

WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

August 4, 2020

**Council Chamber, 8th Floor, and
Online via BlueJeans Link**

CONVENE: 9:00 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Alice L. Lee, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Kelly Takaya King
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Keani N.W. Rawlins-Fernandez (in 9:11 a.m.)
Councilmember Shane M. Sinenci

STAFF: Richard Mitchell, Legislative Attorney
Lesley Milner, Legislative Analyst
Laksmi Abraham, Legislative Analyst (trainee)
Rayna Yap, Committee Secretary

Kate Griffiths, Executive Assistant to Councilmember
Kelly Takaya King
Sarah Pajimola, Executive Assistant to Councilmember Keani
Rawlins-Fernandez
Davideane Sickels, Executive Assistant to Councilmember Tasha
Kama
Lois Whitney, Executive Assistant to Councilmember Tasha
Kama

ADMIN.: Jeffrey Pearson, Director, Department of Water Supply (WIT-25)
Eva Blumenstein, Water Resources and Planning Program
Manager, Department of Water Supply (WIT-25)
Rowena Dagdag-Andaya, Director, Department of Public Works
(WIT-80)
Jennifer Oana, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Albert Perez, Maui Tomorrow Foundation (WIT-25)
Scott Fretz, Forestry Program Manager, Department of Land and
Natural Resources (WIT-80)

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

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CHAIR SUGIMURA: . . . *(gavel)*. *(Technical difficulties)* . . .

. . . BEGIN PUBLIC TESTIMONY . . .

MS. ABRAHAM: . . . *(Inaudible)* . . .

MR. PEREZ: I'm testifying on WIT-25. So there's a couple things. The copy of the proposed addendum that I saw was mentioning the settlement between the Hui O Na Wai Eha and Mahi Pono, and it quoted an article in *The Maui News*. It left out the Maui Tomorrow Foundation. We are a party to that settlement; so if we're going to be talking about the settlement, we should...we should mention all the parties. So there's the Hui O Nā Wai 'Ehā; Maui Tomorrow Foundation, Inc.; Office of Hawaiian Affairs; and Mahi Pono, LLC. So I'd like to see that correction.

CHAIR SUGIMURA: Okay. So do you have that in...oh, sorry, go ahead.

MR. PEREZ: So, but then in terms of the addendum, I've been thinking about this a lot. And, you know, it's...it's quite unusual to be issuing a brand new, but already outdated document with an addendum. And I think that this format will make the document unusable...not unusable, but difficult to use. And to me, it's kind of an embarrassment for Maui County. Are we really going to do that just because it's been 30 years since we had one approved by the Water Commission? They already rejected one update as inadequate, and I would think that this might be a reason for them to do that again. So...but I've been thinking and, you know, there's a solution for this dilemma. We're constantly getting changed circumstances and new information that makes it difficult to issue a document that remains timely, even when it's issued. And I think that the solution is for the Department of Water Supply, once they get this whole draft out, to not wait for the next update. They should keep a draft and keep updating it as circumstances change, and then be ready to reissue it when appropriate. So a major landowner changes their plans, you make the update. CWRM issues new streamflow numbers, you make the update. If you get new sustainable yield numbers, make the update. New planning figures, community plans, et cetera. This is what organizations do all the time, and it keeps the task of issuing an updated plan from becoming overwhelming. So that's what I would like to see. I know it's a lot of work to get it out; but then once it's out, keep it updated. And when you have enough updates in a draft, then you can suggest to the Council that they adopt the update; and that could be much more frequent than every 30 years. Thank you.

CHAIR SUGIMURA: Thank you. Anybody have questions for him? Ms. King? You're muted.

COUNCILMEMBER KING: Okay. Now can you hear me?

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CHAIR SUGIMURA: Yeah.

COUNCILMEMBER KING: Aloha, Albert. Thanks for being here. Thanks for your testimony. I also thought there'd be more people here. Are you also speaking with the Board of Water Supply on these addendums? Have you had any conversations with them as far as their input?

MR. PEREZ: I have not.

COUNCILMEMBER KING: Okay. Just wondered because I did receive an email that says that they had no...they were not given the addendum. So I just wondered if you had heard any of their input, okay.

MR. PEREZ: No.

COUNCILMEMBER KING: Okay. Thank you. Thanks for your testimony.

CHAIR SUGIMURA: Thank you. Anybody else have any questions for Mr. Perez? I don't see any. Thank you very much for testifying. Appreciate your input.

MR. PEREZ: Thanks. Thank you. Aloha.

CHAIR SUGIMURA: Aloha. Members, I see no other testifiers. Is...Lesley or Laks, do you see any other testifiers that have signed up?

MS. ABRAHAM: Aloha. I do not see any other testifiers at this time.

CHAIR SUGIMURA: Okay. Thank you, Laks. So at this time then I'm going to close public testimony, Members, with your approval.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SUGIMURA: Thank you.

. . . END PUBLIC TESTIMONY . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Good morning, Chair.

CHAIR SUGIMURA: Good morning. Oh, Keani's here. Hi, Keani, welcome to the meeting.

COUNCILMEMBER RAWLINS-FERNANDEZ: Good morning.

CHAIR SUGIMURA: Your office did let us know that you were going to be a little late, so welcome.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I have a quick question.

CHAIR SUGIMURA: Oh, yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And maybe Staff can help out with this question as well. But it's...this meeting is not being aired on Channel 53 right now. Does anyone know why?

CHAIR SUGIMURA: Oh. Okay, let's call a quick recess. . . .(gavel). . .

RECESS: 9:12 a.m.

RECONVENE: 9:16 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Okay. Good morning, everybody.

AUTOMATED VOICE: Recording has started.

CHAIR SUGIMURA: Good morning, everybody. Welcome again to the Water Infrastructure and Transportation Committee. Today is August 4th, and it is now 9:16. And we are going to begin recording this, I guess, on *Akāku*, and that's where the pause came from. So thank you, everybody, for your patience. Thank you. Welcome, Keani Rawlins to the meeting, and thank you for noticing that we were not on *Akāku*. I think that's an important part of our communication, so thank you very much. I did all the introductions for the meeting, and we had our testimony. I closed public testimony, and I wanted to now begin with the meeting. I'm taking up Item WIT-80, which is the Maintenance of the Mākena-Keone'ō'io Road and 'Āhihi-Kīna'u Natural Area Reserve. As you know, we had this item come up on June the 1st, and the Committee had relevant questions. So we deferred it, and we are bringing it back today. To answer your questions, Scott Fretz, who is on the phone, who is online with us, answered the many different questions. And he's online again to answer any other questions you may have or talk about it, as well as we made revisions, which Corp. Counsel, Mr. Hopper, approved for this; which was the executive order number was incorrect, which I think that's kind of major. It was the second whereas in the reso, as well as we just put in the diacritical marks for the Hawaiian words. So that was one of the requirements. And thank you for that, Keani. I appreciate that very much.

