

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

**MINUTES**

**January 26, 2026**

**Online Only via Teams**

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

**PRESENT:** Councilmember Tom Cook, Chair  
Councilmember K. Kauanoë Batangan, Member  
Councilmember Gabe Johnson, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Nohelani U‘u-Hodgins, Member (arrived at 1:39 p.m.)

**EXCUSED:** Councilmember Yuki Lei K. Sugimura, Vice-Chair

**STAFF:** Keone Hurdle, Legislative Analyst  
Jarret Pascual, Legislative Analyst  
Carla Nakata, Legislative Attorney  
Lori Ann Tengan, Committee Secretary  
Jennifer Yamashita, 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  
Chaelin Ryu, Council Aide, South Maui Residency Area Office

**ADMIN.:** Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Paul Barany, Deputy Director, Department of Public Works  
John Stufflebean, Director, Department of Water Supply

**OTHERS:** Resources for WAI-21  
Jeff Ueoka  
Leilani Pulmano, Vice President, Pacific Rim Land, Inc.

Testifiers for WAI-21

Bill Greenleaf  
Jeff Ueoka  
Kay Anderson, President, Wailea 808  
Leilani Pulmano, Vice President, Pacific Rim Land, Inc.  
Greg Puamana

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

**January 26, 2026**

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Michael Williams, Board of Directors, Maui Tomorrow Foundation  
Jackie Keefe  
Robin Knox  
Travis Liggett  
Stacey Alapai  
Junya Nakoa  
Kai Nishiki

(20) additional attendees

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

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CHAIR COOK: . . .*(gavel)*. . . Will the Water and Infrastructure Committee of January 26, 2026, please come to order. The time is now 1:34. May I ask that all participants silence their noisemaking devices. I'm 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. I would also ask that the department representative 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 Chair...Vice-Chair Yuki Lei Sugimura is excused. Councilmember Kauanoë Batangan.

COUNCILMEMBER BATANGAN: Hey, good afternoon, Chair.

CHAIR COOK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good afternoon, Chair, Councilmembers, community members. There's no testifiers over here at the Lānaʻi District Office, and I'm alone in my home office, and ready to work. Thank you.

CHAIR COOK: Council Chair Alice Lee.

COUNCILMEMBER LEE: Hello.

CHAIR COOK: And Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā kākou.

CHAIR COOK: Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou, mai Molokaʻi nui a Hina. I'm at my private residence here alone. Currently no testifiers at the Molokaʻi District Office. Mahalo, Chair.

CHAIR COOK: Councilmember Shane Sinenci.

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

**January 26, 2026**

---

COUNCILMEMBER SINENCI: Aloha ‘auinalā, Chair. Here at my home office, I’m here by myself, and there are no testifiers in Hāna.

CHAIR COOK: Councilmember Nohelani U‘u-Hodgins is...will be here. From the Department of Water Supply, Director John Stufflebean.

MR. STUFFLEBEAN: Good afternoon, Chair.

CHAIR COOK: And from the Department of Public Works, Deputy Director Paul Bromberry [sic].

MR. BARANY: Good afternoon, Chair.

CHAIR COOK: From Corporation Counsel, Deputy Corporation Counsel Caleb Rowe.

MR. ROWE: Good afternoon, Chair.

CHAIR COOK: From OCS, our Committee Staff...Keoni Hurdle [sic], Jarret Pascual, Lori Ann Tengan, Carla Nakata, Jean...Jean...Jean Poikipa...kipapa [sic]...I know that one. Please see the last page in the agenda for information on meeting connectivity. Good afternoon, everyone. We have two items on today’s agenda. WAI-20 relates to an intergovernmental agreement with DLNR for the roadway maintenance. WAI-21 relates to amending the water availability policy on subdivision construction plans. Members, if there are no objections, I’d like to take testimony after receiving opening comments on WAI-20 and WAI-21. *(pause)* No objections?

COUNCILMEMBERS: No objections.

**ITEM 20: BILL 176 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES ON THE MAINTENANCE OF PI’IHOLO, OLINDA, AND ALA LUANA ROADS**

CHAIR COOK: Thank you, Members. Let’s begin. Bill 176 (2025), Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State Department of Land and Natural Resources on the Maintenance of Pi’iholo, Olinda, and Ala Luana Roads. The agreement would delineate the respective responsibilities of the State and the County for roadway maintenance for an interim term of ten years. The roads are located in the vicinity of the Waihou Spring Forest Reserve, and serve important access and infrastructure functions. A proposed CD1 version can also be found under Granicus number 5 that amends the bill’s title and makes nonsubstantive revisions. At this time, Deputy Director Branaberry [sic], would you like to provide any opening comments?

MR. BARANY: Nothing majorly additional to add, Councilmember Cook.

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

**January 26, 2026**

---

CHAIR COOK: Okay. Thank you, Deputy...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Keani? I mean, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Mahalo, Chair. I...I think it's Barany. Barany?

MR. BARANY: That's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. BARANY: No worries, Tom, I've heard...I've heard worse.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . .

CHAIR COOK: Yeah. He'll forgive me. And I...I...

MR. BARANY: I do.

CHAIR COOK: One thing I can guarantee you, it's not going to be the last time during this meeting that I mispronounce something. So, I count it as part of my entertainment in this role. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, if it's a test, I've been paying attention. . . .*(laughing)*. . .

CHAIR COOK: Okay. Before we begin our discussion, let's see if anyone would like to provide testimony on WAI-20. Staff?

**. . . OPEN PUBLIC TESTIMONY FOR WAI-20 . . .**

MR. PASCUAL: Chair, I apologize. Let me pull up the testimony log. There does not appear to be any testifiers. Would you like me to do a last call?

CHAIR COOK: Please.

MR. PASCUAL: If anyone would like to sign up for this item, please come up to the podium or raise your hand on Teams and Staff will unmute you. This is last call...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Thank you. So, with no objections, I'll close oral testimony, but written testimony is always welcome.

COUNCILMEMBERS: No objections.

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

**January 26, 2026**

---

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-20 . . .**

CHAIR COOK: Thank you. I would like to welcome and acknowledge Member U‘u-Hodgins is in the house.

COUNCILMEMBER U‘U-HODGINS: Hello, Chair. Hello, everyone. *(pause)*

CHAIR COOK: Since we’re not doing all the public testimony...okay. Members, I’m proposing two rounds of three-minute questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Thank you, Members. Let’s begin. Councilmember Batangan?

COUNCILMEMBER BATANGAN: Thank you, Chair. No questions.

CHAIR COOK: Councilmember Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I’m looking at the map and the map was very helpful, so thank you for that. My...my question is in regards to when...when we asked the State to take over and maintenance, you know, we had a big discussion in our community about spraying chemicals for herbicides and things like that. Is...does the State follow that practice? Will they be spraying any type of chemicals when...to manage the side of the road, weeds, or anything like that?

CHAIR COOK: Director?

MR. BARANY: Councilmember Johnson, thanks. I am not aware that the State Department of Transportation uses herbicide anymore. I think they follow suit, but that’s just from my own personal observations.

COUNCILMEMBER JOHNSON: Okay. Well, in that particular area, if the map is correct, and I cross-referenced it with Google Earth, that’s in the Waihua [sic] Spring Forest Reserve. There’s forest reserves around there. Is that those roads? Is that what we’re talking about? That specific area is a bunch of forest reserves?

CHAIR COOK: Director?

MR. BARANY: That’s correct, yeah.

COUNCILMEMBER JOHNSON: Oh, okay. So, that’s my concern. And maybe we could do a letter to the State if...if we don’t know. I’d just like to find out if they...if they...in their maintenance, will they be spraying any herbicides in that...that forest preserve. Those are my questions, Chair.

CHAIR COOK: Staff, can you put the note of that? Thank you. Chair Lee, questions?

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

**January 26, 2026**

---

COUNCILMEMBER LEE: No questions. Thank you.

CHAIR COOK: Member Paltin, questions?

COUNCILMEMBER PALTIN: Thank you. Was there a definition of to the extent appropriate?

CHAIR COOK: Director?

COUNCILMEMBER PALTIN: On number 1A?

MR. BARANY: I don't think...I think it just follows normal standard interpretation.

COUNCILMEMBER PALTIN: Okay. And then these roads belong to the County, or they're the old government roads?

CHAIR COOK: Director?

MR. BARANY: Thank you, Chair. These roads are technically under the classification of old government roads.

COUNCILMEMBER PALTIN: Okay. And then the part that it says about financial obligation and commitment to make payments or reimbursements of any kind under this MOU shall be contingent upon availability and allotment by the Director of the Department of Budget and Finance of public funds to the Department of Accounting and General Services to make such payment or reimbursement. Are they...are they...can you define that a little bit more? Like what does that mean? Like, if they don't want to pay, they just don't budget for it?

CHAIR COOK: Director?

MR. BARANY: Thank you, Chair. Yeah. So, it's...it's an agreement that both sides, the County and the State, will make every effort to appropriate funding for any...any activities within their...their jurisdiction, so...

COUNCILMEMBER PALTIN: Okay. I guess I'm not super clear, like why would they shut off the road...or why would they close the road without this agreement?

CHAIR COOK: Director?

MR. BARANY: So, it...it is some past history of...that we did want to capture. So, there...there's one option is, least likely for everybody is they would gate it almost like a park, right? So, it wouldn't allow through traffic. So, in an effort to, you know, cooperatively work together, they have limited resources, we have resources up in that area, and it's...it's basically just memorializing the agreement that, you know, we'll take care of the roadways because that's what we do majority of the time --

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

**January 26, 2026**

---

COUNCILMEMBER PALTIN: How many --

MR. BARANY: -- and...

COUNCILMEMBER PALTIN: -- residents live off of this road? Because I mean, just saying, we got a lot of residents living off Hui F Road, and nobody wants to help us with that old government road.

CHAIR COOK: Director?

MR. BARANY: I don't know the exact count, but there...there are several people who live up in that most mauka section. I want to say 20 to 30 homes.

COUNCILMEMBER PALTIN: Okay. There are hundreds living up off Hui . . .*(timer sounds)*. . . F Road, just for your reference, and there's been multiple resolutions about that one. But glad to see we're treating everyone the same.

CHAIR COOK: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't have any additional questions.

CHAIR COOK: Member Sinenci, questions?

COUNCILMEMBER SINENCI: Thank you, Chair. We don't have any State representation here at the meeting this afternoon?

CHAIR COOK: No.

COUNCILMEMBER SINENCI: Oh, okay. And then for Mr. Barany, we don't foresee, I guess, you know, just interagency partnership MOU, but we don't foresee any challenges with having both DLNR as well as the County? It seems like the duties are pretty much who's taking care of the road, that type of thing, but should the County residents have any questions or...or closures they would be calling the Public Works versus DLNR?

MR. BARANY: Yeah.

CHAIR COOK: Director?

MR. BARANY: Thank you, Councilmember Sinenci. So, this is a template that we've actually used in other areas throughout Maui. There is a longstanding agreement that I think was maybe 10, 15 years ago in regards to Mākena Road near the...the...the reserve there. So, this is kind of along those same lines. And specifically, if I understand your questions, if there's concerns with like the road condition, they would, yeah, make notice to us, the Department of Public Works. But if there's like trees down or closures, that would...we would...we would recommend residents call the Central Dispatch of Maui Police Department and then they'll dispatch whoever needs to be there.

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

**January 26, 2026**

---

COUNCILMEMBER SINENCI: Oh, okay. So, we're looking...and this type of partnership is only where there's reserve or...or forest reserve, those types of things?

MR. BARANY: That's correct.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR COOK: Okay. Thank you. Member U'u-Hodgins, questions?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, Mr. Barany. I appreciate your hard work on this. I know we've been going back and forth with the State for a very long time, considering the eucalyptus trees have been damaging the road for so long. So, now that we have--this mic is super loud--now that we have some idea of who's doing what, when can we expect something to get done? Are we going to start removing trees, or is DLNR going to start removing trees, are we going to start repaving the road?

CHAIR COOK: Director?

MR. BARANY: Thank you, Councilmember Hodgins. Yeah. So, this...this will enable us to actually start planning for some --

COUNCILMEMBER U'U-HODGINS: Oh, good.

MR. BARANY: -- resurfacing in...in that area. The eucalyptus trees within the forest reserve and the pine trees which are planted alongside the roadway --

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. BARANY: -- do fall under DLNR.

COUNCILMEMBER U'U-HODGINS: Um-hum.

MR. BARANY: So, yeah, we could...we could put some pressure on...on them as well --

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. BARANY: -- as those things arise.

COUNCILMEMBER U'U-HODGINS: Oh, good. Yeah. There's no point of fixing up the road if the roots are still going to lift everything up because it's...it's pretty bad right now. It's kind of a rollercoaster up there. I have no further questions other than that.

MR. BARANY: Understood.

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

**January 26, 2026**

---

COUNCILMEMBER U‘U-HODGINS: Thank you so much, Deputy Director. I really appreciate it.

MR. BARANY: Yeah, thank you.

CHAIR COOK: Thank you. And Members, need for a second round of questions? Okay. Seeing no further discussion, we’ll move on to decision making. The Council [sic] Chair would like to entertain...

COUNCILMEMBER PALTIN: I have discussion. I don’t have questions. I didn’t know we were on the discussion part because you said anyone have a need for a second round of questions.

CHAIR COOK: Yeah.

COUNCILMEMBER PALTIN: But there’s not a motion yet, is there?

CHAIR COOK: I was going to entertain a motion. Let’s talk about discussion and continue. You have discussion?

COUNCILMEMBER PALTIN: Oh, I thought discussion came after the motion.

CHAIR COOK: I was just going to read the Chair would like to entertain a motion to recommend passage of the bill on first reading.

COUNCILMEMBER PALTIN: Okay. I have discussion for --

CHAIR COOK: Okay.

COUNCILMEMBER U‘U-HODGINS: So moved.

COUNCILMEMBER PALTIN: -- after the motion.

COUNCILMEMBER LEE: Second.

