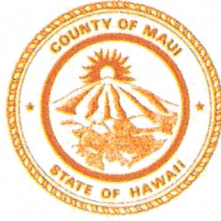


MICHAEL P. VICTORINO  
Mayor

JEFFREY T. PEARSON, P.E.  
Director

HELENE KAU  
Deputy Director



DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/water](http://www.mauicounty.gov/water)

February 18, 2021

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/18/21  
Mayor Date

For Transmittal to:

Honorable Shane M. Sinenci, Chair  
Agriculture and Public Trust Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Sinenci:

SUBJECT: **WATER USE AND DEVELOPMENT PLAN FOR MAUI (APT-57)**

In response to an email with questions received from Council Member Paltin on February 14, 2021, please find the following responses below:

**QUESTION 1:** For the agreement between the County of Maui and MLP dated 1/22/1979, I was unable to find Exhibits A-E do you still have access to these documents and if so can they be submitted to the APT committee?

**DWS RESPONSE:** We have confirmed that the department copy of the 1/22/1979 letter does not include the Exhibits A-E referenced in said document.

**QUESTION 2:** Also, was wondering why a bunch of the Kulamalu exhibits/schedules had blanks for dates, signatures, etc., are they just examples? Appx 179-204 of the transmittal

**DWS RESPONSE:** The exhibits/schedules that are blank are intended to be executed after execution of the March 21, 1996 "Agreement Concerning the Construction of Storage Tank, Transmission Line and Appurtenances, and Development of Well.

**QUESTION 3:** Also, for the Mahinahina DHHL lands wondering why Exhibit B-1/B-2/D/E has so many blank around pg. 240-259 ish no signatures, dates, etc.

*"By Water All Things Find Life"*



OFFICE OF THE  
COUNTY COUNCIL

2021 FEB 19 AM 8:06

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Honorable Shane Sinenci, Chair  
Agriculture and Public Trust Committee  
Maui County Council  
February 18, 2021  
Page 2

**DWS RESPONSE:** Exhibit B-1/B-2/D/E that are blank are intended to be executed after execution of the December 15, 2019 "Memorandum of Agreement for Licenses".

**QUESTION 4:** Can P285 be re-scanned cannot read

**DWS RESPONSE:** We have confirmed that the department copy of the Exhibit "4" of the "Memorandum of Understanding" is the same quality of resolution.

**QUESTION 5:** Pg. 323-325 ish can you explain O&M, GAC costs and credits and offsets in regards to DBCP fouling wells at Napili, Honokahua and Hamakuapoko, Haiku

**DWS RESPONSE:** Only Napili Well "A" and Hamakuapoko Wells 1 and 2 have DBCP treatment, which the agreement stipulates the Defendants' and Plaintiffs' responsibilities related to O&M (item 47 in agreement), GAC costs (item 49 in agreement), and credit and offsets (item 48 in agreement) regarding these wells.

**QUESTION 6:** Why are there so many blank signatures pg. 328-336

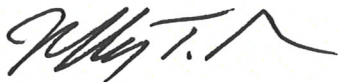
**DWS RESPONSE:** The blank pages (pg. 328-336) of the "Settlement Agreement and Release of All Claims" are due to the signatures being signed in "multiple counterparts", as stipulated on page 20 of the agreement.

**QUESTION 7:** Kanaha agreement pg. 364 signatures, etc., blank?

**DWS RESPONSE:** The blank signature on pg. 364 of the "Lahainaluna High School Cost-Sharing Agreement for Water Systems" is the notary page for the Department of Education signatory and the Board of Land and Natural Resources signatory. We have confirmed that the department copy of the agreement does not have a notary page for these signatures.

Should you have any questions, please contact Wendy Taomoto, Engineering Program Manager at Ext. 7669.

Sincerely,



JEFFREY T. PEARSON, P.E.  
Director

JTP:WKT