text it to you. So, FIRM means Flood Insurance Rate Map.

MS. NAKATA: Okay. Apologies. Yes, Chair, we can incorporate that. Is there a motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Or a friendly amendment.

CHAIR COOK: Body?

COUNCILMEMBER SINENCI: Friendly amendment, Chair.

CHAIR COOK: The body is accepting another friendly amendment. Does Staff have track of this?

COUNCILMEMBER RAWLINS-FERNANDEZ: All right.

CHAIR COOK: Okay.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES  
Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: That's all I got.

CHAIR COOK: Staff has track. We have two friendly amendments that have been approved. We currently have a motion on the floor for substitution, I believe. All in favor of the substitution...have we voted on that yet? Okay. All in favor, say "aye."

COUNCILMEMBERS: Aye.

MR.HURDLE: Nine. That's nine ayes, right? Chair, that's nine "ayes," zero "noes." The motion passes.

**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     SUBSTITUTE BILL 28 (2025).**

CHAIR COOK: Okay. Thank you, Members. Now we're back to the main motion as amended. Any further discussion? Seeing none. All in favor--Staff.

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that's nine "ayes," zero "noes." The motion passes.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     FIRST READING OF BILL 28, CD1 (2025).**

CHAIR COOK: Seeing no further discussion...okay. Duh, duh, duh, duh, duh. Thank you, Members. And thank you, Director Molina. This item will move on to the full Council's consideration. Now, let's move onto our next item. Chair proposes that we take a three-minute break...or two-minute break for...let's take a five-minute break for bio. Thanks. So, we'll return back at 3:43...2:43. . . .(gavel). . .

**RECESS:       2:39 p.m.**

**RECONVENE:   2:45 p.m.**

CHAIR COOK: . . .(gavel). . . Will the Water and Infrastructure Committee meeting of 3/17. 2:45 reconvene.

**BILL 19 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY (WAI-4)**

CHAIR COOK: Okay, Members, our second item is Bill 19 (2025) entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY." Bill 19's purpose is to authorize the Mayor to enter into an Intergovernmental Agreement with the U.S. Geological Survey for a groundwater availability study in West Maui. Members, during the Water and Infrastructure Committee meeting of September 12, 2024, last Council term, we discussed Bill 133 (2024), now Ordinance 5707, which entered into an intergovernmental agreement with the U.S. Geological Survey's Cooperative Water Resource Monitoring Program. During that meeting, the Department of Water Supply noted they had become doing...they had begun doing reconnaissance and permitting for a new deep monitoring well in Launiupoko. In the Council-adopted Fiscal Year 2025 Budget, the Department of Water Supply allocated funding for this program, and noted

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

in their budget details a new monitoring well in Launiupoko's aquifer. Before we begin, Mrs. Blumenstein, would you please provide opening comments to this item? Welcome.

MS. BLUMENSTEIN: Sure. Aloha, Chair. Yeah, mahalo for that. So, yeah, thank you. In September, you approved the intergovernmental agreement for our ongoing water resource monitoring program, and that program includes five monitoring wells. And we had contracted USGS previously to do some very preliminary recon to add a deep-monitoring well in West Maui, where there is only one currently in Honokōwai aquifer. So, we couldn't include it in our September IGA because we did not have a proposal from...a joint funding agreement with proposal from USGS, and we also wanted to reach out to other stakeholders in the region that would benefit from the well, West Maui Land and the State Water Commission, to see if they wanted to contribute funding. And so, this was going back and forth for a while, but now we have...the Water Commission agreed to split the cost with us, and we received the revised proposal from USGS in January. USGS did retain the same contract performance period and billing cycle as the...as the original resource monitoring agreement because that aligns with the Federal fiscal year. Just want to clarify that there has not been any work done without the intergovernmental agreement to date, so there will be no billing until that is executed. So, this will be on the Water Commission's agenda tomorrow for this...exactly the same joint funding agreement. So, we would split the total cost of Phase 1, 180,000, and USGS will contribute 30,000 of..of that amount. So, the two separate joint fund agreements are identical with ours. We contribute 75,000, and the Commission contributes 75,000, just the USGS portion. So, thank you so much for taking this up today.

CHAIR COOK: Okay. Thank you for that.