CHAIR COOK: Okay. Moved by Chair Lee, seconded by Member U‘u-Hodgins [sic]. Discussion?

COUNCILMEMBER PALTIN: I’m happy to support this motion. I would like to remind folks that before my predecessor...predecessor, people have been asking for Hui F Road. That’s during Jo Anne Johnson’s time. It’s also an old government road. And our senator has gotten the paperwork from the courts and given it over, and nothing is ever done. In fact, our Public Works actually filled some of the potholes at the bottom with old asphalt, and then they were asked to remove it. So, you know, not saying that because we were one of the biggest contributors to the County budget in terms of revenue for decades and decades and decades, we expect more, we just expect equal

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

**January 26, 2026**

---

treatment. I'm sure if you count all the property tax that Hui F Road generates, it would pay for itself. Thank you.

CHAIR COOK: Corp. Counsel, do you have any insight or comments on the aspect of Member Paltin's question, and this particular government road discussion?

MR. ROWE: I'm sorry, I'm not familiar with the discussions regarding Hui F Road.

CHAIR COOK: Director, do you have any response or insights into the...Member Paltin's question.

MR. BARANY: Not...not specifically, but I know the County has received the...the deeds from the...the court more recently, so we just need to process those. My boss, Jordan Molina, is...is working on that process. So, we're making some headway. The other thing, I want to make sure, our Highway Division is mainly funded by the fuel tax, so not General...General Fund. So, that comes from fuel sales and fuel usage and registration fees, so... But we are working, Councilmember Paltin. It does take some time, and the...the Hui F Road and a lot of the older roads that were stuck with the State, it's pretty complicated, so we appreciate your patience, and understand the frustration, but we are working to...to make things right, so...

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR COOK: Okay. Thank you. Any other discussion on Bill 176? Seeing none. We have a motion and a second...motion by Member Lee, seconded by Councilmember U'u-Hodgins [sic] to recommend passage of Bill 176 (2025) on first reading. Members, any further discussion before I move on to my amendment summary form? Seeing none. Members, your Chair would like to entertain...

COUNCILMEMBER SINENCI: Chair? Sorry, I just, Chair --

CHAIR COOK: Member Sinenci?

COUNCILMEMBER SINENCI: -- I just had one question...a follow-up to my question. Does it...Mr. Barany, does it include like watershed areas as well? Or only areas under the State...State jurisdiction?

CHAIR COOK: Mister...Director?

MR. BARANY: Thank you, Councilmember Sinenci. This one specifically is just the forest reserve. There is a County water supply system at the top of Ala Luana as well, so...but it's...yeah, it's specifically the forest reserve.

COUNCILMEMBER SINENCI: Okay. All right. Thanks, Chair.

CHAIR COOK: So, Members, this ASF amends the bill's title, makes nonsubstantive and technical revisions...

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

**January 26, 2026**

---

MR. PASCUAL: Sorry, Chair. We still need a mover and a second for the...

COUNCILMEMBER U‘U-HODGINS: So moved.

COUNCILMEMBER LEE: Yeah, that’s what we were waiting for . . . *(inaudible)*. . .

CHAIR COOK: Okay. So moved by Member U‘u-Hodgins, seconded by Chair Lee to replace Bill 176 with the proposed CD1 version. Members, this ASF amends the bill’s title, makes nonsubstantive and technical revisions for clarity, consistency, and style. Any discussion? Seeing there’s no further discussion, all those in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that’s eight “ayes,” zero “noes.” Member Sugimura excused.

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

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Vice-Chair Sugimura.**

**MOTION CARRIED.**

**ACTION:    APPROVE substitution.**

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

CHAIR COOK: Thank you. Members, now we are back to main motion as amended. Any further 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.” Member Sugimura excused. Motion passes.

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

**January 26, 2026**

---

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

**NOES:**    **None.**

**ABSTAIN:**   **None.**

**ABSENT:**    **None.**

**EXC.:**    **Vice-Chair Sugimura.**

**MOTION CARRIED.**

**ACTION:**    **Recommending FIRST READING of Bill 176, CD1 (2025).**

CHAIR COOK: Thank you, Members. This item will move on to the full Council’s consideration. Okay. We’re going to move on.

**ITEM 21:**       **BILL 1 (2026), AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS**

CHAIR COOK: Members, WAI-21 relates to Bill 1 (2026), Amending the Water Availability Policy on Subdivision Construction Plans. Bill 1’s purpose would allow Department of Water Supply to review subdivision construction plans at the subdivider’s risk regarding water availability prior to the verification of a private or public longstanding water supply. I want to clearly state that this bill does not eliminate Maui County “Show Me the Water” requirements. A developer must still obtain written verification from the Director of Water Supply confirming a long-term reliable water source before final subdivision approval can be granted. This core safeguard will remain in place. What Bill 1 addresses is the process and timing of the review for subdivision construction plans. Under current practice, the Department of Water Supply typically defers the review of construction plans until the written water verification is issued. In the real world experience, obtaining that verification can take approximately three to six months. Bill 1 would streamline and create efficiency in the current process by allowing Department of Water Supply to review subdivision construction plans concurrently before the written verification is issued, but explicitly at the subdivider’s risk. This bill does not authorize development without water. Instead, it allows earlier technical review of plans while preserving the County’s requirement that water availability be demonstrated before a subdivision can be finalized. A proposed CD1 version is before the Committee attached as Granicus number 4. The proposed CD1 version amends the bill’s title, makes amendments to Maui County Code Sections 14.12.040, 18.20.10, and 18.20.180. Specifically, the CD1 version separates provisions related to the submittal of the subdivision construction plans before written verification of water availability into the new section, clarifies cross-references within the Code, and specifies what written

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

**January 26, 2026**

---

verification of water availability must be provided by the Director of Water Supply prior to subdivision approval. At this time, Director Stufflebean, would you like to provide any opening comments?

MR. STUFFLEBEAN: Sure, Chair. Thank you. Yes, Chief Engineer Jensen and I have reviewed the bill, and we understand what it accomplishes, and we have no objection. Thank you.

CHAIR COOK: Thank you, Director Stufflebean. Deputy Director Barnaby [sic], would you like to provide any opening comments?

MR. BARANY: Thank you, Chair Cook. It's Barany. Strike two. I'm just joking. No...no additional comments. Like Director Stufflebean, we support this as well.

CHAIR COOK: Thank you, Director Baron [sic]. . . .(laughing). . .

MR. BARANY: Barany.

CHAIR COOK: Okay. At this time, I'll open the public testimony for WAI-21. Staff, please call the first testifier.

MR. PASCUAL: Thank you, Chair. The first testifier is Bill Greenleaf, to be followed by Jeff Ueoka.

CHAIR COOK: Okay. And if Mr. Greenleaf will pause at the podium while I read the pre-testimony. Anyone wishing to testify, please sign up in the lobby, join online meeting, or call in the phone number noted on today's agenda. For online testifiers, please click raise-your-hand button. For those calling in, please follow the prompts via phone...star-5, raise or lower your hand, and star-6 to mute or unmute. Please ensure that your name on Microsoft Teams appears in the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you are in person, please notify the Staff you would like to testify anonymously. Otherwise, state your name for the record at the beginning of your testimony. Written testimony will continue to be accepted, and can be submitted via eComment at [mauicounty.us/agendas](http://mauicounty.us/agendas). Staff will enable your microphone and video when it's your turn to talk. Oral testimony is limited to three minutes per item. If you're still testifying beyond that time, I will kindly ask you to complete your testimony. You can view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Decorum will be maintained throughout the meeting. Breaches of decorum, including anything that disrupts the orderly management of the meeting. Violation of decorum may result in being removed from the meeting. Thank you, Mr. Greenleaf, for your patience. Please proceed with your testimony.

**. . . OPEN PUBLIC TESTIMONY FOR WAI-21 . . .**

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

**January 26, 2026**

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MR. GREENLEAF: No problem. Thank you. Aloha, Chair. Aloha, Council. Happy New Year to everybody. So, this...this is a...this bill brings up a lot of other concerns, and I...I think they need to be on the table. We've got good news. Director Stufflebean has put in the budget for this year to rent a machine that can see 1,500 feet into the ground. It can tell the difference between rock, saltwater, and freshwater. So, we can begin to gauge the aquifer. Currently, we don't know what the aquifer holds anywhere. Then I want to tell a little story about Arizona, which has a similar set of laws that we do. For instance, we don't track what the private wells are doing. As many as are down there, we don't know what they're doing. So, I don't know how we can ever know until we get that metric solved. In Arizona, ranchers that have been ranching for generations and using the aquifer, sharing, someone new bought land there, put down a deeper pipe with a much more powerful pump, and put all the ranchers out of business. They ran out of water. That's completely possible here if we don't pay attention to what's going on. There's plenty of people here with enough money to put down deep pipes and big pumps. So, I'd like to...first of all, I think that there's one sentence that really bothers me in here. The Department must approve the plans. And that really both...that really concerns me. I've seen too many things over time on Maui. For instance, the Wailea 670, where the Councilmembers wouldn't approve it at its current level, and then they finally went to 7...800 approved affordable homes. They...people that had reservations voted for it, the Councilmembers. Well, we all saw what's happened in that over the last 12 years or so, and this is the same kind of thing that can happen. So, I'd...I'd like to ask you to defer this bill until Director Stufflebean can...completes his survey, and then I'd also like to have you consider taking up a bill that says that all private wells will be required to produce their pumping statistics. Thank you.

CHAIR COOK: Thank you. Members, questions for our testifier? Thank you, sir. I have a question, a clarifying question. When you say all well owners, users, need to clarify...prove --

MR. GREENLEAF: Be required.

CHAIR COOK: -- be required with their pumping...

MR. GREENLEAF: To produce their pumping.

CHAIR COOK: Is...I thought...I don't have a well, but I thought there was a requirement with the State that they have to report like annually about the well; is that correct?

MR. GREENLEAF: I don't believe it is.

CHAIR COOK: Okay.

MR. GREENLEAF: Not to my knowledge.

CHAIR COOK: Okay. We'll...we'll find out. Staff, can you make a note of that? That we...one of the questions is, is there a requirement that the people who have wells report to the State regarding their permit?

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

**January 26, 2026**

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MR. GREENLEAF: I'd also like to thank the Council. When I write people emails, I get answers back, and I really appreciate the communication coming from this Council. Thank you all.

CHAIR COOK: Thank you. I...and I also...I would like to appreciate your participation. When people do come and give testimony and participate in the process, it helps us a great deal. Thank you.

MR. GREENLEAF: Thank you.

CHAIR COOK: Staff, next testifier?

MR. PASCUAL: Chair, the next testifier is Jeff Ueoka, to be followed by Kay Anderson.

MR. UEOKA: Good afternoon. Thank you, Councilmembers, Chair Cook, Director Stufflebean, and Deputy Director Paul. I'll leave it there. Just want to testify in support of Bill 1. Thanks, Chair, for clarifying. It's you still need to verify your water, the source. This is just allowing subdividers to, I guess, expedite...I don't want to say expedite, but do the...do the construction plan review simultaneously. I've seen it a bunch of times where you take all that time getting your long-term reliable supply of water...which, before anyone really does construction plans, they know that's already in the works. They're not going to spend all that money doing construction plans. And then when that process is done, which can take three to six months or longer, then you...then the County starts reviewing your plans, and you're just delayed longer. So, this language in here--and it basically only says the Department must review the plans, doesn't say they have to automatically approve them or anything, it says they must review them--and then if everything that the Department has asked for is satisfied, then...then they must approve them, which makes sense. And there'll be a lot of back and forth. I'm confident on that. But overall, I just want to thank you. I think this does protect the need for establishment of source and verification of source. It just lets the developer or the subdivider move forward simultaneously with the review of the plan. So, thank you very much, Chair and Councilmembers.

CHAIR COOK: Members, any questions...clarifying questions for our testifier?

UNIDENTIFIED SPEAKER: Shane.

CHAIR COOK: Shane. Mister...Member Sinenci?

CHAIR COOK: Thank you, Chair. Mahalo, Mr. Ueoka. When you mentioned subdividers, would that be like people that are...the developer will subcontract other developers? Can you explain?

MR. UEOKA: Oh. So, I guess on a general level, subdivision just means like breaking up a piece of land into multiple pieces, like developable lots, generally speaking. So, in the case of like Waikapu Country Town, you have a whole bunch of large lot subdivisions,

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

**January 26, 2026**

---

but they have the water system for the entire project. So, in this case, it could be anyone. It could be, you know, an 80-unit little subdivision they're doing on Waiale Road or, you know, 1,400 units in Waikapu. But all it would do is just have the simultaneous review of the construction plans.

COUNCILMEMBER SINENCI: While...while the developer waits for the...the subdivision approval?

MR. UEOKA: Oh. For the...either the water meter reservation, which I think--as we know, there's kind of a water shortage right now. So, the way the rules are set up, the admin rules, I believe the Director cannot grant a water meter reservation to a user of large quantities of water, and that's defined under another set of rules. But basically, we're in such a high level of drought, I believe, for Central Maui. It's I don't know about the other ones. I think you get up to 1,200 gallons per day, which is two, so that one doesn't really work. For Waikapu Country Town specifically, we have a well, and we got...went through the whole DOH process. They approved the...I guess the construction plans for the water system. But while we're waiting for that, we're kind of...you know, we would have hoped that the construction plans for the rest of the project could have moved forward.

COUNCILMEMBER SINENCI: Okay. Thank you.

MR. UEOKA: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR COOK: I have a clarifying question. Could you...and it's kind of a long question, would you be willing to be a resource peop...does the...Members, is it okay if Mr. Ueoka is a resource?

COUNCILMEMBERS: No objections.

CHAIR COOK: I have...I'd...I'd like some clarification about the process of when preliminary...the different reviews, because I don't think that's understood. Are you available?

MR. UEOKA: Sure. I can try, but, you know, I'll always defer to Public Works and Water Department, of course. . . .(laughing). . .