ITEM WIT-80: MAINTENANCE OF MĀKENA-KEONE'Ō'IO ROAD AND 'ĀHIHI-KĪNA'U NATURAL AREA RESERVE (CC 20-121)

CHAIR SUGIMURA: So at this time then, I'm going to be taking up the WIT-80, which is...where's my...not that...so it is, the document is...sorry about that. We are transmitting, we revised the proposed Bill entitled a Bill for an Ordinance Authorizing the Mayor of the County of Maui to enter into an Intergovernmental Agreement with the Department of Land and Natural Resources, State of Hawai'i, Related to the Maintenance of the Mākena-Keone'ō'io Road and 'Āhihi-Kīna'u Natural Area Reserve. And the purpose of the revised proposed bill is to authorize the Mayor to enter into the agreement with the State, as well as to provide...for us to provide surface maintenance of that portion of the road that runs through the Natural Area Reserve. So Members, at this time, I wonder if...is Rowena Dagdag online here? Rowena? Staff, can you check

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in on Rowena? Scott Fretz, Dr. Fretz, are you online?

MS. MILNER: I believe he's the Hawai'i State Government ID. I will unmute him.

CHAIR SUGIMURA: Okay. Thank you.

MS. MILNER: You are now unmuted.

CHAIR SUGIMURA: And then is...is Rowena online as well, and/or Jordan Molina from Public Works, in case we have questions?

MS. MILNER: I don't see them yet, but I know that Laks spoke to them this morning, and she's following up with them again now.

CHAIR SUGIMURA: Okay, yeah. Because we're taking this out of order. So thank you very much. So Members, any of you have questions regarding this document? The questions that you had from the June 1st meeting caused us to send your questions over to DLNR, Dr. Fretz, of which he answered it. So if you look in your Granicus, June 16th he has his letter to us, and he's talking about the maintenance and there are yearly costs, as well as their parking plan, which you had questions on, what it was. And then also the executive order. So Members, anybody have any additional questions for Dr. Fretz? Ms. King?

COUNCILMEMBER KING: Yeah. Thank you, Chair. I was just trying to read through really quickly your responses. But just as an overview, this is a road that you've...is this a State highway, this portion of the road?

CHAIR SUGIMURA: Dr. Fretz?

MR. FRETZ: Yes. I'm on the line. Can you hear me okay?

CHAIR SUGIMURA: Okay. I can. Yeah. Now I can hear you.

COUNCILMEMBER KING: Do you have a video?

MR. FRETZ: Good morning. You know, I couldn't get on the video link, so I'm just on the phone.

COUNCILMEMBER KING: Oh, okay. Okay. Well, thanks for being here. So, is this a...this is a State highway that's running through 'Āhihi-Kīna'u?

MR. FRETZ: . . . *(Inaudible)* . . .

COUNCILMEMBER KING: Okay. So then . . . *(inaudible)* . . .

MR. FRETZ: No.

COUNCILMEMBER KING: I'm sorry.

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MR. FRETZ: So this is a...this is a government road, and the DO...the State DOT does not claim ownership of the road. The State DLNR does not claim ownership of the road.

COUNCILMEMBER KING: So it's a government road, but we don't know which government?

MR. FRETZ: Correct.

COUNCILMEMBER KING: Okay. So is that what this is meant to determine then, is that, you know, if you, I guess it sounds like it's State land, but you're not claiming it as a State road. That's kind of confusing. That was my...

MR. FRETZ: Well, it's one of these roads in limbo that while it's established that it is a government road, we have different government agencies that don't acknowledge that either of them are the owners of it. And so you're correct, this MOU was set up in order to work around that and have us take mutual responsibility for the work that needs to be done to serve our constituents.

COUNCILMEMBER KING: Okay. So up until now, has the State been maintaining this road?

MR. FRETZ: No. So this MOU we'll be renewing, an existing MOU that was done some years ago, and the terms in that MOU had it expiring after five years. So it did serve us well during that period of time, and the County held up the terms that you see in this MOU that's before you, and DLNR held up theirs. And it's just that it expired, and we felt that it worked well, and so we asked the County and our folks at DLNR to extend the MOU for another five-year period.

COUNCILMEMBER KING: Okay. And has that...I don't know, Chair, can I ask...I see Ms. Dagdag-Andaya on. Can I ask Rowena a question?

CHAIR SUGIMURA: Well, let...let...does anybody else has any more questions for Dr. Fretz? Okay. So at this time, Rowena, are you online?

COUNCILMEMBER KING: Oh, there's two people that have questions for Dr. Fretz.

CHAIR SUGIMURA: Okay. Let's finish off Dr. Fretz because I know he has to leave. Tamara Paltin or, or Tasha, you have a question?

COUNCILMEMBER KAMA: Yes, I did.

CHAIR SUGIMURA: I can't see. Oh, okay. Yeah. Thank you.

COUNCILMEMBER KAMA: So my question is, Dr. Fretz, is that if neither the State nor the County for all we know is claiming ownership, what would preclude the Kingdom of Hawai'i claiming ownership for that road?

MR. FRETZ: I'm sorry, can you repeat the question? I was getting a little echo in there.

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COUNCILMEMBER KAMA: I said, if no government is going to claim ownership over that road, what would preclude the Kingdom of Hawai'i from claiming ownership of that road?

MR. FRETZ: Oh, I see. I think that...and I'm not a lawyer, so that might be a question for a lawyer, but I believe...it's my understanding that it is established in the State laws that the Government owns it. So that would be either the County or the State. I...I really honestly don't know the answer to what your question as to whether some other entity could come along and claim that it too is a government, and therefore owns it. But I believe that the intent of the law is that there are two government entities, that's the State and the County, and so one or the other owns it.

COUNCILMEMBER KAMA: Thank you, Dr. Fretz. So Chair, could we find the answer to that question?

CHAIR SUGIMURA: We can ask Corp. Counsel after.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Do we have Jen Oana on the line?

MS. OANA: Hi, everybody. I'm here.

CHAIR SUGIMURA: Okay. Hi, Jen. Did you hear the question from Member Tasha?

MS. OANA: Hi. I did. And I...I don't know, I'd have to look into that.

CHAIR SUGIMURA: Oh, okay. Okay. Thank you. Do you have any more questions, Tasha?

COUNCILMEMBER KAMA: No, Chair. That was the one. Thank you.

CHAIR SUGIMURA: Okay. Thank you. Next, Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Dr. Fretz, for being here. My question was, you know, thank you in the last meeting for your management plan and parking plan and...and the maintenance information of the, what is that called, foliage or...

MR. FRETZ: Roadside vegetation.

COUNCILMEMBER PALTIN: Roadside vegetation, thank you. I just was wondering, you know, with the situation the State is in now and the revenue coming in, does it look like that the State will be moving forward with the plans that they have for the parking, and the management, and to continue with the roadside vegetation? If you know. I mean, I know that's not really within your control. I just was wondering, you know, what if the budgets get cut and the County upholds its end of the deal and...and there's no money on the State side to uphold their end of the deal?