**. . . OPEN PUBLIC TESTIMONY FOR WAI-4 . . .**

CHAIR COOK: At this time, I'd like to open for public testimony for WAI-4. Staff, do we have any testifiers?

MR. PASCUAL: Chair, we currently don't have any individuals signed up to testify on this item. If anyone would like to testify, please come up to the podium or unmute yourself on Teams and begin your testimony. This is final call...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing that there are no individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-4 . . .**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you, Members. Let's begin. Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: Yes, I support this. I just wondered what is a USGS...U.S. Geological Survey? So, they're basically...what...what is their role? What is...are we paying them, or...

MS. BLUMENSTEIN: Yes. Thank you, Member. So, we are contracting USGS to do the reconnaissance permitting and the monitoring well design. And then once the well or wells are drilled, they would maintain monitoring of the groundwater levels, and chlorides, and whatnot. And in this case, they're also contributing 30,000 to the joint funding agreement.

VICE-CHAIR SUGIMURA: Oh, okay. So, they're doing it, and then we're also...and...and participating. Yeah. Thank you.

MS. BLUMENSTEIN: Yes.

VICE-CHAIR SUGIMURA: Thank you very much. I support this.

CHAIR COOK: Councilmember Johnson, any questions?

COUNCILMEMBER JOHNSON: Okay, sure. Thank you, Chair. So, it sounds to me that the 30,000 is what the USGS is kicking, but of that...that reconnaissance and permitting, is there a number attached to that, Ms. Blumenstein?

MS. BLUMENSTEIN: Well, so...yeah, that is a just a limit of the Federal contribution. But the whole Phase 1, 180,000 --

COUNCILMEMBER JOHNSON: Okay.

MS. BLUMENSTEIN: -- that...that is split between us, the Water Commission, and...and a minor portion by USGS. That is really the...the field reconnaissance, development of the deep monitor wells specifications, and that select...selecting one or several groundwater monitoring well sites. And they're doing that with some outreach and stakeholder input and --

COUNCILMEMBER JOHNSON: Okay.

MS. BLUMENSTEIN: -- then...yeah, that's Phase 1.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER JOHNSON: I...I just was curious about the cost. So, you...you initially mentioned that West Maui Land and...was considering contributing to this? Or did they put any money in, and what was the response?

MS. BLUMENSTEIN: We inquired with West Maui Land, and they declined to contribute.

COUNCILMEMBER JOHNSON: Will they be receiving any of that water?

MS. BLUMENSTEIN: Well, this is just a monitoring tool, yeah.

COUNCILMEMBER JOHNSON: Okay.

MS. BLUMENSTEIN: So, this is not going to be --

COUNCILMEMBER JOHNSON: All right.

MS. BLUMENSTEIN: -- turn into production well. This is really just to figure out --

COUNCILMEMBER JOHNSON: Thanks . . . *(inaudible)* . . .

MS. BLUMENSTEIN: -- what's going on with the aquifer. Yeah.

COUNCILMEMBER JOHNSON: I got it. I mean, if you're not going to pay then...you know, I got you. I got you. Okay. The...the...you know, I'm...I'm really curious of why we would have to go through USGS if they're...wouldn't the Department just want to pay for it themselves and not have to go through intergovernmental agreement? I mean, can you kind of go through the benefits of why you would go through them when you could just do this yourself?

MS. BLUMENSTEIN: Well, we could, and we could not. So, we have a couple monitoring wells where...in most cases we own the monitoring well. But in most cases, we contract USGS to do, whether it's monthly or quarterly, monitoring and maintaining the data for us.

COUNCILMEMBER JOHNSON: Uh-huh.

MS. BLUMENSTEIN: We have two wells where the Commission comes out twice a year, some were limited monitoring going on and that's included, you know, in...in their overall monitoring program. So...so, ultimately it's really a collaboration between the three of us--USGS, the Water Commission, and us. We don't have the staff to do monitoring groundwater levels or not. We don't even have hydrologists on staff, so we have to contract somebody.

COUNCILMEMBER JOHNSON: We don't have hydrologists on staff. Is that...is that a concern that you have for your Department? Do you...do you need...do you think we need one?

MS. BLUMENSTEIN: We never had one, but . . . *(inaudible)* --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER JOHNSON: Oh, okay.

MS. BLUMENSTEIN: -- as a comparison, the Honolulu Board of Water Supply have several. So, I mean, there's certainly benefits to having a hydrologist on staff. So, we contract both, you know, for product specific and...and in this case, for resource monitoring.