CHAIR COOK: Okay.

MR. UEOKA: Thank you.

CHAIR COOK: Thank you. Members, seeing no further questions. Staff, next testifier?

MR. PASCUAL: Chair, the next testifier is Kay Anderson, to be followed by Leilani Pulmano.

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

**January 26, 2026**

---

MS. ANDERSON: Good afternoon. My name is Kay Anderson with Wailea 808. I thank you, Chair and Members, for allowing me to speak against Bill 1 today. First, Maui County is in a drought that will last at least three years, according to the analysis from the Department of Water. Because of the drought, our groundwater or aquifers are not being refreshed adequately, but at the same time, we continue to allow more withdrawal by adding wells to these groundwater sources with each additional development. This demonstrates we are not good stewards of our 'āina and our natural resource, water. We must demand responsible, sustainable developments so our future generations have resources to continue to live and thrive here on Maui. This bill puts the decision in the hands of a developer to move forward with their project without final approval from the Department that has expertise to determine if there is long-term sustainable water. Although 14.12.40 states the Department of Water has the final say, it is written weakly, and should be stated in strong language so that if the developer does not have a long-term sustainable water, they will not receive their building permit regardless if they are asking for water from our six public water treatment facilities or through wells tapping into Maui County aquifers. The last sentence in this bill states, "this approval of subdivision construction plans by the Department will not constitute a guarantee of water availability for this...for the subdivision." I cannot imagine how the hardworking individuals that scrape together enough money to purchase an affordable or workforce home would feel if one day they turned on the shower or faucet and there was not any water. I'm sure they would be saying show me the water. Finally, the planning process needs to be modified, and a Maui County centralized water authority constituted with responsibility for all the water utilities must be created. I would volunteer to participate in the strategic planning committee to help create this authority, but until then, the Department of Water must take charge issuing building permits for all developers requesting water, whether public or from groundwater, only if there is long-term sustainable water available for their project. Mahalo.

CHAIR COOK: Thank you very much for your testimony. Members, questions for our testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just was reading this paragraph in your testimony where it says although 14.12.040 states that the Department of Water has the final say, it is written weakly and should be stated in strong language. So, part D of 18.20.160 says under Subsection 14.12.040B, approval of construction plans under this section may occur before the Director of Water Supply provides written verification of a long-term reliable source, and then you want it to be stronger worded to say, and they will not receive their building permit until then? Is that what...

MS. ANDERSON: What I wanted to include is, the fact is we are...no one owns the water. Many times when I go to the EIS', the builders say I have...I have private water...I have a private water source. That kind of upsets me because, you know, to me, I don't think Maui County owns the water either. It's our 'āina. We are here to be custodians of the water of the island. And so, the Department of Water approves permits for the developers that have water from the County...the Water County Department, not from the aquifers. So, those developers don't have to have permits from the Department of Water. It's basically, they get it from the State. Their wells are getting

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

**January 26, 2026**

---

permits for building their wells, and not have to get approval from the Department of Water. And I want them to get approval from the Department of Water that they have a long-term sustainable water source from tapping into our wells.

COUNCILMEMBER PALTIN: I believe the Department of Water Supply still has to sign off on even if it is a private source or delivery system because that's why Pulelehua is not moving forward. So, I mean the Department of Water...the County Department of Water still has to verify, I guess, their math, or their record. But...so it's not necessarily the wording that you want changed basically was my clarifying question.

MS. ANDERSON: I didn't see any questions in the brand-new questionnaire about irrigation water. It was only about potable water. So, I'm not sure how that...that works then. There's no question...there's questions in there about how much your irrigation acreage was in the property. And right now, until these...these builders start using reverse osmosis for potable water, that wasn't even in the questionnaire. And when they start doing reverse osmosis, they will be using two times the amount of water to do the potable water, and that wasn't included in the questionnaire. Nothing about irrigation. Nothing about potable water. So, every...every developer that's going --

COUNCILMEMBER PALTIN: I'm not sure what questionnaire you're --

MS. ANDERSON: -- into the aquifer...

COUNCILMEMBER PALTIN: -- talking about.

MS. ANDERSON: He...the Department of Water just released a brand-new questionnaire using a different...it's called water usage submittal checklist.

CHAIR COOK: Excuse me. Could you submit that right now?

COUNCILMEMBER PALTIN: Yeah.

CHAIR COOK: Basically...

COUNCILMEMBER PALTIN: I just was asking for clarification that you wanted stronger language, and what that would look like with my clarification.

MS. ANDERSON: I actually want all developers that are using public source water and groundwater, including irrigation and potable water, when they begin using reverse osmosis.

CHAIR COOK: So...

MS. ANDERSON: That's not actually included --

CHAIR COOK: Okay. Thank you.

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

**January 26, 2026**

---

MS. ANDERSON: -- in the...

CHAIR COOK: You can give that in writing. I think Member U'u-Hodgins has a question...clarifying question.

COUNCILMEMBER U'U-HODGINS: Member Paltin, are you pau ask your questions? Thank you. I wanted to follow up on your sentence that says...or paragraph that says, the last sentence of the bill, disapproval of the subdivision construction plans by the Department will not constitute a guarantee of water availability for the subdivision. And then you go on to explain about what happens if somebody turns on the water and there's no water. But I wanted to double check with you. Are you aware of the difference between the construction subdivision plans and then the building permit plans?

MS. ANDERSON: Yes.

COUNCILMEMBER U'U-HODGINS: Okay. So, this is the...the construction plans, the subdivision plans, right? So, this is just on paper the dividing of the TMK. And then when they go to do the ending of this plans, it'll have the water availability. And then by the time they submit their building permit plans, where they construct the unit that the person who put together the money will be living through, then they'll have...they'll have that water availability.

MS. ANDERSON: Then why was this sentence even included in this bill?

COUNCILMEMBER U'U-HODGINS: Because I think...I think this is my point. The subdivision construction plans are not the building permit construction plans. Those are two different processes.

MS. ANDERSON: So, should that sentence be changed?

COUNCILMEMBER U'U-HODGINS: No. I think what needs to be discussed is, I think maybe your understanding of what...when this applies. So, this applies to when somebody is going to just subdivide the portion of land, right? Not necessarily when you're constructing the unit.

MS. ANDERSON: Regardless of when this...

CHAIR COOK: So, if I can interrupt, this is for a clarifying question. Your questions are valid. That's one of the...

COUNCILMEMBER U'U-HODGINS: Yeah. But I think that's what's confusing is, there's a lot of processes. So, I get...I get it.

MS. ANDERSON: Yeah. Regardless of when the process occurs, it says there's no guarantee of water availability for the subdivision. And that would be important to me as an affordable home --

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

**January 26, 2026**

---

COUNCILMEMBER U‘U-HODGINS: Sure.

MS. ANDERSON: -- or workforce housing owner. And that, to me, is what I was trying to point out.

COUNCILMEMBER U‘U-HODGINS: Yeah. Yeah. No, I hear you.

MS. ANDERSON: And --

COUNCILMEMBER U‘U-HODGINS: And so...

MS. ANDERSON: -- I...I would be appalled if I had invested into that home, and then all of a sudden I didn't have water.

COUNCILMEMBER U‘U-HODGINS: Sure.

MS. ANDERSON: And that's the point I was trying to bring across.

COUNCILMEMBER U‘U-HODGINS: Right. And I just wanted to let you know, it's two different processes.

CHAIR COOK: Thank you very much for your testimony, and I think some of these questions will be answered as we continue, and I'm grateful you came.

MS. ANDERSON: Thank you.

COUNCILMEMBER U‘U-HODGINS: Yeah.

CHAIR COOK: Thank you.

COUNCILMEMBER U‘U-HODGINS: It is confusing. Thanks.

CHAIR COOK: Any further questions for the testifier? Seeing none. Staff, next testifier.

MR. PASCUAL: Thank you, Chair. The next testifier is Leilani Pulmano, to be followed by Greg Puamana.

MS. PULMANO: Good afternoon, Chair Cook and Committee Members. My name is Leilani Pulmano with Pacific Rim Land, and we have processed several subdivisions, and so I am familiar with the subdivision processing requirements, and I am testifying in support of Bill 1. I've read the testimony for Bill 1, and I wanted to ensure the Committee Members that Bill 1, as Chair Cook said in his opening remarks, still requires developers to show the water in order to get your subdivision approved. This bill would allow for concurrent subdivision construction plan processing while you prove that you have a long-term reliable source of water at the same time. You will not be able to get your final subdivision approved without showing the water. So, Bill 1 allows for streamlined processing during the subdivision construction plan process, and in our

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

**January 26, 2026**

---

lived experience, this bill would potentially save us four to ten months of processing. The verifications of long-term reliable source of water, which in our case were water meter reservations, took four to ten months to complete. So, I also wanted to assure the Committee, a developer would not submit their construction plans if they were unsure of getting approval for "Show Me the Water." At this point in the development process, one would have spent a considerable amount of money on engineering design costs. For us, hope is not a strategy. Certainty is the only strategy. A developer would only move forward with construction plan approval processing if they were certain that the water is available for their project. Thank you.

CHAIR COOK: Thank you. Members, questions for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: Just wanted to double check on your generalization of developers. Not all developers are created equal. So, you're clarifying that a good developer that had integrity would do that.

MS. PULMANO: I...I think, to be honest, every developer because the rules are the rules, regardless if you're not integral and...and have integrity, or has integrity. The rules don't...don't discriminate.

COUNCILMEMBER PALTIN: So, like Pulelehua has water?

MS. PULMANO: I would think so. I don't know for sure.

COUNCILMEMBER PALTIN: Okay. Chair, can I request Ms. Pulmano be a resource because of her lived experience in the subdivision processing requirements?

CHAIR COOK: Any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Would you be available?

MS. PULMANO: Yes, I'll make myself available. Thank you.

CHAIR COOK: Okay. Thank you. Chair...Staff?

MR. PASCUAL: Chair, the next testifier is Greg Puamana, to be followed by Michael Williams on Teams. *(pause)*

MR. PUAMANA: Good afternoon, WAI. Good afternoon, Chair Cook. My first time here. I'm going by Greg Puamana to help you with the names. Also no relation, even though it sounded very similar. So, as a Lahaina resident, as a FEMA guest, as someone who's still waiting on building permits, water, and the entire process, the last thing I would ever suggest is slowing it down or keeping it the same. all right? We need to find ways to improve it. And a lot of things can be modified and can be changed. Water can't just be found, right? For reasons that I still don't quite understand, the County doesn't

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

**January 26, 2026**

---

control the majority of the water on the island. So, it's amazing what these wells do. I know in my community we have multiple wells, and we have incredibly lush landscaping, which I...I don't think we need, but that's kind of beside the point. That's use of water. So, as much as I would love to support this, I also don't oppose this, I think that there's an opportunity for a lot of questions to come up. Because as much as they say oh, well, we would never start something if we didn't know what the answer was that we didn't have the water, we've seen other things happen too, right? I mean I've testified on...on...on bills that I'm not allowed to talk about anymore, and also we can go to Wailea 670, right, where a yes vote meant less affordable housing. So, I don't know if there can be an affordable housing qualifier. I don't know if that's sort of hopes and prayers because whenever this thing finally does launch, people can come in front of the Council and request something completely different. So, when it comes to the water aspect, there's no getting around the water, right? So...so, I just ask the Council to...or the Committee to really kind of ask all of the questions and say, you know, is having the water and using the...the...the County resources to do everything else while it's going on. If it does stop, then what happened to all those resources that were used? So, that's all. I'm not pro or against. Just please give it a little bit of thought.

CHAIR COOK: Thank you for... Please stand by. Members, any clarifying questions for our testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Mr. Pulman [sic].

MR. PUAMANA: . . .(laughing). . .

COUNCILMEMBER PALTIN: I...I guess my clarifying question is, you mentioned that you're waiting on plans for your rebuild, and you're not thinking that approval of this would slow down your approval because it's...right? It's two different departments.

MR. PUAMANA: The whole process...the whole process needs improvement, it needs streamlining, it needs expediting. And so, I'm just saying that I unfortunately have the experience now of dealing with the building permit, so I totally understand why if you can find ways to expedite that and do things concurrently, do that. My only concern is, if you don't have the water, you're not going to move forward.

COUNCILMEMBER PALTIN: Like if our County workers go through the work of processing and approving plans, but then the water part falls through, then they did that work for nothing kind of thing?

MR. PUAMANA: Yeah. They've done that work, and what else could they have done that actually would have been successful?

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Members, any other clarifying questions? Thank you, sir. Staff?

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

**January 26, 2026**

---

MR. PASCUAL: Chair, the next testifier is Michael Williams, to be followed by Jackie Keefe on Teams.

MR. WILLIAMS: Aloha, Chair Cook and Councilmembers. I am Michael Williams, testifying today as president of Maui Tomorrow Foundation. We oppose Bill 1, but the...I want to make a couple points that I don't believe anybody else has. One is, it's...it's not clear that the process...the current water...“Show Me the Water” bill allows either the Director of Water Supply to ensure there's enough County water for a subdivision, or the Director of Water Supply to approve a private engineering report that there's enough water for the subdivision. And this bill is not clearly applicable to that second process, but what I wanted to alert the Committee to is that the Board of Water Supply last year took testimony from Kate Blystone, the Director of Planning, and also from Eva Blumenstein, one of the main planning directors at the Department of Water Supply, on whether there has been any enforcement of that second provision, where we're talking about a subdivision that's going to use private water, not County water, and is going to have its own private engineering report approved by the Department. What...what the testimony was at the Board of Water Supply was that neither the Department of Planning nor the Department of Water Supply has a system in place to review those reports, or to approve them, or to have the current expertise in place. So, I would urge this Committee to take a look at that part of the “Show Me the Water” bill. And then the other point is one that was just made by the last testifier and Councilmember Paltin, that this bill is going to require County departments to do a lot of work on some plans that may never come to fruition because there's not enough water. And the developer may take the risk of no water, but it sounds like the County's taking the risk of no approval and all that extra work done for nothing. And that's all. Thank you very much.