MR. FRETZ: Yeah. Thanks for that question. I don't see any problem in moving ahead and

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being able to continue with the work that we need to do on this. We're...we're well staffed up there. The amount that it costs us is well within our ability to do it. And then the fees that do come in will help to add to that. So I...I don't foresee any issues on the horizon being able to maintain our part of the MOU.

COUNCILMEMBER PALTIN: And...and moving forward with the management plan for 'Āhihi-Kīna'u? I...I'm not sure if that was part of the MOU, but do you see that still happening?

MR. FRETZ: Yes. I...I don't see any issues with that either. There's a lot of flexibility in the management plan that allows you to find different things and how they're implemented. It's a long-term plan, so the small blips in the budget are things that we can absorb and maintain management.

COUNCILMEMBER PALTIN: And so then how far along do you think it'll be within the five years of this MOU that management of the area, how far along do you think we would be, in your best guesstimate?

MR. FRETZ: Well, that management plan was written in 2012, and it's actually due for an update now. We've done a lot of the work in that management plan already. So we're...we're doing well on that management plan, from my perspective. It's due for an update to update the things that we have gotten done and then continue. So in...I...I'm not really sure how to answer your question in...in more detail because much of the plan already has been done.

COUNCILMEMBER PALTIN: I...I had thought that the last time that you came to speak with us, there was talk about some sort of mechanism for paid parking?

CHAIR SUGIMURA: Parking. Yes. That's correct.

MR. FRETZ: Oh, yes. Yeah. So the key part of the plan is for the reserve to be generating its own revenue from parking. And up to this point, that has not been a source of revenue to contribute to the management of the area. And when that parking system is set up, it'll be bringing in new revenue. It's not set up yet, we're dealing with the technical issues regarding this automated system that we're setting up to be collecting these fees. And it's a new way of collecting fees that we haven't done before, so it's causing the staff to set up a completely different fiscal financial system to do it. But getting through that, we should have that done in the next month or two.

CHAIR SUGIMURA: Great.

COUNCILMEMBER PALTIN: Oh, okay. So you're expecting it to be up and running within the next five years?

MR. FRETZ: Oh, yes. That should be up and running within the next two months.

COUNCILMEMBER PALTIN: Okay. And then would any of that revenue also assist, maybe not within the period of this five-year MOU, but moving forward with the maintenance

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of the road to get to that parking as well? Or it's...

MR. FRETZ: Sure, potentially. Potentially, from my perspective as a manager, that money should be available to do any management of the reserve. Now, the owner's policy is that...its position is that it does not own that road, and that's why we're looking to you guys to do the maintenance. But from a manager's perspective, I believe the purpose of the money is to manage that reserve, and it's going to be directed to do that. I don't have a problem with that in principal; but then again, I would have to defer to the policy level of the Board of Land and Natural Resource in consultation with the Attorney General as to whether it's an appropriate use for those fees.

COUNCILMEMBER PALTIN: Thank you. Chair Sugimura?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER PALTIN: At the appropriate time, may I ask a question of the Corporation Counsel?

CHAIR SUGIMURA: Yeah. So thank you, thank you very much, Dr. Fretz. I am encouraged because from the last meeting that you presented, you were talking about this parking plan, and it looks like you've moved forward on it. And so I think your letter said it should be sometime this summer, and it looks like you're right on target to get this parking plan implemented. So thank you very much. Do you have any other comments on this?

MR. FRETZ: No. I just want to...sorry, was that for me?

CHAIR SUGIMURA: Yeah. Uh-huh.

MR. FRETZ: Yeah. I just want to say thanks to the Chair and the Committee Members for considering this. It's...it's something that has served our constituents out there well, our constituents and your constituents, so I'm appreciative that the Council will consider it.

CHAIR SUGIMURA: Thank you very much. Thank you. Thank you for your hard work. Ms. King, do you have a question for Dr. Fretz?

COUNCILMEMBER KING: Yes. Before you leave, Dr. Fretz, I just wanted to follow up and make sure I'm on the right track here. So the parking, are the parking fees going to be collected by the State then, and then the State will pay the County the cost of maintenance, or how is that, how is the parking...

MR. FRETZ: No.

COUNCILMEMBER KING: Or is the County going to be collecting the parking fees?

MR. FRETZ: Yeah, the...the fees are not related to entry onto this road in limbo. The fees are charged when somebody enters into the reserve in order to park in the reserve in a

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parking area that we created there, and then to go into the ocean parts of the reserve.

COUNCILMEMBER KING: Yeah. No, I understand. I was just wondering how, if that was...if...if the State was going to be collecting the parking, you know, when people pay for parking, or if the County is going to be collecting that and then putting it directly to maintenance.

MR. FRETZ: No. No, it's...it's the State. So this machine, it's an automated machine that we're setting up. And a person comes, pulls in, and then swipes their credit card into the machine. And then that goes into the State system and becomes a revenue source for the Division of Forestry and Wildlife to use to manage that reserve.

COUNCILMEMBER KING: Okay. So then the...so if the...if the County is going to be managing it, then the State will be paying the costs of that management out of those fees?

MR. FRETZ: No. The...what the MOU is set up to do, the...the respective roles and responsibilities, in summary, are that the County maintains the surface of the road, and that the State maintains the vegetation on the side of the road to prevent encroachment of vegetation. And the State manages traffic, parking, and that sort of

COUNCILMEMBER KING: Right. But how...but how are those fees allocated is what I'm trying to get at. What, you know, so is the responsibility the County, aside from any fees coming in, this is like, you know, money directly out of our budget for this maintenance, or is...are we going to be...

MR. FRETZ: For those...yes.

COUNCILMEMBER KING: Well, you're...you're...yeah, because you mentioned that the parking fees were for maintenance. But then if the County is doing the maintenance, it would follow that the County would have access to those parking fees, but it sounds like we don't.

MR. FRETZ: No. The...the revenue that comes from the parking is for the maintenance of the reserve, which is a 2,000-acre reserve that includes a marine reserve, and invasive species control, and fencing, and all those sorts of things that are natural resource related.

COUNCILMEMBER KING: So the County's responsibility for the road is separate, totally separate and apart from the parking?

MR. FRETZ: Correct.

COUNCILMEMBER KING: Okay. So that would be...that would be funded by the County completely?

MR. FRETZ: The maintenance of the surface of the road, yes.

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COUNCILMEMBER KING: Okay. All right. Thank you.

CHAIR SUGIMURA: Thank you for that. Anybody else have questions for Dr. Fretz? Okay. Rowena? Are you there?

MS. DAGDAG-ANDAYA: Yes, I'm here.

CHAIR SUGIMURA: Okay. Do you want to add anything to this discussion?