COUNCILMEMBER JOHNSON: Yeah. I understand if it's hard to get them because contracting seems to be much more faster, efficient. So, all right. Thank you for your response. Thank you, Chair. No further questions.

CHAIR COOK: Okay. Member Kama?

COUNCILMEMBER KAMA: I have no questions, Chair.

CHAIR COOK: Okay. Chair Lee, is --

COUNCILMEMBER LEE: No questions.

CHAIR COOK: Oh. There you are. Okay. Councilmember Paltin, any questions?

COUNCILMEMBER PALTIN: You know that. . . *(laughing)*. . . So, my question is, is there a shallow watering...monitoring well, or is deep monitoring well the only kind there is?

MS. BLUMENSTEIN: There is both. So, we don't know necessarily that this will be a deep monitoring well, but that was the original proposal from...from USGS. So, I think both the site reconnaissance and, you know, evaluating the data in there, it will determine if it should be a deep monitoring well or not . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: Did you guys choose the location already?

MS. BLUMENSTEIN: I'm sorry?

COUNCILMEMBER PALTIN: Did you choose the location already?

MS. BLUMENSTEIN: No. No. No, that will be Phase 1.

COUNCILMEMBER PALTIN: Who...who's going to help you choose the location?

MS. BLUMENSTEIN: So, USGS...really, that's what we contract them to do, but they're doing that in collaboration with hydrologists at the Water Commission primarily.

COUNCILMEMBER PALTIN: And then I heard that the Launiupoko aquifer is on top of like a rock or something, so it shouldn't be affected by sea level rise. Is there only that one water source in the Launiupoko area, or is there multiple aquifers? Or do you know?

MS. BLUMENSTEIN: So, I mean...yes, I know that there is some rock or sediment formation, you know, in...at least in the southern portion of Launiupoko aquifer. But this

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

monitoring wells really help to refine the numerical groundwater model that we have that's a decade old to get better...better data from Launiupoko. And it may be that the recommendations from USGS is that we should add a second monitoring well in the same aquifer, or perhaps, you know, in the adjacent aquifer. So, it really should just help overall understanding, you know, groundwater conditions in...in the region.

COUNCILMEMBER PALTIN: How accurate would one well be? Or you wouldn't know until you drill it? And then if it's not...if there's a rock in there, would the chlorides be less because you're not going to have saltwater intrusion?

MS. BLUMENSTEIN: Well, if there was a production well, and you drill that in the area where you have, you know, rock formation or...or sediment, so you would have less chance of sea level rise. You know, it would kind of be like a little beefed-up freshwater lands in that area...that's one thing. But this is really the...the monitoring well. So, that is what we want USGS to figure out. You know, given the objectives of additional withdrawals from the aquifer, given the objectives of addressing recharge...groundwater recharge changes...what is the optimal location for one or several monitoring wells. . . .(inaudible). . .

COUNCILMEMBER PALTIN: And would that monitoring wells then lead to production wells if the capacity is sufficient?

MS. BLUMENSTEIN: No, the...the objective of this well --

COUNCILMEMBER PALTIN: Like what could be the outcomes --

MS. BLUMENSTEIN: -- is just for monitoring purposes. But there are -- . . .(timer sounds). . . we have it in our capital improvement program, proposed additional wells to supplement the water...the Department's system. But this is not the purpose of...this is just a monitoring well, not a production well.

COUNCILMEMBER PALTIN: Okay. I heard my bell. I'll come around for a second time.

CHAIR COOK: Thank you. Member Rawlins-Fernandez, it's your turn for questions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I don't have any questions. I am very supportive of monitoring wells, and...because I am concerned about all the...the...the water...the str... I ran into CWRM's Hydrologist for stream protection, and he was really concerned about the levels of instream flow for all of Maui, especially West Maui and East Maui. And it's been...it hasn't been recorded as low as it has for over 100 years ago...like 107 or something years ago. So, I'm...I'm super concerned about drawing from the aquifer if the streams are so low and the...the recharge just isn't there because of climate change, et cetera. So, supportive of monitoring wells, especially if USGS is going to pay for it. It's great.