CHAIR COOK: Thank you, sir. Any clarifying questions? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Williams. I just wanted to clarify to your first point that you were saying about the second scenario of a private engineering report, and that you think that that doesn't work. Like, I'm...I'm not sure I understand that. That's why Pulelehua isn't moving forward because the Director of Water Supply wouldn't sign off on their private engineering report and the ground and surface water Special Management Area designation. So, isn't that...the process working?

MR. WILLIAMS: Well, what...what I am reporting is that there doesn't seem to be a process for evaluation of those private engineering reports because neither the Department of Water Supply nor the Department of Planning is set up to do that. It's just...I'm not sure that there's been any that have come up and been approved or rejected, but it's just...and this bill is not clearly written that it applies to that...that situation too. I think it...it actually does apply, but it's kind of murky in the language.

COUNCILMEMBER PALTIN: So, to clarify, you said you don't know that it clearly applies to private water scenarios. Is that what you're saying?

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

**January 26, 2026**

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MR. WILLIAMS: What I'm saying is, they don't have a process. When that situation occurs, I don't think there's any guarantee right now that the County is set up to handle it.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR COOK: Members, any clarifying questions for testifier Mr. Williams? Seeing none. Thank you very much, sir. Staff, next testifier.

MR. PASCUAL: Thank you, Chair. The next testifier is Jackie Keefe, to be followed by a user who signed in with the last four digits 6659. *(pause)*

MS. KEEFE: Aloha. . . *(inaudible)*. . . service at home is really terrible. But mahalo as always for being here today. My name is Jackie Keefe, and I'm testifying in opposition of Bill 1 as written. While I can appreciate Chair Cook's explanation that this bill does not outlaw the "Show Me the Water" bill, I hope that you can appreciate community distrust in that statement. As the first testifier shared, we often see bills being pushed through that eventually lose the traits that got them the support in the first place. This bill has the potential to severely weaken the "Show Me the Water" bill by prioritizing construction over our wai. We hear a lot in these Chambers about drilling more wells, but we don't hear nearly enough about how we can have any sort of accountability for how much water actually exists. So, I want to appreciate also his mention for the need for well monitoring, and I hope that Director Stufflebean continues to push for that. We are not in a water shortage right now. We are in an extended drought whose impact is exacerbated by unbridled water division and irresponsible water usage. If we continue to take water, we will reach irreversible salinity levels in our aquifers. We cannot continue to provide water for development without its existence. Member Hodgins mentioned that this is about...just about subdivision, but Bill 1 specifically uses the language, allow the Department of Water Supply to review subdivision construction plans. So, I hope you can understand the previous testifier's confusion. I believe that this language needs to be reviewed. I'm here today to ask this Council to follow the "Show Me the Water" law in their discussion today. I want to echo that the developers moving without integrity is something to be concerned about, regardless of written law. Unfortunately, we have seen that laws are often very easy to break when there is no such thing as enforcement. Mahalo for your time today.

CHAIR COOK: Thank you. Members, clarifying questions for our testifier? Seeing none. Thank you very much. Staff?

MR. PASCUAL: Thank you, Chair. The next testifier is an individual who called in by phone with the last four digits 6659, to be followed by Travis Liggett.

MS. KNOX: Aloha. Aloha, Chair. Aloha, Committee. This is Robin Knox. I am testifying in opposition to Bill 1. First of all, I...I think this bill needs to be deferred and some clarification done. It seems like even amongst the experts here that there's some confusion, and it's certainly not clear to the public. I would suggest that your Committee have some meetings and do some presentations to present information to the public about the existing process, and how you are proposing to change it. I also share

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

**January 26, 2026**

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concerns that have been discussed prior in Mr. Williams' testimony about staff resources. Both, do we have the expertise, but even more importantly, do we have enough staff? It seems like to me that this bill puts the cart before the horse, and people are going to be...the County is going to be investing in their staff time to review plans, and the subdivider's going to be investing and could actually be building infrastructure even before they get their verified letter of water that would ensure that they could get their final approval. So, that seems like a really bad plan, to put a lot of investment on either the County's part or the subdivider's part upfront in the hopes that...you know, that even developers of integrity are right, and that there actually is water. It doesn't make sense to just assume that and make all of these investments. And I think it actually would cause a great deal of political pressure on the directors of...of the various departments if there are a lot of investments made, and then there's some opinion that there's not enough water. I think that would create a great amount of controversy and a lot of political pressure that might, you know, not lead to the best decision for our water resources and our long-term future water supply. So, again, I oppose this, and I encourage the Committee to provide more education to the public of exactly what this bill is about. Mahalo.

CHAIR COOK: Thank you for your testimony, Ms. Knox. Members, any clarifying questions? Seeing none. Thank you very much. Staff, next testifier.

MR. PASCUAL: Thank you, Chair. The next testifier is Travis Liggett on Teams, to be followed by Stacey Alapai.

MR. LIGGETT: Good afternoon, Chair and Councilmembers. Thank you for the opportunity to testify today. I hope you're doing well. And I just wanted to quickly hop on here to talk about like the overreaching philosophy behind this bill, which...I understand expediting planning is important and permitting, but the real problem is that we're short on water. And I would point out that instead of maybe making exceptions to the process that makes the determination whether or not the mass balance...balances out, that you look for really low-hanging fruit on where to get more water. And I would propose that that is the approximately 10 million gallons per day going into injection wells. But the catch is that it has to be of reuse quality first, and this Council passed Bill 52, known as Ordinance 5592 in 2024, and I'm happy to report that on Friday, Senator McKelvey introduced a statewide version directly based on Bill 52 that mandates 100 percent reuse standards across the State. So, I would argue where this Committee might consider focusing on its time is to achieve compliance with Bill 52, disinfect all that water going into injection wells, and then really focus on a really strategic method to displace as much potable water demand as possible, and that's where you're going to find your water. That's...that's...the water is going into the ocean. A lot of it is not disinfected. And in my written testimony, there is a link to, right now, a budget amendment that could be passed to fund Project 5521 in the Chair's district in South Maui to get us across the finish line of the Kihei plant so that that is 100 percent reuse. And then the strategy is to really, in a focused way, just go for the gold, and find out how much drinking water reuse that you can displace with this newly disinfected reuse water, and that really addresses the problem with the mass balance instead of making exceptions to when that mass balance is not guaranteed. And I would argue there is a

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

**January 26, 2026**

---

big reason to encourage this because legislators are now looking at the feasibility of a statewide R-1 mandate, and if we as a community can show that it's achievable to actually keep checking facilities off the list to 100...100 percent R-1, that really goes at the heart of the matter, which is that we have this amazing resource that's going into the ocean. And by the way, in Kihei and Kahului, it's not undergoing any disinfection step, so this is a very, you know, convoluted but direct connection between people getting infections when they swim, and also marine ecosystem decline, and housing. I know it's a little bit of a stretch, but I would suggest that instead of investing this precious, valuable time and making exceptions to potentially not meeting that water balance, to really focusing on finding more drinking water. And it's just the elephant in the room that we have 10 million gallons per day approximately . . .(timer sounds). . . going into the ocean, creating a hazard. So, that's all. Thank you. And by the way, congrats on the statewide bill. It wouldn't have happened without you.

CHAIR COOK: Thank you for your testimony. Members --

MR. LIGGETT: Thank you.

CHAIR COOK: -- any clarifying questions? Thank you, Mr. Liggett. I have a clarifying question.

MR. LIGGETT: Thank you.

CHAIR COOK: The --

MR. LIGGETT: Yes.

CHAIR COOK: -- the Kihei plant, my understanding is that it was meeting R-1 standards. It still has the nutrients, but it was disinfected.

MR. LIGGETT: Okay. The reuse water is absolutely disinfected. I understand that perhaps a portion of what is going into the injection wells is being disinfected, but unfortunately, the data does not lie, and every UIC report in recent memory is above the detection limit for the test, which is something like 90,000 fecal indicator bacteria colony forming units per gallon.

CHAIR COOK: So...

MR. LIGGETT: The very new hot off the press reading is only about 10,000 chances to get sick per gallon, but reuse standard is 1 to 2 most probable number of colony forming units --

CHAIR COOK: Okay. Thank you.

MR. LIGGETT: -- per 100 milliliters, and we're just not meeting it.

CHAIR COOK: Okay.

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

**January 26, 2026**

---

MR. LIGGETT: So, no, it's not being disinfected.

CHAIR COOK: So, my clari --

MR. LIGGETT: Although DEM has stated that it is.

CHAIR COOK: -- my clarifying question, do you feel that the water is suitable for utilizing for irrigation and freeing up potable water?

MR. LIGGETT: Just really briefly, the water that is directed toward reuse, absolutely yes. The water going into the injection well, absolutely no.

CHAIR COOK: Okay. Well, hopefully we can eliminate the injection wells by using the water. Thank you very much. Any further questions for --

MR. LIGGETT: Thank you, sir.

CHAIR COOK: -- clarifying questions? Thank you, sir.

MR. LIGGETT: Thank you.

CHAIR COOK: Staff?

MR. PASCUAL: Chair, the last individual signed up to testify is Stacey Alapai on Teams. *(pause)* Stacey, you're unmuted on our end. I think you just unmuted. *(pause)* Stacey, we do see you unmuted if you're able to speak. We're not hearing you right now.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. ALAPAI: Hello? *(echoing)*

MR. PASCUAL: Yes, we can hear you. You may have to mute one of your audio devices because there is a reverb coming from your end.

MS. ALAPAI: Okay. I'm sorry. It's my first time trying to call in. Okay. There's a lot of feedback on my end, but I will try to continue in spite of it. Aloha. My name is Stacey Alapai. I am here to ask you to defer this...this or...or strike it down. I also wanted to make sure that you all are aware of the UN report on global water bankruptcy that just came out on January 20th. I think that their description of what's going on around the world with the water crisis very much describes what's going on on Maui. To quote from that report, water bankruptcy is a persistent post-crisis condition of a human water system in which long-term water use has exceeded renewable inflows and safe depletion limits, causing irreversible or effectively irreversible degradation such that previous levels of water supply and ecosystem functions cannot realistically be stored. I just wanted to make...highlight this for you because I think we're prioritizing the wrong thing with this bill. We all agree that permitting times could be expedited and reduced, but this is not the solution. I also want to thank Councilmember U'u-Hodgins for

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

**January 26, 2026**

---

clarifying that this bill only applies to developers who are buying large plots of land to subdivide and sell the land or apply for building permits later. With that clarification, I oppose this proposal even more strongly because it seems to only benefit speculative real estate investments. If you come Upcountry, there's always people talking about the water meter list. There's people who have bought empty land with no access to water. This says that this will be at the developer's risk, but if they sell those lots, there's usually word...language in there that says the buyer has to do their due diligence, and so that risk actually gets passed along to whoever ends up thinking they got a deal on a piece of land, only to find out that there is no water. Water verification is not something to rush. Earlier, a testifier who represents a development company, I assume, said that certainty is the only strategy for developers like this. So, she's implying that they know they'll get the water. How do they know? That testimony demonstrates exactly why we need these kinds of protections, and we should be strengthening them, not weakening them. I also want to reiterate something that's been brought up earlier, that requiring the County to review something when it's not ready to approve it is going to further backlog them for projects that are ready to move forward with guaranteed access to water. So, I think this is really shortsighted. I really hope you guys reconsider it, or at least amend it, to...to change some of these...language in here. There's a lot of shalls removed with musts, and musts removed with shalls, where it's reading as if the County is required to approve. And that's, I'm sure, not what you meant. So, I just think this needs a lot more work. I hope . . .(timer sounds). . . the Committee spends some time working on this to improve it and make it better, to ensure that we don't end up in water bankruptcy like the UN has warned. Mahalo for your time. Welcome, Kauanoe. Glad to see you on the Council. And Happy New Year, everybody.

CHAIR COOK: Thank you for your testimony. Members, clarifying questions for our testifier? Seeing none. Thank you. Staff?

MR. PASCUAL: Thank you, Chair. The last individual signed up to testify is Junya Nakoa.

MR. NAKOA: You guys can hear me?

CHAIR COOK: Loud and clear.

MR. NAKOA: Howzit. Okay. First things first is, why are you guys fool around with this bill? Okay. They went work hard to make this bill go through and all this shit. Oh, sorry. Sorry, I just came up from Vegas. I small kine tired. But, you know, all the testimonies I've heard, it is only going to benefit the developers or the...and whatnot. It's not going give...going to support us guys, the...the people. Like the bruddah was saying, they trying to wait for his permit in Lahaina, you know. The thing not going really help us guys, but going help out the developers. Now, if these developers going go build only 25 percent affordable, and then the other 75 percent is going be market, yeah, taking all the water for 75 percent of offshore investors and all that kind of crap, yeah, go make pools and all that stuff, we still going to be out of water. And again, I think...I don't know which bruddah or sister went talk about, the...the work that got to be put into by the County, and then end up what, no they get...they going to disapprove the project,

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

**January 26, 2026**

---

like one of 'em in Lahaina. And then...and then what? Yeah? We still stuck with 'em because they never show the water. Don't weaken the bill, okay. Either leave the damn thing alone, or...in fact, one other better thing I would do, instead of where we're making these bills, want to shove it down our throats, hold community meetings with the whole County, and then go to talk to them before we got to come over here and talk only three minutes. And then you guys all force in our hands every time we come to this thing. Yeah? You guys go do some work, whoever introducing this bill. Okay. Come talk to...come talk to the community. That is what I do, gang, okay? I talk to the community. Ikaika Ohana went ask me for help push that one project in Nāpili. I went help push that project. Majority of all you guys went show up to the one here in Lahaina. Okay. They came to the community, gang, before all the things came up. Okay. I got lickings. I got lickings by the community, okay, because of their project. But after I came out to the whole thing, whatever went happen, hey, plenty of the community support. But I went talk to the community before all these things come out. You guys like shove 'em down our throats, force us that we only got to hurry up and hurry up and hurry up, and then...then you make us guys get all pissed off and all mad. So, whoever went write this bill, I don't know, I think...I think it's you, yeah, Mr. Cook, yeah? You're going to put this bill through? I know why. Okay. I know why. Because you're...you're Tom Cook. So, I'm going to let you guys know . . .*(timer sounds)*. . . that we don't need this bill to go through, and if anything...if anything, defer 'em and come talk to the community...the real community. Not the...not transplants, not the people who stay here only part-time...the guys that stay here forever, and not going nowhere.