MS. DAGDAG-ANDAYA: Sure. Chair, and if you can take a look at the MOU, it's this document here. On page 2, it outlines in Section B what the County agrees to do, and that is to provide surface maintenance on a portion of Mākena-Keone'ō'io Road that runs through the natural...the reserve area. So historically, ever since 2010, when this agreement was first executed, the Department of Public Works Highways Division has been just doing pothole patching or just...yeah, basically just pothole patching along on this portion. And it's my understanding that I think annually, we probably spend maybe up to, at the most, \$3,000 on pothole patching material for this road. That section on page 2 also goes on to say that the work is, you know, to the extent that the Council of the County of Maui has authorized funds for such work in the annual budget ordinance or amendments thereto. We have never had a capital improvement project along Mākena, this portion of Mākena-Keone'ō'io Road. If it requires a much larger repaving effort, then that is something that both the County and the State would have to agree upon; but in...historically, what we've been using is just regular maintenance funds just for materials to do any of the remedial patching along this road. In correspondence with the Committee, we've provided a couple of things. I know the Committee had asked questions about enforcement and any call outs that were in this area. So we reached out to the Police Department and Fire Department for that information, so that should be in your packets. We also made corrections to the MOU to include diacritical marks, so that those have been included in the document. We made a correction to the reference to the executive number. The initial document had a...had the wrong EO number that was actually there during the first executed agreement, so we corrected that in this agreement here. But other than that, if you have any other questions, I...I can answer them for you.

CHAIR SUGIMURA: Thank you, Rowena. Anyone else have questions for Public Works? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for...thanks for being here, Rowena. So I have two questions. One, do you have an estimate of the annual, what we're spending annually on this portion of the road to do the...for fixing the road?

MS. DAGDAG-ANDAYA: Okay. Well, when I asked staff, they had estimated up to about \$3,000 each year on pothole patching material. But other than that, they...they say that it's a very minimal amount or expense annually.

COUNCILMEMBER KING: Oh, okay. So...and then the other question I had was if...are we looking at any time in the next five years doing any repaving? And if so, considering the environmentally friendly, porous type of surface so that we don't have the runoff, you

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know, now that we know what we didn't know when we were starting to pave the...you know, with...with the asphalt.

MS. DAGDAG-ANDAYA: Yeah. Thank you for the question. And no, we don't anticipate the large CIP item that would require...or any resurfacing to be done on this road. However, if in the event that there would be a major CIP, I think that could be, that would be something discussed with DLNR. I had this discussion with Scott a couple of months...not months, maybe about a couple weeks ago, and told him that, you know, in the event that they find something or we find something, that we would have to work together with our respective legislative bodies to find the funding for such a project.

COUNCILMEMBER KING: Okay. All right. Thank you.

MS. DAGDAG-ANDAYA: Thank you.

CHAIR SUGIMURA: Thank you. Any other questions for Rowena? Members, I think that we've had, we've discussed a lot of the concerns that were expressed earlier. So at this time I'm going to...I'm going to, with your approval, request that we move forward and approve this item, which is a Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the Department of Land and Natural Resources, State of Hawai'i (DLNR), Related to the Maintenance of the Mākena-Keone'ō'io Road and 'Āhihi-Kīna'u Natural Area Reserve. Do I have a motion and a second?

VICE-CHAIR LEE: So moved.

COUNCILMEMBER PALTIN: So moved.

CHAIR SUGIMURA: Thank you, Ms. Lee.

COUNCILMEMBER PALTIN: Chair, I have a question for Corp. Counsel?

CHAIR SUGIMURA: Oh, I'm sorry.

COUNCILMEMBER PALTIN: Would this be the time for a question for the Corp. Counsel?

CHAIR SUGIMURA: Okay. So Corp. Counsel? Jen?

MS. OANA: Hi.

CHAIR SUGIMURA: Okay. We will continue on. Hi, Jen. Tamara has a question for you. I'm sorry, Tamara, I didn't see you hand earlier.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Oana. My question is, by us approving a five-year Memorandum of Understanding, that doesn't mean that we're claiming ownership or responsibility of the road, or that any additional...like, it's just for maintenance because it's not saying we're committing to a CIP project, it's not saying that we own it, we're just saying for this five-year period, we're agreeing to maintain it,

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and in the next...after that, anything goes, right? It's not like, oh, you...you maintained it for five years, so they wouldn't hold it against us in the next five years, it's just what it is on paper?

MS. OANA: Correct. And I think even in the MOU there's a provision, and I'm trying to look for it quickly now, that says that neither body claims ownership. So I believe it specifically says that somewhere. I can't find it really quickly, but...

COUNCILMEMBER PALTIN: We're not...it's just this five-year period, and it's not...it doesn't...

MS. OANA: Correct.

COUNCILMEMBER PALTIN: Nobody can assume in the future, like anything based on what we're agreeing to do for just this five-year period.

MS. OANA: Correct.

COUNCILMEMBER PALTIN: Okay. Thank you for the clarification. Thank you, Member Sugimura...Chair Sugimura.

CHAIR SUGIMURA: Sorry I didn't see you had your hand up, so. Ms. King, do you have a question before we proceed?

COUNCILMEMBER KING: Yeah, I just have a question on the process that we are approving. What we're trying to do here is approve an ordinance allowing the Mayor to enter into this agreement. So the agreement is for our review, but we're not signing the agreement, that would be signed by the Mayor. And so this...this is really...this is an ordinance that we're approving, if we approve this today in Committee, not a reso, and so it still has to go through the two Council meetings, I believe. I just wanted to clarify that that's what we're doing.

CHAIR SUGIMURA: Maybe Corp. Counsel, you can clarify, it's a Memorandum of Understanding is what we're doing?

COUNCILMEMBER KING: Well, I think what we're doing is...is approving an ordinance allowing the Mayor to enter into this memorandum. So we're not actually approving the memorandum, that's what...I just wanted to clarify that. Maybe Corp. Counsel can clarify that.

MS. OANA: Yes, correct. You are approving the ordinance that will allow the Mayor to sign off on this. And so this is an ordinance, like you said, not a reso, so it would need two readings at Council.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR SUGIMURA: Oh. Oh, I see because I said the second whereas in the Memorandum of Understanding. Thanks for that clarification. Any other questions? Seeing none. Okay. So going back to the motion, Member Lee made the motion, and do I have a second?

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COUNCILMEMBER KAMA: Second.

CHAIR SUGIMURA: Thank you, Ms. Kama. So motion made by Member Lee and second by Tasha Kama. All in favor, Members say "aye." Aye.

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Do we have any opposed, maybe that's easier?

COUNCILMEMBER PALTIN: Did we miss the discussion part?

CHAIR SUGIMURA: Oh. I thought we did our discussion. All right. Go ahead.

COUNCILMEMBER PALTIN: I have a discussion.

CHAIR SUGIMURA: Okay, you have a discussion.

COUNCILMEMBER PALTIN: I just wanted to say that I'm willing to give it this five years, a...a little bit against my better judgment because, you know, with this opportunity...I felt like, you know, with every challenge is an opportunity. And I feel that the area hadn't been really respected in the way that a natural area reserve should be respected in the past, despite having a pretty well thought out management plan. And I...I look forward to the next five years in us shifting the way that tourism occurs on Maui to a better way to respect this natural area reserve that's to a higher standard than any regular old beach that is not that well respected, you know. How places that are so loved in Hawai'i a lot of times experience degradation because it's kind of like a...a tragedy of the commons type of thing, especially when nobody claims ownership. And so, you know, I'm willing to give a five-year opportunity to see that, you know, we can...with the whole way that tourism is evolving right now, that we can take better care of it, and give it the five years to see how it progresses. And, you know, I'm not totally sold on it, but I think that it doesn't hurt to give it a chance to...to do better.