CHAIR COOK: Thank you. Member Sinenci, you have questions?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a follow-up for Ms. Blumenstein. I think she mentioned that there were two deep monitor wells, or I...I see one on the map that say Māhinahina . Would Launiupoko be the second or the third --

MS. BLUMENSTEIN: And so, for West Maui, there's only the Māhinahina --

COUNCILMEMBER SINENCI: Just the --

MS. BLUMENSTEIN: -- in the Honokōwai aquifer adjacent. So, there is none in Launiupoko right now.

COUNCILMEMBER SINENCI: Okay. This would be the second.

MS. BLUMENSTEIN: Yeah.

COUNCILMEMBER SINENCI: Okay. All right. That's the only clarifying question, Chair. Thank you.

CHAIR COOK: Thank you. Member U‘u-Hodgins.

COUNCILMEMBER U‘U HODGINS: Thank you, Chair. Thanks, Water Department, for being here. I have no questions. Happy to support.

CHAIR COOK: Okay. Members, is there a need for a second round...raise of hands? Member Kama.

COUNCILMEMBER KAMA: I just want to know, who owns the two wells?

CHAIR COOK: The question again?

COUNCILMEMBER KAMA: Who owns the two wells?

CHAIR COOK: Okay. Ms. Blumenstein.

MS. BLUMENSTEIN: Yeah. So, there...there's one existing monitoring well in West Maui in Honokōwai, and that's owned by the Water Commission. This...this would be the...a new second well that we're contracting USGS for.

COUNCILMEMBER KAMA: So, does...do they own both wells?

MS. BLUMENSTEIN: So, depending on Phase 1, whether USGS will recommend one or two deep monitor wells, we have put funds in...we're proposing funds to pay for development of the monitoring well. And the Water Commission is doing the same thing. So, if there's just the one, we won't own it together. So, we're sort of both trying to secure some Federal Hazard Mitigation Grant program funds to pay for development. So, whoever is more successful, I guess, will be owning the well.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER KAMA: So, who owns the Māhinahina well?

MS. BLUMENSTEIN: The Water Commission.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR COOK: Chair Lee, are you here? No. Okay, Member Paltin.

COUNCILMEMBER PALTIN: Regardless of who owns it, do the entities share the data?

MS. BLUMENSTEIN: Yes. Because we contract USGS, that will be maintained through their National Resource Monitoring Program [sic].

COUNCILMEMBER PALTIN: So, it would be available publicly as well?

MS. BLUMENSTEIN: Yes.

COUNCILMEMBER PALTIN: And then, you know, depending on if the moni...this deep monitoring well gives us all the information we need, or we need to build a...or drill a second deep monitoring well, could the data spur other kinds of outcomes to like oh, you know, we have so small sustainable yield, you guys really need to put more water back in the stream for recharge. Or you need pump less from your existing wells. Or there's so much water, go crazy, develop all you like. What...what...what are possible ramifications, depending on what the data shows?

MS. BLUMENSTEIN: Yeah, I mean, all of the above, really. I mean, there's...both for us to guide future development of wells and operations of existing wells, and for the Commission to gauge, you know, the health of the aquifer. The one...the only monitoring well there is now in Honokōwai that was, you know, part of the data that was looked at for designation of West Maui of the health of the aquifer. So, yeah, they're really important both for, you know, long-term maintenance and just...and in this case too, to refine the numerical groundwater model that USGS completed about a decade ago.

COUNCILMEMBER PALTIN: And have you heard of any federal cuts to USGS? Just, you know, theme of the --

MS. BLUMENSTEIN: Yeah, I'm not aware.

COUNCILMEMBER PALTIN: Oh, okay. And that's funded by federal funds?

MS. BLUMENSTEIN: Yes, the...the small portion...the 30,000 from USGS. But in terms of the next phases to pay for actual drilling of the well, we're asking for federal funds for that because that'll be a couple millions. So, we...we don't...

COUNCILMEMBER PALTIN: Oh, no, I meant if the USGS is funded by federal funds.

MS. BLUMENSTEIN: Yes, they are . . .(inaudible). . .

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBER PALTIN: The federal agency.

MS. BLUMENSTEIN: Yeah. Yeah, they are.

COUNCILMEMBER PALTIN: Okay. So, it may or may not exist next month. Thank you.

CHAIR COOK: Okay. Rawlins-Fernandez...Member Rawlins-Fernandez, is there a need for a second question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I didn't raise my hand. No questions.