CHAIR COOK: Okay.

MR. NAKOA: . . .*(inaudible)*. . . for spend money, but that's about it.

CHAIR COOK: Okay. Thank you for your testimony. Members, any clarifying questions? Member Paltin?

COUNCILMEMBER PALTIN: Oh, I just wanted to thank you for your testimony, and clarify the math. If a developer is building 75 market value homes, they're only on the hook for 18 to 19 affordable, not...it's 25 percent of the market, not 25 percent of the project right now. So, just wanted to clarify that for the record.

MR. NAKOA: Oh, yeah. My bad. Hey, sorry --

CHAIR COOK: Thank you.

MR. NAKOA: -- the kine, but yeah, guys more, more no like 'em. And remember now, every --

CHAIR COOK: Thank you.

MR. NAKOA: -- all you guys, Councilmembers, in perpetuity is what...the way...the way we got to go.

CHAIR COOK: Thank you for your testimony.

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

**January 26, 2026**

---

MR. NAKOA: Okay. In perpetuity.

CHAIR COOK: Members, any other further clarifying questions? Seeing none. Okay. Member Sinenci? Clarifying questions.

COUNCILMEMBER SINENCI: Yeah. Mahalo, Chair. Mahalo, Mr. Nakoa, for your testimony this afternoon. I was just wondering when you spoke about bringing the bill to the...the public...or maybe it's a question for the Chair. Has the bill gone to the Water Commission for review?

CHAIR COOK: Director Stufflebean?

COUNCILMEMBER SINENCI: I mean...and I can until...but if...okay. Go ahead.

CHAIR COOK: Director?

MR. STUFFLEBEAN: So, are you referring to the...the Maui County Board...Board of Water Supply? Is that who you're talking about?

COUNCILMEMBER SINENCI: Yes.

MR. STUFFLEBEAN: Or you're talking about the...yeah. This bill has not gone to the...to the Maui County Board of Water Supply.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. And...and thank you, Member...Mr. Nakoa, for...for just bringing that up, for my question. Thank you.

CHAIR COOK: Thank you. We're going to have further discussion.

MR. NAKOA: Mahalo.

CHAIR COOK: We'll have further discussion to clarify the intent of the bill because I think it's being misunderstood. Any other further testifier, Staff?

MR. PASCUAL: Thank you, Chair. The last testifier signed up is Kai Nishiki.

MS. NISHIKI: Aloha, Chair, Committee Members. I am testifying in support of this bill. I think...and thank you very much to Councilmember U'u-Hodgins for the clarification. I think that members of the public might...that there might just be some confusion because not a lot of folks have worked with housing providers, and done subdivision approvals, and understand how lengthy and onerous the process is. And so, I really do believe that processing applications concurrently can...can help expedite the permit process. And I know that this Council hears for years about how lengthy the process is. So, I think that if we can process permits a little bit more timely, that...that that, in the end, does support our community, and we do need all the housing that...that we can get. And I...I just want to also mention that housing providers...in...in...in looking

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

**January 26, 2026**

---

at...I mean most of the time it doesn't come down to integrity. It comes down to how much money you are investing in...in putting forth a project. And so, nobody is going to invest millions and millions of dollars into this entire process if they aren't, you know, 75 percent to 95 percent sure that a...a water source is...is available. So, support this bill, and let's just try not get too...too caught up in that this is like an attack on...on the Show Me the Water. I am a supporter of the Show Me the Water legislation and...and bill. And so, of course I would never testify in...in support of something that would...that would weaken it in...in any way. So, thank you very much for you folks' discussion on this matter. Mahalo.

CHAIR COOK: Thank you very much for your testimony. Members...Member Paltin? Clarifying questions.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Nishiki, for your testimony. I just wanted to clarify that in your testimony you're talking about housing, but the bill doesn't distinguish whether the subdivision construction plans are specifically for housing. If it's for a hotel, or commercial, or industrial, or anything else, is it that...wanting to clarify, is it that you wanted them only to be processes for housing, or for all of the above?

MS. NISHIKI: Well, I haven't actually carefully considered that. However, the process is the process no matter, you know, what it is that is being proposed. And the sub...the subdivision is a completely separate process than...than the building. And so, it does seem that it should be...it should be fairly...fairly enforced across the board.

COUNCILMEMBER PALTIN: And by fairly enforced, can you clarify what you mean by that?

MS. NISHIKI: If you're going to process an application for a subdivision, and you're changing the rules about that, then if...if you folks want to only prioritize this concurrent process for housing because that can be the greatest need at this time, then that...then that does seem fair. But at the same time, there might be other needs within the community that this could also benefit. So, the subdivision process at this time doesn't discriminate. And so, I don't really see a reason to do so going into the future unless someone brings up some really bad unintended consequence for this process. But ultimately, water is going to be required before the building permits are...are processed. So, I...I...I just don't necessarily believe in just because you don't support something that you try and manipulate the...the process. I...I do think that...that if you're going to be against something, then it should be fair and square...duke it out, fair and square. Don't try and manipulate the process.

CHAIR COOK: Does that answer your question?

COUNCILMEMBER PALTIN: I think so. Thank you.

CHAIR COOK: Thank you. Any clarifying questions for our testifier? Seeing none. Thank you very much. Staff?

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

**January 26, 2026**

---

MR. PASCUAL: Chair, that is all the individuals signed up to testify. If anyone in the audience or Teams would like to testify, please come up to the mic and begin your testimony, or use the raise-your-hand function on Teams and Staff will unmute you. Here's a brief countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Thank you. Seeing that there are no more testifiers, any objection to closing public testimony and keeping written testimony open?

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-21 . . .**

CHAIR COOK: No objections. Thank you. So, now we will have our discussion. And I'd like to invite our two resource members to come down. Staff, could you assist them where they could sit at the table? *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, just for the record, my two minor children are at home. They're leaving for practice, but just for the disclaimer.

CHAIR COOK: Tell them I said hi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Uncle Tom said hi.

COUNCILMEMBER JOHNSON: You said leaving...leaving for breakfast? Did I hear that right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Wa'a practice.

COUNCILMEMBER JOHNSON: Oh, I said leaving for breakfast. My daughter sleeps so late, that's why I was laughing.

CHAIR COOK: So, Members, I'm going to poll everybody. Is there...is there a need for...there's no need for a break. Can we just kind of...just work right on through?

COUNCILMEMBER PALTIN: We have permission to go when we need to?

CHAIR COOK: Yes.

COUNCILMEMBER PALTIN: Okay. No need.

CHAIR COOK: *... (laughing) . . .* Okay. So, we will continue. We have our two resource people here for during our discussion, ask questions. We have Director Stufflebean, the Deputy Director for Public Works, we have Corp. Counsel, and our resource people. So, we'll start with Member Batangan.

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

**January 26, 2026**

---

COUNCILMEMBER BATANGAN: Thank you, Chair. So, it sounds like there's a little bit of confusion as to what this bill does. So, I'll be explaining my thinking a little bit more than I normally would. I am in support of Bill 1. This bill does not change the elements of the subdivision review process, merely the timing of the various reviews that need to take place. Allowing the concurrent review of subdivision construction plans with verification of water source will only reduce the length of our permitting process, not the elements that need to go into the process. It does not eliminate the need for a reliable long-term source of water. And so, I am comfortable with just changing the process from requiring one review and then the other two concurrent reviews. That's all I see this bill doing. I do not see any exemptions being processed through this legislation, and...and therefore in support. I do not have any questions for the resources.

CHAIR COOK: Thank you for your statement and clarification. Member Paltin, some clarifying questions?

COUNCILMEMBER PALTIN: Sure, I got a lot of questions. Thank you. If we...I don't feel comfortable voting yet because I don't understand what is the subdivision construction plan, and that's kind of why I asked for Ms. Pulmano to be a resource. Like I don't know the flow chart of where it is in the process, what it is, all those things. And then...so if...that would be my question for her. And queuing up Public Works, my questions for them is, do they have folks sitting around waiting to process permits, and what is the reason they're not processing it because this language isn't in there, or it's not the practice? Like you guys don't have the authority to start processing things? And is there a priority, and how it's done? Like is it first come first serve, the greatest need, or...those are some of the questions I have. Whoever is ready to answer all my questions can go first.

CHAIR COOK: Resource?

MS. PULMANO: Thank you. And I would also just ask Deputy--shucks, I'm sorry --

COUNCILMEMBER PALTIN: Barany.

MS. PULMANO: -- Barany to fill in some of the processing questions. But in my experience, you would submit a subdivision...a preliminary plat, and the Department has 45 days to approve that preliminary plat, and they are very consistent about providing that 45-day review. They're actually really good at that.

COUNCILMEMBER PALTIN: Is that the first step in your process for construction, is a preliminary subdivision plat?

MS. PULMANO: Yeah. I'm...I'm walking through the entire subdivision process. So, the first step is a preliminary plat. And then on that preliminary plat approval, you have a set of conditions in order for you to get your final plat approval...your final subdivision plat approval. And one of many conditions is...construction plan approval is the...is one of the main conditions. And within that set of conditions, you also have the Department of Water Supply conditions of verifying your long-term source, and of course, the review

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

**January 26, 2026**

---

of the construction plan approval by the Department. And once you have met all your conditions, and you have submitted your final subdivision plat, then they...then the Department reviews that plat. But you have to at that point--thank you--at that point have the verification from Department of Water Supply that you have a long-term reliable source, and your...the Department approves your construction plans.

COUNCILMEMBER PALTIN: And then what is the next step?

MS. PULMANO: Then you would submit your final subdivision plat, and that also goes through a review process.

COUNCILMEMBER PALTIN: So, your understanding of this bill is it moves the Water Department verification to...from where to where?

MS. PULMANO: It doesn't actually move it from anywhere. It basically just allows the department to concurrently process the long-term reliable source and the construction plan review at the same time...instead of sequentially, where typically what we have been seeing is that the Department will want you to get your long-term water supply reliable source, and then they review your construction plans.

COUNCILMEMBER PALTIN: So, the final subdivision plat approval will not be granted until the long-term reliable source of water has been verified?

MS. PULMANO: That is correct.

COUNCILMEMBER PALTIN: Okay. Should I wait until my next round for Barany --

CHAIR COOK: Please.

COUNCILMEMBER PALTIN: -- to answer?

MR. HURDLE: Sorry, I think...sorry, Chair, Director Barany had his hand up.

CHAIR COOK: Okay. Deputy Director?

MR. BARANY: Thank you, Chair. Yes, the...the resource from Pacific Land is correct in the process. So, yeah, it basically...without the...currently, without the...this bill, the subdivision plans would just sit waiting for that long-term reliable source determination.

COUNCILMEMBER PALTIN: And then we'll come back around for the other questions I had.

CHAIR COOK: Members, she had two questions. Anybody opposed to Deputy Director answering her second question now?

COUNCILMEMBERS: No objection.

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

**January 26, 2026**

---

CHAIR COOK: Thank you. Deputy Director, did you hear the question from Member Paltin pertaining to staffing?

MR. BARANY: If you would not mind, Councilmember Paltin, just repeating those?

COUNCILMEMBER PALTIN: Sure. I heard you say that the reason you don't do it is because of how the Code is written now. But do you have sufficient staffing to timely process applications, I guess they're called, or plats--I'm not sure what is the difference--that have a verified long-term source of water, as well as ones that don't? Like do you envision needing to possibly hire more Staff, or prioritize? Is it called applications? Or is it called plats?

MR. BARANY: Yes, it would be.

COUNCILMEMBER PALTIN: Applications.

MR. BARANY: It would be. Yeah.

COUNCILMEMBER PALTIN: Is there a need to prioritize, or would that be a possible amendment to this bill to like prioritize on greatest need, or is it...how do you do it currently? Is it in order of receipt, or how does that work?

MR. BARANY: Yeah. So...so, how I understand it is that it is kind of the first come first serve basis. We do have a handful of Staff in our subdivision and civil section. We have a couple vacancies, one which was due to a promotion--so one of our engineers in that section just became the section head, Ms. Lesli Otani, so we're pretty happy to have her in that position. It does continue to be a challenge to recruit employees in our DSA section, and we're working...trying to work with DPS as well as our State legislators to help maybe put some recruitment incentives there. It is a long process. But...yeah. So, we...we are relatively busy in that section. Those applications come and go. They're not as...as much in volume as say like building, or plumbing, or electrical permits, but they are more complex, and does require an actual engineer review and...and all that stuff. But it's a lot of back and forth, mostly with the design professionals and the developers on making sure they have the grading right, they have the infrastructure right, and it aligns with each of our partner departments' requirements on the up front.

COUNCILMEMBER PALTIN: Like the implementation of this bill, it would still, without amendment, at this time would be first come first serve. So, if an entity that had secured a long-term reliable source of water through the regular method that we have right now turns in the next day after someone who hasn't, it would still fall in first come first serve?

MR. BARANY: Yes. So, that...that first person who was able to provide long-term need, that process would continue. Right. So...

COUNCILMEMBER PALTIN: Or I'm just talking about like say this bill passes, and somebody that has a water verification submits the day after somebody that doesn't have a water

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

**January 26, 2026**

---

verification, they're next in line, they're not...they're not...they wouldn't be put ahead of someone who...who doesn't have a water verification?

MR. BARANY: I don't know the specific dynamics of...of what that actually would be, but based upon the understanding of the bill, it would continue. So, yeah, that person without the...the...the former...

COUNCILMEMBER PALTIN: Verification?