CHAIR SUGIMURA: Okay. Thank you. Any other discussion, Members? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. And thank you, Member Paltin, for bringing up those concerns. There have been concerns, but I think that we...if we don't do this agreement, then we don't have a voice in it. So this will actually give us, you know, some...some connection to this area as far as the local government, and not just advocating everything to the State government. But I do agree with Member Paltin, that there's been a...there...there needs to be a lot more care in this area. And one of the things that the local rangers had tried to do, the State folks, was to make people aware out there that had tents set up at one point about reef...reef safe sunscreen and what happens when you use them, the...the oxybenzone and the other chemical-laden sunscreens; and that was...I think that was taken down. But those were some of the kinds of things that they've been trying to do and...and, you know, maybe they need a little bit stronger partnership with the County in order to take care of that area. But I just wanted...the one more question I had for Rowena is, in going forward, is there...is

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there more discussion for this area on how it's going to be affected by climate change and sea level rise and that...what needs to happen to mitigate some of those issues?

CHAIR SUGIMURA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Chair, and thank...yeah, that's an interesting question. I think I would want to have that discussion with DLNR, as they're the manager of this...of the natural reserve area. So perhaps that's a question also to be raised with...with State DLNR.

COUNCILMEMBER KING: Okay. Well, I'm just...I'm glad you're...you're willing to...to have that discussion and maybe bring some of those issues forward, and maybe we can do that through the Climate Action Resilience Committee, but. So anyway, I...I support the partnership, Chair, I think that we need to have more State and County partnerships and, you know, we can infuse more of our ideas and more of the environmental protections into some of these areas that way.

CHAIR SUGIMURA: Thank you. Anyone else have any comments?

COUNCILMEMBER SINENCI: Chair?

CHAIR SUGIMURA: Oh, okay. Here's Shane. Thanks.

COUNCILMEMBER SINENCI: Thank you. Yeah. Thank you, Chair. Thank you for the discussion. I...I just wanted to add that my office had received some...some calls about the area, about cultural sites, so I don't know if now or later would be maybe a good time to maybe have a Committee referral to my Committee in case that we can look at some, if there are any cultural sites within the area. But I'm supportive...I'm supportive, Chair. Thank you.

CHAIR SUGIMURA: Great. This...this is the...one of the items that DLNR submitted to us as their management plan, I think you guys probably all got it, and it has tons of very pertinent and valuable information. So thank you very much, Mr. Sinenci. Any other comments? All right. Seeing none then. All in favor say, "aye," raise your hand.

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Thank you. Opposed? Seeing none. That's nine "ayes". Motion carries unanimous. Thank you very much. Thank you very much, Dr. Fretz and Rowena for all the work that you've done in answering our many questions and making the corrections in the Memorandum of Understanding. So I'm going to move on to the second item, Members.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KING: Just quick question. So, are we...is it the intent to file this, or do

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we need to...we need a motion or something to refer it to...the subject matter to Mr. Sinenci, to EACP, for the cultural preservation issues?

CHAIR SUGIMURA: So we can refer it to Mr. Sinenci, right? And then the...the report, the management plan is...is very relevant, I think you'll find the answers that you want. So we can refer that. So Members, at this time then...okay. So I'm going to...I'm going to...we passed that bill, and then we'll refer the item, the subject matter item so that Mr. Sinenci can have further discussion for the cultural perspective. So thank you. Anybody else? Okay.

VOTE: AYES: Chair Sugimura, Vice-Chair Lee, and Councilmembers Hokama, Kama, King, Molina, Paltin, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised bill and FILING of communication.

ITEM WIT-25: MAUI ISLAND WATER USE AND DEVELOPMENT PLAN (CC 19-162)

CHAIR SUGIMURA: Members, then I'm going to go on to the second item, which is actually going to be the Addendum. So we talked about this at the July 13th meeting, which was the elaborate Addendum that was put together by the Department of Water Supply. I think all of you got copies of this. Thank you very much, Eva Blumenstein, for taking this on and for doing the Addendum. And just so a refresher of the Members, the Addendum was created by comments that we got from testifiers who were asking about things that happened after the Water Use Development Plan was created. So because of that, that is why we created the Addendum, just to answer some of the questions that came up, which were more relevant to today of different discussions or different projects that happened after the Water Use Development Plan was...went through its process and was agreed upon until it got to us last year. So at this time, Members, I'm going to ask Eva Blumenstein or Jeff Pearson, I think you're both on the line, to basically take it over. And just so you know, the Addendum was sent over to us July 27th, and the Addendum was basically what we added, or what Eva added on. If you look at it closely, you'll see the page numbers that are associated with the Water Use Development Plan that's connected to the discussion and the Addendum, and that...so that anybody who picks this...both documents up will have an easier time referring to it. Also, Eva updated the table of contents and page numbers, as well as the executive summary was looked

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at again. So Eva, you want to...you want to describe whatever you want as we take it forward from the last meeting until today.

MS. BLUMENSTEIN: Am I unmuted?

CHAIR SUGIMURA: Yeah.

MS. BLUMENSTEIN: Thank you. Aloha, Chair, Members.

CHAIR SUGIMURA: Good morning.

MS. BLUMENSTEIN: Thank you for having me come back again. Yeah, so just what Chair mentioned, the only thing that we addressed now since our July 13th meeting was to clarify not just having the section, the name of the section that the Addendum refers to, but the actual page number. We added executive summary, which of course just summarizes the individual chapters that we went through in the Addendum at the last meeting. The only thing that's new there is the ...or it's not new, but the only thing you didn't see at the July meeting is the island-wide supply and demand, so that just summarizes all the chapters. Then we added the...there were four appendices of the public workshops summaries that were part of the package, but didn't make it into the table of contents, so we added that. Other than that, I mean, I really appreciate...we've gone through the Addendum and the whole plan, chapter by chapter, that we really invested the time in...in scrutinizing our work, as you should. We want this plan to be utilized as...as a guide for water resource use, and source development and conservation, and...and resource protection. So of course, the plan is not legally binding you or the agencies as passed, but we need to have this guiding document for moving forward. So really appreciate that you're...you're taking the time.

CHAIR SUGIMURA: Thank you, really, for all your hard work, Eva, truly. So Members, as you remember from the last discussion, if you look on page 38 of the Addendum, the last two columns were added in, that's another thing that was requested. 24 reporting pumpage, as well as 2018 reporting pumpage. So Members, you have any questions for Ms. Blumenstein? Ms. King?

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin had her hand up.

CHAIR SUGIMURA: I don't see Member Paltin. Okay, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just had a question for Ms. Blumenstein. I'm not sure if she had heard Mr. Perez's testimony. I was wondering if she had problems with putting all the parties that were a part of the settlement into the Addendum...amended Addendum?