CHAIR COOK: Okay. Member Sinenci?

COUNCILMEMBER SINENCI: Good, Chair.

CHAIR COOK: Okay. So, Members, is there...anybody feel a need for additional questions before we...okay. So, my comments and questions. Mrs. Blumenstein, we noted that the performance period in the agreement runs from October 1, 2024, through September 30, 2025. In the Department's February 28, 2025 correspondence, the Department indicated that the Phase 1 work is not anticipated to be completed by the end date, and that the performance period can be changed by mutual agreement. However, the bill does not allow for changes to the duration of the agreement without returning to the Council for approval. If this bill should pass, will the Department be returning to the Council with a bill to amend the duration of the agreement in July so that the Council may consider any extensions before the agreement expires in September?

MS. BLUMENSTEIN: We probably need to do that, yes. I mean, it...I think the 12-month performance period was a little lengthy for Phase 1, especially because USGS had already taken on some of the recon. But if they are unable to complete deliverables by September, yes, then we will have to come in for a no-cost extension.

CHAIR COOK: Okay. Thank you. Okay. Members, seeing no further discussion, we'll move onto decision-making. The Chair would like to entertain a motion to recommend passage of Bill 19 (2025) on first reading.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: So moved by Member Sugimura, seconded by Member Kama. Members, any discussion? Members, your Chair would like to entertain a motion to substitute Bill 19 (2025) with the attached proposed CD1 version, incorporating the amendments referred to in the ASF's description.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: So moved by Member Sugimura, seconded by Member Kama. Members, this ASF amends the bill's title, incorporates nonsubstantive and technical revisions for clarity, consistency, and style. Any discussion? Seeing no further discussion. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that's eight "ayes," zero "noes," and Chair Lee excused. The motion passes.

**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Lee.**

**MOTION CARRIED.**

**ACTION:     SUBSTITUTE BILL 19 (2025).**

CHAIR COOK: Thank you, Members.

MR. HURDLE: Back to the main motion as amended.

CHAIR COOK: Thank you, Members. Now we're back to the main motion as amended. Any further discussion? Seeing none. All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR COOK: Thank you.

MR. HURDLE: Chair, that's eight "ayes," zero "noes," with Chair Lee excused. The motion passes.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

March 17, 2025

---

**VOTE:**        **AYES:**    Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

**NOES:**    None.

**ABSTAIN:**   None.

**ABSENT:**    None.

**EXC.:**    Councilmember Lee.

**MOTION CARRIED.**

**ACTION:**    **FIRST READING OF BILL 19, CD1 (2025).**

CHAIR COOK: Thank you, Members. And thank you, Mrs. Blumenstein. This item will move onto the full Council's consideration. Now we're going to move onto our next item, and we'll take a three-minute break...recess. We'll reconvene at 3:10. . . .(gavel). . .

**RECESS:**        **3:07 p.m.**

**RECONVENE:**    **3:11 p.m.**

CHAIR COOK: . . .(gavel). . . Will the Water and Infrastructure Committee of March 17, 2025, reconvene...come to order. The time is now 3:11 p.m. I would like to welcome Director Shayne Agawa from the Department of Emergency Management [sic], and also Mr. Theo Leong, Wastewater Operations Training Officer.

MR. AGAWA: Good afternoon, Chair. Good afternoon, Members.

COUNCILMEMBER PALTIN: Environmental Management, right? Environmental Management.

CHAIR COOK: Typo. . . .(laughing). . .

**BILL 16 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE KIHEI WASTEWATER RECLAMATION FACILITY (WAI-3)**

CHAIR COOK: Okay. Now, onto our last item. Members, our second [sic] item is Bill 16 (2025), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE KIHEI WASTEWATER RECLAMATION FACILITY." Bill 16 (2025)'s purpose is to authorize the Mayor to enter into an Intergovernmental Agreement with the State Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for the settlement of an...alleged violations at the Kihei Wastewater Reclamation Facility in the amount of \$28,062.30. Before we begin, Director Agawa, would you please provide opening comments on this item?