MR. BARANY: We would...yeah, we would still be able to go through our review.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Chair. Thank you guys for your leniency.

CHAIR COOK: Okay. Members, for discussion, who would like to have a question for our resource people or our County? I see Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Okay. First off, I want to thank you, Chair, for trying to find ways to streamline our building process for homes. That's what's on my mind, and I appreciate that attempt. Okay. Now, I...I think that...and honestly, this is...this is a big bill, what...what it's proposing. It's...it's...I will say that, and I think it should go to the Board of Water Supply, what Councilmember Sinenci was mentioning. That is a good...I think that is a good path...to send it there, let them speak. I...I would hope that maybe you could defer today, and then we get back from the Board of Water Supply, have their opinions on it. And I'd like to ask you that question, Chair Cook. Would you be amenable to sending this to the Water Supply Board, getting their opinions, and then bringing it back?

CHAIR COOK: I think I'll defer. Director Stufflebean is going to talk about the implementation of this, and I believe it's not going to be until like June when we...because of budgetary issues. This...

COUNCILMEMBER JOHNSON: Well, my vote would be...you know, it's going to...I would like to hear what they say before I choose to vote is what I'm saying.

CHAIR COOK: Director Stufflebean...Director Stufflebean, did you hear the question from Member Johnson, and could you respond?

MR. STUFFLEBEAN: Oh, sure. So, yeah, our...our recommendation was to have this take effect July 1st with new fiscal year because some things would be changing that would make this easier for us to process at that time. Yeah. So, you know, if you want to send it to the Board of Water Supply, you know, they...they meet every...they meet every month, so the next meeting would be the...they meet the third Thursday of every month, so that would be the schedule for that.

COUNCILMEMBER JOHNSON: Okay. Thank you, Director. The second point I want to make--and I know I'm limited in time--is, you know, this is...this goes against our

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

**January 26, 2026**

---

Countywide policy program, and...and goes against our County policy. I didn't even bring it up that the...it even says it goes against the plan. It says...let me find it here. Basically it's saying that you should do the...here it is, right here. Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents. That was...that's in our Countywide Policy Plan. So, we're going against that plan if this bill goes forward. That's something to consider on how we're going to...what are we changing, you know? Are we going to change our...our plan? That's a concern. So, that...I wanted to bring that up. The...the last thing I wanted to ask is, Director Stufflebean, you know, does this plan...does this bill fix what it's intending to fix? It's streamlining. Can you say to the Council here today that it is...it is going to shave off three months of...of the...of the...of the process? That's...that's one thing.

CHAIR COOK: Director? . . .*(timer sounds)*. . .

MR. STUFFLEBEAN: Yeah. So...so, yes. So, in...in projects that we...that have been discussed, where currently it would be a sequential process, where we would...we would require the demonstration of long-term water supply before we would process construction review, and yes, it would shorten the process for those specific projects.

COUNCILMEMBER JOHNSON: Okay.

MR. STUFFLEBEAN: And then as the...so it would shorten it for those...for the projects, yeah.

COUNCILMEMBER JOHNSON: Okay. Thanks. My...my time's up. I'll just end on this, Chair Cook, if you'll allow. If there's a way we could prioritize housing, affordable housing, then I'm...I'm more...more malleable. But if it's just for anybody, then we know it's not really what we need. Let's be...have a little finesse, let's have a little bit of nuance, let's make this priority for County-owned lands or affordable housing projects, things like that, if they need a subdivision. But that's the end of my time. Thank you, Chair.

CHAIR COOK: Thank you, Member Johnson. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was going through Title 14, 14.12.030 and 040, to get a better grasp of this bill because I...I think if...because I agree with Member Johnson and Member Paltin saying about if this was for subdivisions for 100 percent affordable housing, then I...I could be supportive of that. But I think under exemption F maybe, residential development projects with 100 percent affordable housing units and are within the service area of the Department central water system is exempted from "Show Me the Water." So, as we're trying to...because I...I...I guess I wouldn't be like supportive of...of expediting, you know, commercial development if that's what this subdivision would do. Is...is that what this would do --

CHAIR COOK: So, do you have...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- written the way it...it is?

CHAIR COOK: Do you have a question for one of --

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

**January 26, 2026**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: That's the question.

CHAIR COOK: -- our resource people?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that's the question.

CHAIR COOK: Who would like to address that? Deputy Director?

MR. BARANY: Yes. So, yeah, this...this subdivision process is part of both residential and commercial properties. It could be, depending on what the landowner or developer is trying to do.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if it was 100 percent affordable housing project, then this...then 14.12.040 would not --

MR. BARANY: Would not apply.

COUNCILMEMBER RAWLINS-FERNANDEZ: apply because --

MR. BARANY: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- it's exempt under 12.14.030F or E or F, one of those.

MR. BARANY: That's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that clarification. And then, Chair, I went back to your meeting in January 2024 to go look for that very helpful map that you had...that asked the Department to make for us expediting permitting process. You remember that? I found it. . . .*(laughing)*. . . So, I don't...I don't know if you'd like me to send you the link, and then maybe we can add that to Granicus, and then it'll have the map, and it shows like...you know, like the...the step-by-step process that, you know, we were kind of talking about, and it shows it for commercial. So, it has one flow chart for the commercial side, and then it has a flow chart for like the residential side for Department of Water, and like where in the...oh, okay. Member Paltin? Oh.

COUNCILMEMBER PALTIN: When I...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, I'm not the Chair. Chair Cook, can I hear from Member Paltin? She has her hand raised.

CHAIR COOK: Yeah, you can forward that to Staff.

COUNCILMEMBER PALTIN: I...I did ask Ms. Takahashi for that, and she said that . . .*(timer sounds)*. . . they only requested flow charts for building permits, and this is for

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

**January 26, 2026**

---

the subdivision construction plan, not the building itself. Because, you know, great minds think alike.

CHAIR COOK: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Mahalo, Member Paltin. But I...I guess I got mine. So, I got my question answered, that if...if...the only way I would support this is if it applied to, like . . .*(inaudible)*. . . subdivisions then...and affordable housing subdivisions falls under the exemption, then I don't know if I would support this because then it would basically just be for like commercial or like industrial or like other things that's not housing.

CHAIR COOK: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Affordable housing.

CHAIR COOK: So...

COUNCILMEMBER PALTIN: I think 2.96...it would apply to 2.96, which isn't 100 percent.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, it's an exemption, it's E.

CHAIR COOK: How about we take this up --

COUNCILMEMBER RAWLINS-FERNANDEZ: Residential workforce housing unit --

CHAIR COOK: -- on your second round?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- developed by a qualified provider under Chapter 2.96 is E under the exemptions.

CHAIR COOK: So, Member Rawlins-Fernandez, we're going to move on, and you can take this up on your next round. Chair Lee, questions?

COUNCILMEMBER LEE: Yes, I have a question for Leilani, but I do want to say that I...I'm supportive of the bill. Even though it may include other uses like commercial, industrial, so forth, people have to keep in mind that we have one of the highest costs of living in the whole United States. Yeah. I think we're number four, and that's because...because of situations like this, where everything is so time consuming. Time consuming means adding cost to anything and everything, so wherever we can reduce cost across the board for everyone is something that I certainly can support. But I wanted to ask Leilani, how much...you talk about four to ten months, you said, of review? What's the cost of that? Because you're adding...or right now, the...the process is, you get your...you submit your preliminary plat approval, and then...then, after you get that, then you start...then the Department starts its review of the subdivision. So, what's the cost to the additional time when they could have been doing that review simultaneously?

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

**January 26, 2026**

---

MS. PULMANO: Thank you, Councilmember Lee. I think that it's basically the carrying cost of what you're processing. So...shucks, I wish I knew what our carrying cost is. But I would assume for us, it would...it would probably be more than \$50,000 a month to \$100,000 a month of just carrying costs. So, that's financing costs, real property costs, insurance, repairs and maintenance. So, it's...it can be substantial.

COUNCILMEMBER LEE: You're talking about several hundred thousand to a couple of million?

MS. PULMANO: Potentially, depending on how much you finance.

COUNCILMEMBER LEE: Okay. Thank you. That's all I have.

CHAIR COOK: Member U'u-Hodgins, questions for our research people or the County Staff...County...directors?

COUNCILMEMBER U'U-HODGINS: Sure. Thank you. I think it needs to be made clear, and perhaps you can help me, that the subdivision will not be approved finally...in the final subdivision...because I don't know if people realize, there's several iterations of the subdivision submittal process that you all go through, that all of us have to go through as we wait for affordable housing and other projects, that you wouldn't get the final subdivision approval until you basically show people the water.

MS. PULMANO: That...that's correct.

COUNCILMEMBER U'U-HODGINS: And from the time you submit your initial subdivision plans to the time you hopefully get final subdivision, how long do you think that typically takes? Best guess.

MS. PULMANO: I had Erin Mukai in my office --

UNIDENTIFIED SPEAKER: Louder.

MS. PULMANO: -- provide...I had Erin Mukai in my office provide me that. So, for our makai residential subdivision, which is going to be providing 122 single-family homes in Lipoa, we submitted our preliminary plat on February 14th, 2022, and we received final subdivision approval in November 22, 2025.

COUNCILMEMBER U'U-HODGINS: Three-and-a-half years?

MS. PULMANO: Three-and-a-half years. In...in my experience, when I was working at Maui Land & Pineapple, it was about 18 months.

COUNCILMEMBER U'U-HODGINS: Okay. And so, right now, we're focusing on water, but I think for the conversation at large, all of the County review...County agencies review, sometimes State agencies review, everybody provides you a list of stuff that they're going

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

**January 26, 2026**

---

to require, and you're...when you submit your initial subdivision plat and then you attempt to get your final. Sometimes you have pages of conditions to meet, and this show me the water situation is one of the several conditions you'll have to do in order to get your final subdivision.

MS. PULMANO: That's correct. I know we are hyper focused right now on water, and this is --

COUNCILMEMBER U'U-HODGINS: Yes.

MS. PULMANO: -- not to say that the Department of Water Supply is the longest --

COUNCILMEMBER U'U-HODGINS: Sure.

MS. PULMANO: -- agency that's reviewing, it's just one of the agencies. So, I just want to make that clear. Thank you for clarifying that.

COUNCILMEMBER U'U-HODGINS: Sure. I think unless you've been to the process, which I've only done it once from a distance, it's a long and complicated and arduous process. And so, you will wait to get...this would allow the Water Department to concurrently review the plans without this water availability letter as it goes through the entire Countywide process, yes?

MS. PULMANO: Yes, that's correct.

COUNCILMEMBER U'U-HODGINS: And then once you have that water, then they can approve it...the final subdivision plat?

MS. PULMANO: Along with the...approving the construction plans.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you.

MS. PULMANO: They would review as part of their standards reviewing the construction plans.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you very much. For Public Works, Deputy Director Barany?

MR. BARANY: Yes.

COUNCILMEMBER U'U-HODGINS: About how many subdivisions do you guys process annually?

MR. BARANY: Let me...give me a minute or two to . . .*(timer sounds)*. . . pull that up.

COUNCILMEMBER U'U-HODGINS: Sure.

MR. BARANY: I can pull from last year's. Okay. *(pause)*

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

**January 26, 2026**

---

COUNCILMEMBER U'U-HODGINS: Do we have the jeopardy tune we can put on right now?

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER U'U-HODGINS: [*singing*]

MR. BARANY: So, for FY 2025 --

COUNCILMEMBER U'U-HODGINS: Uh-huh.

MR. BARONY: -- that's funding. So, for 2024, we had 37 subdivision applications received. In 2025, we had 17. And each of those years we had final approvals, 18 of them.

COUNCILMEMBER U'U-HODGINS: So, '24 you had 34 applications received, '25 you had 20...37? Did I say that wrong?

MR. BARANY: It was 37.

COUNCILMEMBER U'U-HODGINS: 37 --

MR. BARANY: 37 in --

COUNCILMEMBER U'U-HODGINS: -- subdivision applications --

MR. BARANY: -- 2020...

COUNCILMEMBER U'U-HODGINS: -- received, and in '25 you had 17, and in both years you approved 18 subdivisions?

MR. BARANY: Yes, that's correct.

COUNCILMEMBER U'U-HODGINS: Okay. Okay. Thank you.

MR. BARANY: You're welcome.

CHAIR COOK: Thank you. Member Sinenci, your questions? And then we're going to start again.

COUNCILMEMBER SINENCI: Hey, thank you, Chair. Yeah, just a question for Director Stufflebean. So, Director, this bill doesn't...it doesn't change your timeline when reviewing for water ability for...for the...the projects, or this bill just affects the...the subdivision plans? Would you have to wait until those subdivision plans be finished, or...or you can just continue to review for water abil...water access?

CHAIR COOK: Director?

COUNCILMEMBER SINENCI: Does it change your timeline?

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

**January 26, 2026**

---

MR. STUFFLEBEAN: Yeah. So...no, in terms of determining the water availability--which by the way, we do have expertise for, that's what we do--yeah, it wouldn't...yeah, it wouldn't change the timetable for that. It changes the timetable for whether we can do that concurrently with looking at the construction plans, right.

COUNCILMEMBER SINENCI: But you don't...you don't do the construction plans, you just do the water availability?

MR. STUFFLEBEAN: Yeah. We do...we do construction plans relative to the water system to make sure it --

COUNCILMEMBER SINENCI: The water...

MR. STUFFLEBEAN: -- complies with the County --

COUNCILMEMBER SINENCI: Oh, got it.

MR. STUFFLEBEAN: -- the water portion of it. Yeah.

COUNCILMEMBER SINENCI: And you would normally do that first?

MR. STUFFLEBEAN: Right. Yeah. We...we would normally...in this situation, normally we would do that in a series, this bill would then...we would then be doing that in parallel. So, in terms of the determination of water availability, it would...I guess...I guess it wouldn't change, it would just be whether we can do that together or...or in sequence.

COUNCILMEMBER SINENCI: And you mentioned you had...you had the Staff to do that?