MS. BLUMENSTEIN: Sure. Yeah. No, so we had missed putting Maui Tomorrow in...in there. So we can add that to OHA and the Hui O Na Wai Eha. No problem.

CHAIR SUGIMURA: Okay.

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COUNCILMEMBER PALTIN: And thank you for all your hard work. I just was wondering if you had any comment as well about his point about, you know, when you...I guess the 30 years between the Water Use Development Plan about updating in real time. Would that be on the Commission of Water Resource Management, or would that be on...I was going to say us, but maybe you, or whoever? Or who would be on, I guess would be a better question?

MS. BLUMENSTEIN: Yeah. So...you know, so just the...just the overall picture that this has been the case for all the Counties in...in the State, I mean, we all have that original 1990 plan, and it's taken this long. Big Island, Hawai'i County was the first one to get a 2012 update. Oahu is still wait...working on theirs. Kauai is still working on theirs. So it is a huge undertaking to do the update from...given the new State framework that the Commission issued, you know, back in 2000, all the different things that have changed. So...and I've said that before, I don't expect the next update to be this...such a mammoth. A lot of this base data has been done, so doing quicker updates, just updating tables, should be a whole lot easier for, you know, the...the next one doing this, whether it's me or somebody else. I don't think it can be a continuous updating product. I mean, the plan itself is more...is strategic or more similar, or it really should mimic the Maui Island Plan. So it's 20-year plan; so every five years doing thorough updates. But because the plan, you know, it...it's not a capital, a CIP plan, it provides guidance for a lot of different projects that needs to be scoped out over this 20-year planning period. So as those projects are scoped out, I think that all the new issues that come up, water resource related or new projects or whatnot, that they're going to have to be taken into consideration without having to update the entire 20-year plan. So it should be a dynamic plan and, you know, we will be doing much more frequent updates; but I don't see it's being sort of like a continuous weekly, you know, quarterly update. We will track, monitor the projects and the lead agencies that are designated just as the Planning Department do with the Maui Island Plan and Community Plans.

COUNCILMEMBER PALTIN: I guess to clarify my question was like, you know, when there is these major events, such as like the purchase by Mahi Pono or, you know, IIFS being issued, you don't think that it would be possible to update that in real time as opposed to like, okay, they issued an IIFS for Kauaulu Stream, so we're going to go in and...and put that in our running draft or something. You would rather wait for, like, a five-year interval, is that...

MS. BLUMENSTEIN: Well, I think as...so the Addendum that we did now that reflected multiple major issues, I mean, those have sort have been foreseen, or addressed, or at least discussed in the plan, even where it ended in 2018. And we foresee that IIFS will be established for all the other streams, and it will make less surface water available for off-stream needs. So the strategy has already addressed those. For example, we knew that less water was going to be available from Kanaha Stream on the West Side, so the strategies already reflected offset that with ground water development. So even now, when we had the actual IIFS established, it didn't really change the strategy. So should there be an event that really impact the recommended strategies that we cannot do this anymore, this is not a feasible strategy anymore; then yes, maybe, you know, another addendum. Of course, there has to be another bill for an ordinance adopting the plan and going back to CRWM. So that's doable, but I don't know if that is necessary for

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every, you know, water resource related issue that's going to come up over the next few years. It may not.

COUNCILMEMBER PALTIN: I guess...I mean, I understand that we need to handle the, like, updates by ordinance. But in terms of you doing your work, I...my...what I was trying to say was, if you have a...a draft, like, I don't know, Word document or something, and as these changes are...I know that you already anticipated less water being available, but being able to go into your draft Word document with the actual details of...instead of we anticipate less water being available, you can fill in the actual details; like 2019, the IIFS was determined to be this. And so, you know, so that in your five- or ten-year intervals on your draft document, it's...it's not such of an update for you. Like, you have a running draft going on and instead of issuing an addendum, you can come out with this, my running draft over the years as all these things took place. Regardless of whether the strategy changes or not, the document and the details will be current.

MS. BLUMENSTEIN: Yeah. So I think the short answer is...is yes. I mean, it may not be in a format of a draft update to the Maui Island Water Use Development Plan, but I don't know, you know, exactly the form that is going to be updated in the future. I know that CRWM is looking at new...new framework too, so how that's going to look like, I don't know. But in this last four-year process, I mean, we have folders and subfolders and spreadsheets where data is organized now, so anything that comes up is...not automatically but, you know, we do track and monitor these things and update the data because we need it for various purposes. So it's not...it's not lost in between this and the next formal update. It's just in...it's living in this various dynamic database, as I was saying, that we just continuously update.

COUNCILMEMBER PALTIN: Okay. Thank you, Ms. Blumenstein, for all your hard work.

MS. BLUMENSTEIN: Thank you.

CHAIR SUGIMURA: Good question. Thank you. Anybody else? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So thanks for...to Eva and Jeff for both of you for being here and for working so hard on this report. I think the only concern I have at this point is because I'm not an expert, but we do have experts in your Department, and we also have a Board of Water Supply that is supposed to be advising us. But as of yesterday...you know, I got a message yesterday from the Chair of the Board of Water Supply that they had not been given the Addendum, they had not seen them. So just...why would you not...when are you expecting to get comments, or do you have...do you have a plan to share this with the Board of Water Supply for comment and advice?

MS. BLUMENSTEIN: Well, first off, we...we did post the Addendum, the original and updated Addendum on our website, so it's...in terms of date . . . *(inaudible)* . . .

COUNCILMEMBER KING: Right. Right. But it needs to be, right. Don't you deal directly with the Board of Water Supply? Why would you not just give it to them directly?

MR. PEARSON: Chair? Chair? I don't know if you see me. Do you see me on the screen?

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COUNCILMEMBER KING: Director Pearson is raising his hand.

MR. PEARSON: Oh, thank you. Permission to speak, Chair?

COUNCILMEMBER KING: You're...you're muted, Yuki.

MR. PEARSON: She's muted.

CHAIR SUGIMURA: Oh, sorry. Okay. Go ahead, Jeff.

MR. PEARSON: At least you can see me, I'm glad you can see me, so that's good. Yeah, that's a legitimate question, and I...I have been talking to the Chair of Board of Water Supply, actually just yesterday or the day...or last week, and we are including the...the Addendum and the discussion for the Water Use and Development Plan in our next meeting that's scheduled for August 20th. So it's...it's going to be included. And Chair...Chair Hodges brought it up, and I think it was perfect. So I'm just looking on my computer or just passing the agenda past Chair right now, and I'm sure that we're...we just added that...that onto the draft agenda recently, like today.

COUNCILMEMBER KING: Okay. Yeah, I think that was after we talked to them. Because I wanted to get their input, and they said they hadn't seen it, so she mentioned putting it on their next agenda. So yeah, I'd be really interested to see what their comments are, you know, just because, you know, it's not...it's not that I have major issues, it's just that, you know, none of us here are water experts; and here, I mean, on the Council, but you two are. And, you know, that's what the Board of Water Supply is pointed to do. So anyway, thank you for that, Director Pearson.