MR. AGAWA: Thank you, Chair. Good afternoon, Members. So, just to give a little bit of background, back in July of 2024, HIOSH did a inspection of our Kihei Wastewater Reclamation Facility, and they found some violations. You know, we...as a Department and as Wastewater Division, we take these violations very seriously. So, I believe there were 20 violations. And as you look in the records, all the violations have been addressed to this point, some even were addressed the day of the inspection. And as Chair Cook stated, the violation amounts to a little over \$28,000. The original violation was more than that, and then HIOSH gave us a 30-percent reduction in violation costs. But we're still over the 25,000. So, we're here before you for approval, and we hope to...you guys support us on the bill. Thank you.

CHAIR COOK: Thank you, Director Agawa.

**. . . OPEN PUBLIC TESTIMONY FOR WAI-3 . . .**

CHAIR COOK: Before we begin our discussion, let's see if anyone would like to provide testimony on WAI-3. Staff?

MR. PASCUAL: Thank you, Chair. There is currently no individuals signed up to testify. If anyone would like to testify, please come up to the podium or raise your hand on Teams. This is final call...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objections, I will now close oral testimony.

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-3 . . .**

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two--oh. I also want to welcome Councilmember Sugimura. Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. And is Member Rawlins-Fernandez with us? No? Okay. Thank you, Members. Let's begin discussion. We will start with Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: Good job on the resolving...the total amount would have been 40,000, and because of your expeditious resolving, I see that it's down to 20...20...28,000? Okay. So, the serious charges, which are the beginning ones listed, so are those resolved by now?

MR. AGAWA: Thank you, Chair. Thank you, Member Sugimura. Yes, those have been resolved...everything has been resolved up to this point, yes.

VICE-CHAIR SUGIMURA: Oh, okay. So, all of the...all of the violations have been resolved. you...you just want the authorization to make the \$28,000 payment.

MR. AGAWA: Yes, that is correct.

VICE-CHAIR SUGIMURA: Very good on resolving it. You know, that's the important part. So, thank you very much, and I support this. Thank you very much, Chair.

CHAIR COOK: Okay. Member Johnson, do you have questions for the Department?

COUNCILMEMBER JOHNSON: Yes. Thank you, Chair. Good morning, Director. Unfortunate that we are meeting on this type of issue, but I got some...just a question. So, Kihei got fined and penalized. What...did they do...did...did they go and check out all of the other wastewaters, or it was just that one had all...had all of these?

MR. AGAWA: Thank you, Chair...Member Johnson. So, today we have Theo Leong, who's our Wastewater Operations Training Officer. He can answer that question.

MR. LEONG: Yes, Member Johnson. They only came to our wastewater treatment plant in Kihei specifically to look at the central maintenance area.

COUNCILMEMBER JOHNSON: Okay. So, having learned from that scenario, are you proactively going to the other wastewater treatment plants and making sure there's a...the ladders...like all the...all the lists of all the things?

MR. LEONG: Yes. I...uh-huh.

COUNCILMEMBER JOHNSON: So, you're confident that those other wastewater treatment plants wouldn't get these type of penalties?

MR. LEONG: Yes, that's correct...not for these penalties.

COUNCILMEMBER JOHNSON: Okay. Those are my questions. You know, I...I...I always am concerned about our workers as far as wages. And now, we're...with some of these

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

unsafe practices, I'm glad that we...we're trying to, you know, squash them and make them safe for our...our workers because it ties into retaining people. We want to...they don't want to work for low wages in a unsafe environment, so I think that's an important point that we...we have to hammer in. So, thank you so much. Thank you, Chair.

CHAIR COOK: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I am so glad to read through the report to see that the corrections were made, the fines are listed, and there's quite a few where the fines are zero. So, I guess, that's meant to be our...our discount. But I, too, am happy to hear that upon receiving the violations, immediately you went into correction mode, and did what you could that day of, and continued to work throughout the rest until it was all cleared up. So, I'm very much impressed. Thank you. Thank you, Chair. So, I'm supportive of...of this bill. Thank you.

CHAIR COOK: Chair Lee is excused. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. First question, was this a random in...expect...inspection, or was there a complaint made?

MR. LEONG: It was a random inspection.

COUNCILMEMBER PALTIN: And then are our supervisors not trained to comply with HIOSH standards?

MR. LEONG: Yes, Member Paltin, they are. They all receive train . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: Is the --

MR. LEONG: -- training.

COUNCILMEMBER PALTIN: Oh, is the...that position vacant at the wastewater treatment facility in South Maui?

MR. AGAWA: Chair, if I may address that?

CHAIR COOK: Yeah, please, Director.