MR. STUFFLEBEAN: Sure. We're...we're in better condition than we...than we've been for many years in terms of staffing. You know, it's...it's always tight. So, you...and...and as...as Public Works, you know, we review them first come first served. So, you know, there...there could be a situation where a subdivision that doesn't have...you know, it doesn't have the water...long-term water availability determined would be ahead of one that does. That...that came up earlier. But, you know, right now we're doing pretty well in terms of keeping up. But, you know, it depends on how many engineers we have at a particular moment in time. Right now we're in pretty good shape, so we're...we're keeping up.

COUNCILMEMBER SINENCI: Okay. And then one of the testifiers mentioned doing some kind of a report, well report, including Mr. Greenleaf. . . .*(timer sounds)*. . . Would that..you guys normally consult with...with those types of data prior to making that determination?

CHAIR COOK: Director?

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

**January 26, 2026**

---

MR. STUFFLEBEAN: So...so, we...so, we evaluate the engineering report to determine if there is long-term water supply, and we would continue to do that. We do that in-house.

COUNCILMEMBER SINENCI: Oh, okay. All right. Thank you. I heard the bell, Chair. Thank you.

CHAIR COOK: Thank you. Member Batangan?

COUNCILMEMBER BATANGAN: Thank you, Chair. I don't have any questions. I just again would like to remind everybody that this bill doesn't eliminate the need for a long-term reliable water source, all it does is change the review from sequential to concurrent. Thank you.

CHAIR COOK: Thank you for that statement. Members, need for a second round of questions? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I think my question is for Mr. Barany. What else do our DSA workers do besides subdivision construction plan approval?

CHAIR COOK: Director?

MR. BARANY: Yes, thank you. Thank you, Councilmember Paltin. So, we receive...we are the central processing agency for all permitting for the County. So, we do electrical permits, plumbing permits, building permits--which is everything under...above ground--we have our civil and subdivision section, which does our subdivisions, but as well as site grading and drainage. And then we are the reviewing agency for that as well. So, we coordinate...I think it's upwards around 12 to 13 other departments and agencies internal and external to the County. So, we're kind of the coordinator for that.

COUNCILMEMBER PALTIN: And you're fully staffed in that section?

MR. BARANY: We are not fully staffed in that division.

COUNCILMEMBER PALTIN: How many vacancies do you have?

MR. BARANY: Currently, right now, I want to say we are...in our DSA, we're probably around 20 percent vacant...and that's maybe about 10 out of 50.

COUNCILMEMBER PALTIN: Okay. And so, you don't have any idea or plans of how this could be implemented if there is staffing shortages?

MR. BARANY: There...there is potential to utilize third-party support, like 4LEAF. So, they have been helping us with some reviews. That is an avenue we have been utilizing lately.

COUNCILMEMBER PALTIN: And that's at --

MR. BARANY: But...

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

**January 26, 2026**

---

COUNCILMEMBER PALTIN: -- our cost, or would that be at the applier's cost?

MR. BARANY: So, the...the applicant's cost pays --

COUNCILMEMBER PALTIN: Okay.

MR. BARANY: -- pays...covers their --

COUNCILMEMBER PALTIN: Perfect.

MR. BARANY: -- their amounts. So, even --

COUNCILMEMBER PALTIN: Thank you.

MR. BARANY: -- you had mentioned before, like if...if the subdivider decides not...they can't move forward --

COUNCILMEMBER PALTIN: They still got to pay.

MR. BARANY: -- they pay for that...correct, they pay for that plan review time, so...

COUNCILMEMBER PALTIN: Okay. And then my other question, I guess, might be to Mr. Rowe or Ms. Nakata. According to what Member Johnson said, that it violates or...or goes against our Countywide Policy Plan. What do you think? Like should we change that first before we pass this bill, if we're going to pass this bill? Because what happens when you pass bills that are in opposition to the Countywide Policy Plan? And is that true? I didn't verify it myself.

MS. NAKATA: Chair, for my part, I'd need to look into that, and whether or not the Countywide Policy Plan contemplates final subdivision approval or the interim approvals.

COUNCILMEMBER PALTIN: If it...if it's against what we're doing, would we have to amend the Countywide Policy Plan first to do what we're doing, if...if that were the case?

MS. NAKATA: Thank you, Chair. I'd need some time to take a look at that.

CHAIR COOK: Okay. Chair...Chair . . .*(timer sounds)*. . . would like to weigh in on that. I think the interpretation of Mr. Johnson's concern was about the approval, and this is not...this is approval in the steps of the process. It is not giving final approval, so it isn't in contrast, and we can research that further. But basically...

COUNCILMEMBER PALTIN: That may be a written letter to Corp. Counsel before --

CHAIR COOK: Okay. Staff --

COUNCILMEMBER PALTIN: -- second reading.

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

**January 26, 2026**

---

CHAIR COOK: -- could you...thank you very much. That's recorded, and will be managed.

COUNCILMEMBER JOHNSON: Chair, point of information, if you'll allow it?

CHAIR COOK: Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Okay. Page 70 in the Countywide Policy Plan. Objective 1, policy A as in alpha...it's the first one. So, if they can look it up, that's where it is. Thank you, Chair.

CHAIR COOK: Thank you. I see your hand up, Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you. If I could kind of answer Member Paltin's questions about how DSA works, I would appreciate that moment. So, thank you. So, there's several divisions in DSA. It's a...it's a huge department, and I will say our current Director and Deputy Director do a really good job at managing them. But you have the DSA clerks that in this situation, when we're talking about subdivisions, will take in that permit application, send it over to their civil section, which is where the subdivisions are processed, and then they will send it out to all the different agencies that will also need to be reviewed. But it's not the same people that are reviewing subdivisions that are reviewing like electrical plans, or your permits, or your plumbing permits, or even your building permits at the time. It's all different divisions and different sections. Subdivision, in my experience, they've had like the longest term of people. The DSA clerks is where I've personally witnessed a lot of turnover. They should get paid more. That's...that's a union issue. But the subdivisions, they're...there's a whole different branch, and it's a whole different process, but it's...it's several different. And so, the DSA clerks is maybe where...and the plans review is probably where we see a lot of short staff throughout the whole thing, but that's primarily where we see a lot of short staffage. I'm looking up the policy review as we speak, but as I understand it, it's approval, but probably not even subdivision plans. It's probably building permit plans because it's related to infrastructure, and that's where we would see the...the approvals. Because this is to allow the discussion to continue, to not...not necessarily allow for the approval of buildings or infrastructure, but that's how I see this. But we should look into that. I don't think this is...applies to that at all. But thank you.

CHAIR COOK: Okay. Member Sinenci? Anybody for another round of questions? Okay. Mr. Ueoka?

MR. UEOKA: Oh, thank you, Chair. Just for some context, that policy applies to the objective of...or I guess the goal is to improve physical infrastructure. The objective is to improve water systems to assure access to sustainable, clean, reliable, and affordable sources of water. And then the policy is to ensure that adequate supplies of water are available prior to approval of subdivision or construction documents. So, I understand what Member Johnson is saying, and...and I get it, but it seems to be more in the focus of improving the water systems. But again, nothing moves forward with these

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

**January 26, 2026**

---

subdivision...the final subdivision approval is not granted until the long-term reliable supply of water is determined. So, just wanted context there. Thank you.

CHAIR COOK: Chair Lee?

COUNCILMEMBER LEE: So, for clarification, Mr. Ueoka, you're saying that Member Johnson's interpretation of this proposal going against the Countywide Plan is not accurate?

MR. UEOKA: I wouldn't go that far, Chair. . . .*(laughing)*. . . I'm just going to stick to the context for the Maui Countywide Policy Plan was more for the...improving the water systems, not necessarily making sure that the, I guess, police powers, public health safety, welfare...

COUNCILMEMBER LEE: So, are you saying...so that we can make it crystal clear. So, the section he's quoting is not applicable to this particular proposal?

MR. UEOKA: Well...

COUNCILMEMBER LEE: I mean, either it is or it isn't. I mean, you know?

MR. UEOKA: I wouldn't say anything's ever crystal clear when it comes to the policy plan, but it's hard.

COUNCILMEMBER LEE: You've been very helpful. Thank you.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

MR. UEOKA: Yeah. Yeah. I'll leave it there. Thank you, Chair.

CHAIR COOK: Thank you. So, Member Johnson?

COUNCILMEMBER JOHNSON: Chair, I'll just...if you'll allow it, I'll read the two sentences in the record for you because it seems to me we're...it's just two sentences. So, Objective 1 says, improve water systems to assure access to sustainable, clean, reliable, and affordable sources of water. That's the objective. And then under it is the policies. Policy A says, ensure that adequate supplies of water are available prior to approval of subdivision or construction documents. I mean, that's exactly what we're talking here. And the word "prior," it kind of puts that...that's the whole point of your bill is to do it concurrently. So, I'd like to hear from a lawyer because in my layman's terms, I'm like that...we got to do something with that language.

CHAIR COOK: You can hear from a lawyer, but...in a second, but approval, I think that is the essence. The approval of a subdivision is not the approval of the temporary plat. And so...but Corp. Counsel, I think you've been in the middle of this. Could you weigh in, please?

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

**January 26, 2026**

---

MR. ROWE: So, the...the one thing that I would add is that they're right that it does refer to approvals, and it refers to--hold on, I had it just open--to subdivision or construction documents. If we look at the CD1 version of 14.12.040, I...I don't see a problem with the first sentence in there being consistent with that because there's no approvals of a subdivision or construction document. If you then look to the second sentence, it says, if all requested revisions, deficiencies, and additional requirements are satisfied, the Department must approve the subdivision construction plans under 18.20.160, that does call for an approval. So, it would potentially contradict it if we did consider this to be encompassed under the goal of improving Maui's physical infrastructure. But I'm...I'm with Ms. Nakata, that I'd have to look into this a little bit more. But at least the...the first sentence, this idea of there being this concurrent review would...I don't see how that could be interpreted as being violative of that. It's just this second provision that says that the construction plans must be completed under Section 18.20 point...or .160 that would potentially conflict with it. But the first...the first portion of...of part B, allowing for concurrent review would not because it doesn't say anything about review. It mentions approval.

CHAIR COOK: So, where are we at insofar as passing this on today and having to Council?

COUNCILMEMBER PALTIN: If it conflicts, then we should attempt to change it, or change the Countywide Policy Plan, one or the other. And to change the Countywide Policy Plan, then we would have to go through the planning...all three planning commissions. Right?

CHAIR COOK: Ms. Nakata?

MS. NAKATA: Yes, Chair. I believe that's correct, that in order to amend the Countywide Policy Plan, all three planning commissions would be consulted. I did also hear the Director of Water Supply indicate that they're recommending an effective date of July 1.

CHAIR COOK: Correct. So, how does that affect our passing this today?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR COOK: Oh, okay. Let's take a...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER BATANGAN: Oh, I was going to see if you'd be willing to entertain an amendment to this language, but if you want to take a recess, we can.

CHAIR COOK: No. Does anybody need a recess, or we'll listen to...

COUNCILMEMBER U'U-HODGINS: Well, I have a question then.

COUNCILMEMBER BATANGAN: It sounds like Corp. Counsel would like a recess.

CHAIR COOK: Okay.

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

**January 26, 2026**

---

COUNCILMEMBER U‘U-HODGINS: Corp. Counsel may need a recess, and then we mi...we should discuss either the removal of that sentence, or changing the what subdivision construction plan is being approved. Either it’s the final construction subdivision or the initial one.

CHAIR COOK: Okay.

COUNCILMEMBER U‘U-HODGINS: And perhaps we can discuss that.

CHAIR COOK: So, let’s take a recess. We’ll be back at 3:55. . . .(gavel). . .

**RECESS: 3:47 p.m.**

**RECONVENE: 4:04 p.m.**

CHAIR COOK: . . .(gavel). . . Welcome back, Members. It is now 4:04 p.m., and we’re back in session. Member Batangan?

COUNCILMEMBER BATANGAN: Thank you, Chair. And I appreciate that recess. It would have been a little bit much to be trying to craft that amendment on the fly. So, I appreciated the opportunity to confer with both Corporation Counsel and our OCS attorneys, and I’d like to ask four things of you and your Committee. The first is that we would like to...I would ask that we write a letter to the Board of Water Supply transmitting this proposed bill, and asking for their comments on the matter so that we can get their thoughts at the next Board of Water Supply meeting. The second I would ask is for there to be legal clarification on the approval requirements pointed out by Member Johnson in the Countywide Policy Plan. I think you would...I would ask that you and Staff have discussion with the Director of Water Supply on appropriate language or amendments needed to the proposed bill, depending on what legal guidance we get back related to the Countywide Policy Plan. So, if that third sentence in paragraph B needs to be amended in some way to not conflict with the Countywide Policy Plan, I think we would like to have that amendment before the body. And then the fourth request would be, have an amendment changing the effective implementation date for this...for this proposal. I think the Director of Water Supply asked for a July 1st implementation date.

CHAIR COOK: Thank you for those recommendations. For the...the Chair would ask for comments. The Chair would like to basically propose to defer this matter while we’re pursuing that. Member Paltin?

COUNCILMEMBER PALTIN: I...I had something else to look into. I was speaking with one of our resources, and talking to folks that I still don’t fully understand the subdivision construction plan process, but that...thank you to Member U‘u-Hodgins saying the DSA clerks get it, and then they’ll send it to the subdivision folks. So, I just wanted to confirm with Mister...Deputy Director Barany, once the subdivision DSA workers receive it, I’ve been told if there’s more than ten units, it also gets sent to Housing, Planning, DEM,

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

**January 26, 2026**

---

Fire, possibly MECO and DOH, Water. Is there anything that's been left out there? Is that true? First, I guess --

CHAIR COOK: Director?

COUNCILMEMBER PALTIN: -- and then is there anything that's been left out?

