

# Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-13 9:00 AM - Reconvened from 4/10/2026 at 10:00 a.m.

Meeting Time: 04-13-26 09:00

## eComments Report

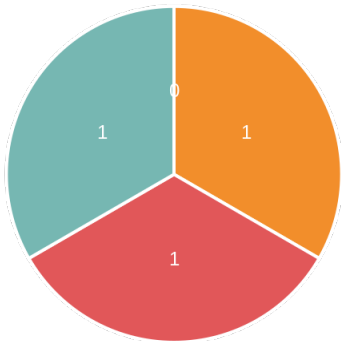
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-13 9:00 AM - Reconvened from 4/10/2026 at 10:00 a.m.	04-13-26 09:00	2	3	0	1	1

### Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

#### Overall Sentiment

Support (0%)   Oppose (33%)   Neutral (33%)  
No Response (33%)



**Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-13 9:00 AM - Reconvened from 4/10/2026 at 10:00 a.m.**

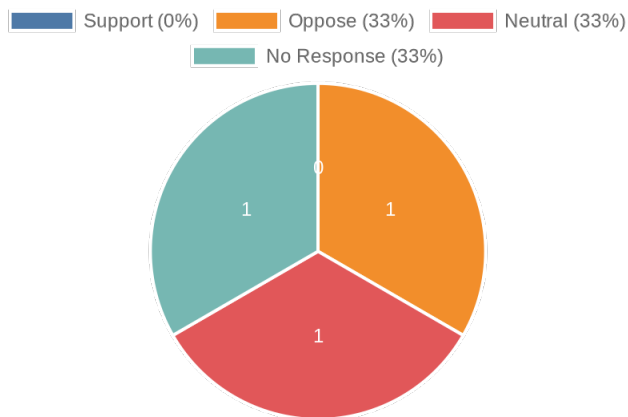
04-13-26 09:00

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	1	0	1	0
BFED-1 PROPOSED FISCAL YEAR 2027 BUDGET FOR THE COUNTY OF MAUI (BFED-1)	2	0	0	1

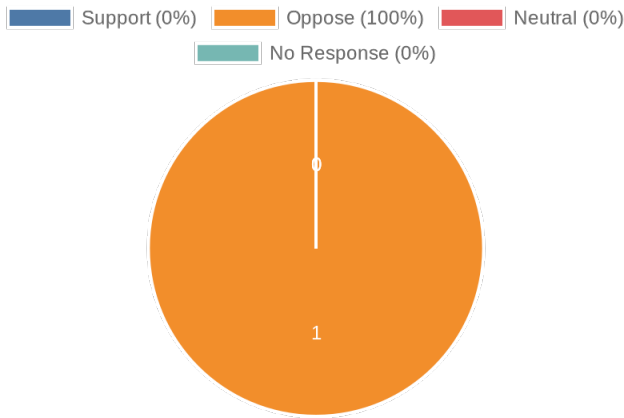
**Sentiments for All Agenda Items**

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

**Overall Sentiment**



Overall Sentiment



**Travis Liggett**

Location:

Submitted At: 11:11am 04-13-26

Subject: Written Testimony Submission Re: Ma'alaea Small Boat Harbor WWTP; Formal Objection to Closure of Public Testimony, BFED Committee, April 13, 2026

To the Chair and Members of the Budget, Finance, and Economic Development Committee, Council of the County of Maui:

The undersigned respectfully submits the attached written testimony for the official record of today's proceedings.

By way of context: the undersigned prepared and appeared today ready to offer two minutes of actionable, science-based verbal testimony directing the Committee's attention to ready solutions to matters of documented marine and public health concern, and to provide guidance that County elected leaders and community members may find of material value in directing recovered or discretionary funds toward verified disaster relief and marine health organizations during the current period of significant need across Maui County and the neighbor islands.

The closure of public verbal testimony at today's reconvened session, as set forth in the separate formal protest submitted contemporaneously herewith, rendered that opportunity unavailable. The undersigned hereby registers his disagreement with that closure and preserves all objections thereto.

The undersigned wishes to note, with respect and sincerity, that Chair Sugimura demonstrated considerable skill and grace in her management of a challenging testimony dynamic at a prior session. It is the undersigned's personal opinion that the closure of verbal testimony today (whatever its procedural basis) could be interpreted by citizens as an overreaction to that prior circumstance, and that it functionally reverses the narrative advantage Chair Sugimura had appropriately earned. It is further the undersigned's opinion that this closure leaves him no alternative but to employ written testimony to the fullest extent permitted by law and practice, with the intent of maximizing public financial benefit during a budget process that did not afford him the opportunity to speak today, with the goal of supplementing a budget process perceived to be impaired with potential citizen philanthropic

action in the context of exercising consumer rights.

Accordingly, the attached written testimony is submitted in full. It addresses:

- (1) documented, multi-decade noncompliance by the Division of Boating and Ocean Recreation with Hawaii Administrative Rules governing the Ma'alaea Small Boat Harbor Wastewater Treatment Plant;
- (2) the condition of the receiving marine environment as documented by the State's own Division of Aquatic Resources;
- (3) consumer protection considerations that members of the public may independently choose to explore with their financial institutions; and
- (4) a list of verified organizations (including active Moloka\_i flood recovery nonprofits and indigenous-majority board marine health organizations) to which any recovered or discretionary funds may be directed.