MR. AGAWA: That's a good question. Thank you, Member Paltin. So --

UNIDENTIFIED SPEAKER: Thank you.

MR. AGAWA: -- as you know, Theo is our Operations Training Officer, otherwise known as Safety Specialist for Wastewater. We do have Theo TA'd. After the Lahaina wildfires, we do not have a Collection Supervisor...Superintendent. So, we've asked Theo to wear several hats and, unfortunately, his bandwidth is only so much, and our priority was Lahaina recovery. So, I don't want to make any excuses because safety is an important

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

issue, but Theo was doing multitasking at the time. And...and we are currently trying to fill the vacancy of the Superintendent, and hopefully we'll have somebody there, and we don't have to have Theo do multiple duties.

COUNCILMEMBER PALTIN: Thank you for doing multiple duties, Theo. My other question is...is, do we have a pool of qualified applicants that we can promote to those positions? Or is testing a issue, or position descriptions? Like what...why can't we get like three or four more Theos? I mean, Theo is unique, obviously, but similar to him.

CHAIR COOK: Director.

MR. AGAWA: I can address that. Thank you for the question. So, there's only one Safety Officer position . . .(timer sounds). . . for our Divisions. I guess we could use multiple positions...so that would include having EPs, right, approved. But in normal times, one Safety Officer would be enough. It was just because of the wildfires in Lahaina we were in the situation.

COUNCILMEMBER PALTIN: So, in the future, if we have a major disaster like that, could we contract out somebody to offset his load? Because, you know, he has to have a quality of life as well.

MR. AGAWA: That's a good question, and I think that we would be able to do that.

COUNCILMEMBER PALTIN: Okay. Cool.

CHAIR COOK: Okay. Member Rawlins-Fernandez, I don't see you, so we'll move on. Councilmember Sinenci, you have any questions for the Department?

COUNCILMEMBER SINENCI: Chair, did...Director, did you mention the violations? I didn't catch that.

MR. AGAWA: Thank you, Member Sinenci. I did not. They are listed in here, there's 20 of them. I don't know if you want me to go through it all.

COUNCILMEMBER SINENCI: I can get...oh, I got it. Okay. Thank you.

MR. AGAWA: Okay.

COUNCILMEMBER SINENCI: Thanks, Chair.

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: All my questions have been asked and answered. Thank you so much to be here, and happy to support this, Chair. Thank you.

CHAIR COOK: Thank you. If there...does anybody have a need for a second round of questions? Seeing none. The...the Chair's comment. I did review them all, and they

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

were a lot of paper type of questions, and reporting, and documentation, and basic manini. I was...when I first heard of it, I was concerned. Was there any like real safety violations from the wastewater plant? And there weren't any. These were all very technical, very reporting-type of thing. So, my compliments to Theo and to the staff. Thank you for your diligence. Seeing no further discussion, we'll move onto decision-making. The Chair would like to entertain a motion to recommend passage of Bill 16 on first reading.

COUNCILMEMBER KAMA: So moved.

VICE-CHAIR SUGIMURA: Second.

CHAIR COOK: So moved by Member Kama, seconded by Member Sugimura. Any discussion, Members? Seeing no further discussion. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR COOK: Staff?

MR. HURDLE: Chair, that's seven "ayes," zero "noes," with Chair Lee and Member Rawlins-Fernandez excused. The motion passes.

**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Paltin, Sinenci, and U'u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmembers Lee and Rawlins-Fernandez.**

**MOTION CARRIED.**

**ACTION:     FIRST READING OF BILL 16 (2025).**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**March 17, 2025**

---

CHAIR COOK: Thank you, Members. And thank you, Director Agawa. This item will now move on to full Council's consideration. Seeing that there's no additional...Members, this concludes today's Water and Infrastructure Committee meeting. Thank you, everyone, for being here and for a great meeting. The time is now 3:24 p.m. This meeting is now adjourned. . . .*(gavel)*. . .

**ADJOURN: 3:24 p.m.**

wai:min:250317

Transcribed by: Tricia Higa

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES  
Council of the County of Maui**

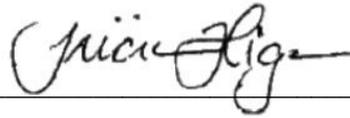
**March 17, 2025**

---

CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 43 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 7th day of April 2025, in Mililani, Hawai'i



---

Tricia Higa