MR. BARANY: That is true. On our DSA website, we have a general overview of the...the subdivision process, and all those agencies and departments are listed. There's a couple more. So, we have sometimes Department of Education, Parks Department, Wastewater...DEM, Wastewater, Water Supply, Planning Department, SHPD. There's...like I said, there's...I think there's a total of 13 that, depending on how big of a subdivision it is may be routed to different areas, so...

COUNCILMEMBER PALTIN: Okay. So, then I guess my question for you and the Chair, all these other agencies who will now be tasked with reviewing these--agencies and departments of the County--have they been...have they given input as to they have the time and staff available to review these plans if the water isn't available, and...and the implementation process as well? Like just trying to get the totality of...of what it is we're...we're doing here. Like Water says, they're okay. Is there a reason we only checked with Water and not Housing, Planning, Wastewater, Fire, SHPD, Parks, MECO, DOE, DOH, and...and the other folks?

MR. BARANY: Yes, Councilmember. So, this bill is strictly related to Water Supply and their requirements, and Department of Public Works as the central permitting agency, so that's why I believe we were included in the discussion. Outside of our two departments, I couldn't comment on staffing availability, but for all intents and purposes--not to say that they wouldn't care if Water was there, but for all intents and purposes, they would understand that they have that certain step, that certain review, and I guess they would be under the assumption, if they were coming for a final subdivision review, that...that water availability would be...would be granted by Water...Water Supply, and not anybody else.

COUNCILMEMBER PALTIN: Okay. Would it be possible, under this Committee's signature, just to double check in with those other departments and agencies, if they have any issue?

CHAIR COOK: Does it...he just clarified that basically only Water and DSA are impacted by this bill to enable it to go in parallel. So, I...I hear your question, I don't know who's going to...who...who are you asking to answer?

COUNCILMEMBER PALTIN: I'm asking the Committee Staff if they would reach out to the department heads and the agencies for their input on this bill, if they have any issue with it.

CHAIR COOK: Okay. He's nodding his head.

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

**January 26, 2026**

---

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: So, Member Rawlins-Fernandez, and then Member U'u-Hodgins.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. This is a question for you because this is your bill. What do you envision this bill helping? Like...yeah, go ahead.

CHAIR COOK: This bill basically is helping process so that the...the review process, the Department of Water Supply has ultimate...the ultimate authority to approve it, but they can...other departments can look at it, and the Department...and Department of Water Supply can review it. So, instead of waiting until Department of Water Supply says they have the...says guaranteed water, it can be...the review process could start. Is that correct, resource people?

MR. UEOKA: That's my understanding when I read the bill, yes.

CHAIR COOK: So, it's...it's a process. It isn't...it isn't really changing the approvals, it's just simply changing the process so that it is...it can be done concurrently, and not sequentially. It's to improve the review process.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah, and I understand that this isn't the final approval, and they still need to comply with a reliable source. I guess my other question...well, like the process for...for what, and if the plans are being...or if the other departments are reviewing the things concurrently, if it takes, you know, like 20 water...20 years to get reliable water source, will like some of the approvals, or reviews, or recommendations go stale in that time of getting the final approval?

CHAIR COOK: I imagine that for people to get final approval, if there had been a delay, they would basically be reviewing the documents to assure that they meet current standards. This...my understanding, this isn't going to eliminate any standards or review. It...it doesn't water down or guarantee somebody's going to get their subdivision through. It enables them, at their risk, to start the review process, and not be delayed like they currently are. They're...and the Department of Water Supply is supportive of it, and Public Works is supportive of it. So, like I say, it's a process. It...it doesn't...it isn't going to impact the water supply availability. And I know, we all know, we have a chronic water shortage, distribution issues, and this process isn't going to affect that. The Department of Water Supply is working actively for, you know, using the R-1 water to free up potable water, working with CWRM for wells and whatnot. They're doing infrastructure improvements. I think the Department of Water Supply is managing it the best of their ability, looking to purchase private wells. So, all of that is ongoing to assure that we have water, and they're not issuing permits without the assurance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then if Member U'u-Hodgins has her hand up to speak to my question, can I hear from her? Otherwise, I'm pau.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I was going to acknowledge the fact that what I think we're discussing today--please correct me if I'm wrong, resources--this

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

**January 26, 2026**

---

really only applies to the review for the Water Department's review of subdivisions. So, all the other departments would review, regardless what the Water Department does. They can approve the subdivision process for whatever their department is tasked to review. So, Planning, Public Works, Parks, et cetera, all of their review happens with or without this, what we're discussing today. And so, this would only impact the review process for the Water Department and when they would begin their concurrent review. But like hypothetically, Water...whatever happens in Water doesn't impact Parks, doesn't...I mean, it does, but not in the sub...review process. And so I think even to Member Paltin's question, we could ask them if this impacts them, but they could review independently from this bill, and independently could approve the subdivision without Water's approval. I think the only one, and this is for building permits, Fire and Water approve concurrently, but I don't know how it would work for subdivisions. Perhaps that may be the same, but all other reviews for the departments happen independently from any other department, regardless if it's Water or whatever. Like Planning can approve without Parks approvals, and it just goes like that, and they all approve it independently. Can you guys please confirm? And then we can also ask Public Works to confirm as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I...and I support deferring this so that...I don't know, I think if we had like a PowerPoint, or a tool --

COUNCILMEMBER U'U-HODGINS: It's very confusing.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- so that we can see...you know, like we had the building permit flowchart, right? And that was helpful. And I understand that each department would do their individual approvals and review. I guess my question, you know, still hasn't really been answered, and...and that's because I'm not familiar enough with the whole review process, and all the departments, and all the things that they're looking for while they're going to be doing this concurrently is, Chair Cook said that it's based on the current condition. And so, if it takes 20 years to get reliable source, will any of those things go stale? Like...you know, and I don't think this has to do with traffic report, for example, but, you know, if like a developer was giving us a 20-year-old traffic report, we'd kind of be like ah, you should probably update this. So, that...that's more of my question.

COUNCILMEMBER U'U-HODGINS: I think that's a good question for our resources. I think, too, we can discuss like even our codes have to be applicable, I think, at the time of approval, if it takes...

CHAIR COOK: Please.

MS. PULMANO: Chair?

COUNCILMEMBER U'U-HODGINS: If there's changes.

MS. PULMANO: Thank you.

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

**January 26, 2026**

---

COUNCILMEMBER U'U-HODGINS: But then I also have one more question, but I will save that for after. Leilani, sorry to interrupt you.

MS. PULMANO: Thank you, Councilmember Rawlins-Fernandez. So, there are things in the other departments that do go stale, like for...for example, if you had a State Land Use District Boundary Amendment condition that has a ten-year timeline, so let's...that could go stale. If you have your long-term water source of water meter reservations, that has a deadline as well, so that also can go stale. So, it...it actually is project by project, and that...there could be some things that do go stale.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I appreciate that.

COUNCILMEMBER U'U-HODGINS: Chair?

CHAIR COOK: Yes.

COUNCILMEMBER U'U-HODGINS: Before you defer, did you want to make the changes that Member Batangan suggested before we defer? And do you plan on deferring this, and then making those changes, and then discussing them again, and then sending them to the Water Board? Or what's your plan moving forward?

CHAIR COOK: My plan is that Staff would take note of this, we would send this...send these out, and we would reconvene...defer this until a future date.

COUNCILMEMBER U'U-HODGINS: Um-hum.

CHAIR COOK: And when we reconvene for another meeting in the WAI Committee, we'll have answers to these, and then we can address those and move on.

COUNCILMEMBER U'U-HODGINS: Okay. So, you don't want to make any changes today, you're going to work...work it out with the Department and Corp. Counsel, then come back to us with some...a revised bill?

CHAIR COOK: I'm receptive to making the changes today, and I need some help and guidance from the Members on how we would implement that. Member...

COUNCILMEMBER U'U-HODGINS: Thank you.

COUNCILMEMBER BATANGAN: Chair, I would recommend deferral, just because I think the legal clarification from Corp. Counsel and OCS is going to be what drives the amendments that need to be made. The applicability of the Countywide Policy Plans, approval of subdivision and construction documents is really going to be the determining factor on how this needs to be reshaped. In the meantime, though, you...I mean you can write the letter to the Board of Water Supply, get their comments, you can get the guidance from our attorneys, work with the Department if amendments are needed so that when we come back to the body, there will be language that complies...that everybody is...is comfortable complies with the Countywide Policy Plan.

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

**January 26, 2026**

---

CHAIR COOK: Yes, our Committee will work diligently on all of that. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. This is a process question, so I...I don't remember how we transmit bills for review from the other departments. I know we do it via resolution for planning commissions, so I'm not sure if we would follow that same process for any other, you know, board or commission, or it could be the Committee Chair doing a, you know, transmittal.

CHAIR COOK: I see...

COUNCILMEMBER RAWLINS-FERNANDEZ: I guess our legislative?

CHAIR COOK: I see our Director Stufflebean, if you could weigh in.

MR. STUFFLEBEAN: Yeah, Chair. Yeah, I work with the Director...I work with the Chair of the Water Supply Board to set the agenda, so we can put that on...just the two of us can work together to put that on.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Is that not really how we do it, or like do we...do we do like an official transmittal, or we just let the--and this is for our Council Staff. This is a question for our Council Staff. I want to hear from our Staff how...what our pro...what our process is.

CHAIR COOK: . . .*(inaudible)*. . .

MR. HURDLE: Thank you, Chair. And thank you, Councilmember. Normally we send the letter from the Committee Chair to the Chair of the Board of Water Supply asking for comments on the bill, and that's how they would put it on the agenda, and then they would take it up at their next available meeting. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hurdle.

CHAIR COOK: That's what we'll do.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR COOK: Member Paltin?

COUNCILMEMBER PALTIN: Thanks. I just wanted some clarification on Member U'u-Hodgins' clarification. . . .*(laughing)*. . . When you said that they would review it regardless, so then the applicant can send it to those departments themselves?

COUNCILMEMBER U'U-HODGINS: Good question. So, if I was to apply for a subdivision, or any other building permit, you go through DSA clerks. And then from there, they send out the application on...on MAPPS, but you're doing it also on MAPPS. I guess I'm

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

**January 26, 2026**

---

referring to the Kiva process, but you do it on MAPPS. And so, that's done, yeah, independently. You could...you don't just send it, though, to the individual department. You would have to send it to everybody when you apply for the subdivision.

COUNCILMEMBER PALTIN: And so, that part, the process where the DSA clerks send it to these other department for review, it's not dependent on them having water currently?

COUNCILMEMBER U'U-HODGINS: No. So, especially when you do your initial subdivision plat--they can probably provide you more answers--but you would come in with your initial subdivision plat, and they would review, make sure you have all the basic things that people would need for review, and then they send it out to all the departments.

COUNCILMEMBER PALTIN: And it's only the Water Department where they sit on it until they show that they have the water?

COUNCILMEMBER U'U-HODGINS: Yes.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER U'U-HODGINS: Other departments would require whatever else they would need that maybe would prolong their review as well, but as it relates to this water availability letter, yes, only...only applicable to Water Department and their review.

COUNCILMEMBER PALTIN: So, currently, do some developers submit the application, knowing that they currently don't have the long-term reliable source of water?

COUNCILMEMBER U'U-HODGINS: I cannot speak for the other people, but perhaps Leilani or Jeff could give us their lived experience on what they would do in a situation when they have to determine how much water they have, and if it's worth the investment of going through that process.

COUNCILMEMBER PALTIN: Because the other departments could already start the review, but you might not submit it because...or do you submit it?

MS. PULMANO: Sure. Thank you. So, what we have done in the past is that we would go ahead and submit our preliminary plat. And at that point, we may or we may not know what our long-term reliable source is. But when we submit for our construction plans, we would know with certainty that there is a long-term reliable source that the Department would need to verify. And the reason why we do that is because it's millions of dollars to do a subdivision...for the engineering costs of a...for a subdivision.

COUNCILMEMBER PALTIN: And when you say the preliminary subdivision and then the construction plans, those are two steps in the same process?

MS. PULMANO: Correct.

COUNCILMEMBER PALTIN: Okay.

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

**January 26, 2026**

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MS. PULMANO: It's related.

COUNCILMEMBER PALTIN: So, then I'd...I'd expect the response to be like, we don't have a problem with it, but just double checking.

CHAIR COOK: Member Batangan?

COUNCILMEMBER BATANGAN: Thank you, Chair. Can I share some...like the perspective of Transportation? So, when we would receive applications for permits, we would be asked to comment. We would look at things like ingress, egress, traffic flows, how it would impact public transit, if there's sufficient bike and pedestrian infrastructure. So, from the Department of Transportation, we wouldn't consider whether or not there's long-term reliable water. We would look at it from our lens, and see if it met our...our requirements. I imagine Parks would have the same...you know, all of those other agencies would have their lens as well. So, you kind of just assume that each agency is looking at it from their vantage point and, you know, you work within your silos, or maybe the adjacent ones. You know, we don't always have control over roads because that was with Public Works, but we would...we would comment to that effect if we felt it was...if it was necessary. So, we were able to do our evaluation of an application independent of what others were doing. In this case, Water needs approval before it can start its review process. So, the bill before us would allow for concurrent review on two different things since, you know, the review of the preliminary construction plans aren't necessarily dependent on the availability of long-term reliable water.

CHAIR COOK: Thank you for that clarification. So...so, you're going to...we're going to send a letter to the Board of Water Supply. We're going to work with Corp. Counsel on this issue, and we'll schedule this at a later date after we get some answers. So, at this time, with no objection, the Chair will defer this meeting. It is now 4:28.

MR. HURDLE: Sorry, Chair...first to defer the item, and then adjourn the meeting.

CHAIR COOK: Okay. Any objections deferring the item?

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

**ACTION: DEFER pending further discussion.**

CHAIR COOK: Okay. Now we're going to defer. 4:28, we are adjourned. . . .(gavel). . .

**ADJOURN: 4:28 p.m.**

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

**January 26, 2026**

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 56 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 18th day of February 2026, in Wailuku, Hawai'i



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Daniel Schoenbeck