CHAIR SUGIMURA: Thank you, Ms. King. Anybody else? I hear an echo. Okay. Are we okay? Okay. Better. Anybody else have questions, Members? I want to thank the Department...

COUNCILMEMBER KING: Member Sinenci had his hand up.

CHAIR SUGIMURA: Oh, I don't...okay. I don't see Mr. Sinenci. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah. I just wanted to add a comment about, I know that under...in the Addendum, page 20, under Chapter 16, the Ko'olau Aquifer Chapter under the BLNR lease. I know there's a pending lease, it was submitted by A&B and some of the...and Mahi Pono, should that lease continue or move forward, then they wanted to implement a proposed farm plan. So I just wanted to speak to, you know, keeping...keeping the plan updated once...once these new information in...is added, like Member Paltin had said, that we would appreciate, you know, updating it as...as we get more information. I just wanted to add that. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much. Anybody else have any other comments or questions regarding this? Ms. Keani Rawlins?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Blumenstein, for your work, and Director Pearson, for your work on updating the...the plan and updating the executive summary and putting in the additional information that we...we requested at the last meeting. So I guess my question is either for you or for Corporation Counsel as far as process goes. If we wanted to have, like, a...an addendum after any kind of...like, either like an annual addendum, or an addendum after any kind of substantial changes to the...oh, there's an echo again. Okay. Any substantial changes to the...the data, the details; so not just strategies, but just land conveyances, IIFSs. So would that...so I understand that the plan would need to be adopted by the Council, and then it would go to CRWM for their approval. Would the addendum need to follow the same process, and any additional addendums in between the five- and ten-year process?

MS. OANA: Chair, I can answer that question. This is Jen. So for an addendum after you folks pass this by ordinance, I would...I would call it an amendment to the plan. So that would entail going through the whole process again, the Department draft it, send it to Board of Water Supply, they hold their public hearings, make recommendations to the Department for any changes, they change it, and then send it to you for what we're doing today.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Oana, for that clarification. Okay. Oh, Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, I just want to add to that too, because the County Water Use Development Plans are also the integral part of the overall Hawai'i Water Plan, so any amendments would also have to be approved by CRWM. And I don't know whether that have...whether that would change overall Hawai'i Water Plan because you have the Water Quality Plan, the Water Resource Protection Plan, and all the County's' plans, and they are kind of on...on the same time frame of scheduled to be updated.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Blumenstein. I guess...so everyone is trying to figure out how to keep the...the plan, like, as updated as possible, but without putting too much work on the Department, and going through this really rigorous process. Is there a way for us to maybe track some of the substantial changes in one area on maybe the website or something? Because as these things happen, so that the public has access to that information instead of, like, having to dig through research, maybe having that available somewhere easily accessible?

CHAIR SUGIMURA: So Department, do you have any comments for that?

MS. BLUMENSTEIN: Well, I think over the years, as these things have impacted the...the Department, I mean, that the plan is not the...the Water Department's plan, right? It's all user and users. But in our role of updating the Water Use Development Plan, we looked at impact on all water uses, users, whether it did...did or did not impact our systems. Any major issues that impact the Department's CIP or system resource use is continuously brought to the Board, usually presented and discussed. Some of these issues also get brought up to...with Committee. So I don't know, I mean, in...in that general process, issues that impact the Department per se are being presented timely. I don't know if there should be a...a different process, whether it needs to be part of sort

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of an informal update of the plan. Again, I go back to if those are such major issues that they...they impact the strategies so it...so it changes the document as a...as a guidance, then maybe a formal addendum is warranted. But I think the Department already does...I mean, we...I know that we do track and keep on top of...of issues that impact the Department per se, and that those are discussed by the Board of Water Supply. So maybe it just needs to be relayed more efficiently to...to the Committee. I'm not sure. Just a thought.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Blumenstein. Mahalo, Chair.

CHAIR SUGIMURA: Thank you. Mr. Pearson, do you have any comments before we proceed?

MR. PEARSON: Well, I didn't have really an opening, but I wanted to, you know, thank the Committee because you...I think you did a good job last week by not . . . *(audio interference)* . . . and waiting to see these addendums and seeing the work that was done. I think that was a good move because it's hard for you to approve something that you...even though you discussed it and you know what it is, if you haven't seen it, so that was appreciated. Eva worked very quickly and diligently to get this forward, so I want to make sure I show appreciation towards her. And again, the fact that Chair is moving this forward and...and looking at it as a priority is also appreciated. So I hope I don't sound too sickening here, but I want to thank . . . *(audio interference)* . . . for, you know, the efforts that have got us to this point. So thank you all. Kind of backing what Eva just said, and with the question from Member Fernandez, Rawlins-Fernandez, you know, if there's issues that directly affect water supply, there are going to be...at some way or another, going to go in front of the Council because it's going to enter into our CIP or our...our operations. So you will see . . . *(audio interference)* . . . too. And then again, as Eva said, if it's...if it affects the strategies that are longer term and more big picture strategies, then we can look at making changes to the Water Use and Development Plan. So, you know, you're never going to be out of the loop and not be via the Water Use and Development Plan, but some way or another, this Council will know what we're doing and will likely have to...will approve it or not.

CHAIR SUGIMURA: Thank you. I agree. Water is such a valuable resource that everybody is interested in it, as we heard from testifier this morning. So at this time, any other questions? You know, raise your hand or say "me" because I can't see everybody on the screen. Okay. Great. So I want to thank, echo what Director Pearson said. Thank you, Eva Blumenstein, you're amazing, the amount of detail and work that you have, and in answering the concerns or questions that the Members had to come up with this Addendum. Appreciate that, and you'll make the revisions as...as was expressed by Albert Perez, to include Maui Tomorrow and OHA, I think, in that *Maui News* reference. So at this time, Members, I would like to request for a motion to approve a Bill for an Ordinance Adopting an Update to the Water Use and Development Plan for the Island of Maui. Attached to the proposed bill is a document entitled "Maui Island Water Use and Development Plan Draft March 29th." and the purpose of the proposed bill is to adopt the attached document as an update to the Water Use and Development Plan in accordance with Section 14.02.040, Maui County Code; and also including it, I'm going to, there's a correspondence that we received from the Department for the Addendum. So at this time, I'd like to have a motion, Members.

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VICE-CHAIR LEE: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR SUGIMURA: Thank you. Thank you. Moved by Chair Lee. Seconded by Tasha Kama. Any discussion, Members? Ms. King?

COUNCILMEMBER KING: Yeah. Just one comment. The Maui Tomorrow, you might want to check, Ms. Blumenstein, with Albert, I think it's Maui Tomorrow Foundation, so you want to make sure you make those...those titles correct. I do...I have some reservations about passing it out without hearing...having it heard at the Board of Water Supply, and whether or not it...it would need, after that point, to come back to address any of these addendums. So I just wondered if you...and what...what you anticipate maybe, Director Pearson, at the Board of Water Supply when you go over these...the Addendum package?

CHAIR SUGIMURA: Director Pearson?

MR. PEARSON: That's a tough question, of course, because there's a quite eclectic group on the Board. I know that the Chair, and most of, you know, the Board members are, you know, they...they listen and they are level-headed and they make, you know, informed decisions. I think most of the issues that are on the Addendum we're all aware of, it's just bringing it forward to keep it as part of the document for the Water Use and Development Plan. So I don't see any real opposition to this. I don't even see a lot of discussion because I think they're, you know, given they are aware of most of the issues that are here, so...and they've had...they...a lot of discussions already about Mahi Pono, they're aware of the, you know, the IIFS revisions. So I really don't see any...I clearly don't see any opposition, but I don't think there's going to be too much excitement with them; but I...I still agree we need to bring this forth and bring this in front of them.

COUNCILMEMBER KING: Okay. And then has Mahi Pono ever been before the Board of Water Supply?

MR. PEARSON: No. They have never been in front of the Board.

COUNCILMEMBER KING: Okay. And I think Ms. Blumenstein had a response too.

CHAIR SUGIMURA: Eva?

MS. BLUMENSTEIN: Yes. Thank you. Funny echo there. Just in terms of the Addendum, kind of clarifying some of the issues that have occurred since the Board approved it, the strategies, or their revisions, have really been more beneficial to the community in terms of the amended strategies do not require additional resource or in terms of demand and supply, the Addendum shows that supply has been...or demand has been mitigated to an extent because of the decreased needs by Mahi Pono because the changes. So if you're looking at it in terms of, you know, resource use, the Addendum sort of improves the plan, and there's going to be less water resources needed for the revised projected

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amount. So I see that as a good thing.

COUNCILMEMBER KING: Okay. But you...you haven't spoken with them directly, the Board of Water Supply, yet?

MS. BLUMENSTEIN: I haven't presented the July 24th...yeah, the July 24th Addendum was just submitted to you folks this last week. So they have...they will only see that at the August Board meeting.

COUNCILMEMBER KING: Okay. I...I...yeah, I just...I...my hesitancy in...in, you know, passing is I'd like to see this to be deferred one more meeting until we get...so we can see...you know, we get a...a stamp of approval from the Board of Water Supply. But because I have concerns of whether or not we can, you know, if there are some changes that are suggested, would this need to come back to Committee again, or can it still go forward to the Council? Maybe that's something for Corp. Counsel to answer. If the meeting is scheduled for August 20th, then...and this goes to the Council after that date, can...with changes, potential changes from the Board of Water Supply, does it have to come back to the Committee first? Ms. Oana?

MS. OANA: Chair? So if there's substantial changes that need to be discussed, I would suggest that it go back to Committee. If it's just, you know, we approve, then of course, there's no need. But if you're going to take some time and you want to discuss it, then yes, I...I would recommend it going back to Committee.

COUNCILMEMBER KING: Okay. Okay. Thank you.

COUNCILMEMBER HOKAMA: Chair?

CHAIR SUGIMURA: Oh, sorry. Yes, Mr. Hokama. My...my sound was off. Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm ready to vote. The Board is the Board, yeah. It's an advisor that the Council may utilize, and they had their opportunities. This is not a new process or just started process, so I'm okay...I'm ready to vote and pass this out of Council.

CHAIR SUGIMURA: Okay. Thank you. Did anybody else have their hand up? Mr. Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Just for the...with regards to the schedule of the Council meeting for this, assuming it makes out of Committee, I mean, I don't know if it's the intent to have this heard at the August 14th, I guess...I'm sorry, will that be the 18th Council meeting?

CHAIR SUGIMURA: August 18th.

COUNCILMEMBER MOLINA: Yeah. Because I mean, I would have a preference that this be scheduled maybe for the 28th because then the Board, if I heard correct earlier, is going to be meeting on August 20th. Maybe if this could be put, you know, on the agenda for the August 28th Council meeting for consideration.

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CHAIR SUGIMURA: Okay.

COUNCILMEMBER MOLINA: That would be my...my recommendation.

CHAIR SUGIMURA: Yeah, we have to...we would have to. Thank you, Mr. Molina. I know, you know, with all of your Committee things how this works. And we have to do that committee report, and this will probably be a pretty extensive committee report with everything. So any other comments, Members? I can't see your hands so, you know, get my attention.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SUGIMURA: Okay. Oh, Keani?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I want to agree with Member Molina, and I think his suggestion is...is good, and I support that.

CHAIR SUGIMURA: Okay. Very good.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll be voting in support of moving it out of Committee.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And thanks to the Department, Ms. Blumenstein, again, for all her hard work on this plan, and I look forward to hearing more of the feedback from the Board of Water Supply. Mahalo, Chair.

CHAIR SUGIMURA: Thank you Keani. Thank you, Members. So I just want to reiterate that the Addendum that was put together; again, as I said earlier, was put together with comments that we heard from the community and yourselves, projects that happened after the document was finalized and went through its process, which you know it went through a pretty extensive process, including before the Board of Water Supply and community input also. So at this time, oh...

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Ms. King, you have a question?

COUNCILMEMBER KING: Yeah, I just wanted to...yeah, I just wanted to see if we can get a commitment from Chair that we would put this...we would hold this until the 28th Council meeting, if we pass it.

VICE-CHAIR LEE: Confirmed.

CHAIR SUGIMURA: Okay.

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VICE-CHAIR LEE: Confirmed.

COUNCILMEMBER KING: Thank you. Okay.

CHAIR SUGIMURA: Thank you. So Members, at this time the motion is on the floor. Thank you for this great discussion. And so I'd like to take a vote, all in favor say "aye," raise your hand. Aye.

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Maybe easier oppose, anybody oppose? Okay. Seeing none. Very good. Thank you, Members. Motion carries, and therefore, this will...and the other thing that we are going to strive for, Committee, Lesley and Laks, is to get this ready for the August 28th Council meeting as . . . *(audio interference)* . . . Sorry. So thank you, Members. This motion passes out of Committee and it's going to be recommended for passage on first reading and filing of County communication...what is it, 19-162. Thank you, Members.

**VOTE: AYES: Chair Sugimura, Vice-Chair Lee, and Councilmembers
 Hokama, Kama, King, Molina, Paltin,
 Rawlins-Fernandez, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of revised bill and
 FILING of communication.**

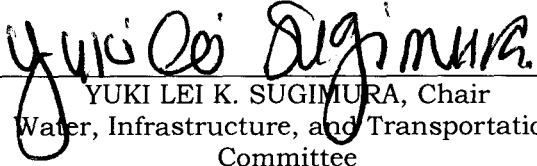
CHAIR SUGIMURA: At this time at the end of my meeting, thank you everybody for coming on an off week to...for this make-up meeting. This meeting is now adjourned. . . *(gavel)* . . .

ADJOURN: 10:23 a.m.

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APPROVED:



YUKI LEI K. SUGIMURA, Chair
Water, Infrastructure, and Transportation
Committee

hfc:min:200804:

Transcribed by: Terianne Arreola

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CERTIFICATE

I, Terianne Arreola, hereby certify that 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 29th day of August, 2020, in Makawao, Hawai'i.


Terianne Arreola