The undersigned submits this testimony not in antagonism toward any local businesses, state agencies, the Committee or its members, but in the exercise of the public participation rights the Sunshine Law was enacted to protect rights that, in his personal opinion, were not fully honored today, the best way the testifier sees fit.

Potential consumer rights described in the attached could help supplement community resources on the ground in a time of acute need, and a budget process that could be argued to be "compromised" by some citizens, due to not accepting verbal testimony today.

Respectfully submitted,

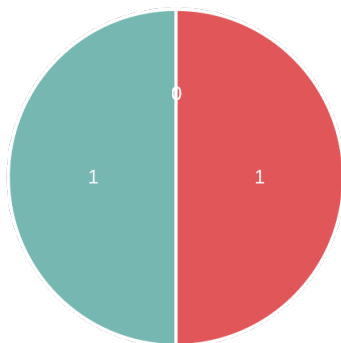
Travis Liggett, M.S.  
travis.liggett@gmail.com  
+1 (808) 291-9934  
April 13, 2026

\*Nothing in the attached testimony or this cover message constitutes legal advice. All factual claims are drawn from official government documents. Consumers and businesses are encouraged to consult qualified legal counsel before taking any action.\*

Agenda Item: eComments for BFED-1 PROPOSED FISCAL YEAR 2027 BUDGET FOR THE COUNTY OF MAUI (BFED-1)

Overall Sentiment

Support (0%)   Oppose (0%)   Neutral (50%)  
No Response (50%)



**Guest User**

Location:

Submitted At: 9:56am 04-13-26

To the Chair and Members of the Budget, Finance, and Economic Development Committee, Council of the County of Maui:

The undersigned hereby formally protests the closure of public testimony at today's reconvened session.

**I. LEGAL BASIS**

HRS § 92-3 requires all meetings of a board be open to the public. HRS § 92-3.7 contains no provision permitting the blanket closure of testimony at a reconvened session. The Public Meeting Notice for today's session lists eComment and written testimony as available means of participation, creating a reasonable expectation among the public that testimony would be received.

HRS § 92-2.5 provides that the right of the public to participate in the deliberations of boards is a fundamental right. This session reconvened three (3) calendar days after the original meeting. Members of the public unable to attend on April 10, 2026 have been effectively denied that statutory right.

**II. PREJUDICE TO THE PUBLIC**

The matter before the Committee (the proposed FY 2027 Budget, including Bills 55–64 (2026) and Resolution 26-63) is among the most consequential legislative action the County undertakes annually. Foreclosing public comment without consistent notice is prejudicial to the public interest and contrary to the transparency the Sunshine Law is designed to protect.

**III. REQUEST FOR RELIEF**

The undersigned respectfully requests that the Committee:

1. Reopen public testimony for the duration of today's session; and
2. Preserve this protest in the official record of the proceedings.

Failure to address this objection may subject any action taken at today's session to legal challenge.

Respectfully submitted,

Travis Liggett, M.S.

+1 (808) 291-9934

April 13, 2026

9:33 a.m. HT

**Guest User**

Location:

Submitted At: 9:32am 04-13-26

As a Maui resident, I ask the Committee to slow down and look at what this budget actually means in the real lives of the people paying for it.

Maui County is now operating at roughly a billion-dollar annual budget, yet residents continue to experience the same daily problems: slow permitting, infrastructure failures, flooding in known areas, and basic services that move at a government pace while the cost of living continues to rise.

This agenda includes authorization of nearly \$196 million in new general obligation bonds (Bill 57). Borrowing that level of money may look routine in government, but to residents it means something very simple: future taxes. Every bond the County issues becomes a long-term obligation that must be repaid by the public. Before approving that amount of debt, residents deserve a clear list of which projects are truly essential and which are

simply additions to an already expanding government footprint.

The Capital Improvement Program through 2032 (Bill 56) also deserves scrutiny. Maui residents have watched capital projects appear on county lists year after year while little actually gets built on the ground. Listing projects is easy. Delivering them is the real test of government competence. The public should see realistic timelines and accountability for projects that have been sitting in planning stages for years.

The operating budget (Bill 55) is equally concerning. With spending at this scale, residents should see clear improvements in basic county functions. Instead, people still struggle with permitting delays that slow housing construction, infrastructure problems that worsen flooding and road conditions, and departments that regularly claim staffing shortages while the overall budget continues to grow.

Fuel tax decisions (Resolution 26-63) also affect residents immediately. On an island where driving is not optional, higher transportation costs ripple through the entire economy. They increase the cost of groceries, services, and everyday life. Any change in fuel tax rates should be clearly tied to road maintenance and transportation improvements that residents can actually see.

Finally, the proposed fiscal reserve fund (Bill 61) could be a responsible step if it is designed with strict rules and transparency. However, without clear guardrails, reserve funds risk becoming another place where public money is stored without clear accountability.

Residents are paying more every year to live on this island. At the same time, many people feel that government results are not improving. Before moving this budget forward, the Council should demonstrate that every major spending decision is tied to real improvements in infrastructure, housing capacity, and the daily lives of Maui residents.

Mahalo for the opportunity to provide testimony.  
Edward Codelia

## PUBLIC TESTIMONY

Maui County Council

Budget, Finance, and Economic Development Committee

Submitted by:

Travis Liggett, M.S. | travis.liggett@gmail.com | (808) 291-9934

April 13, 2026

Re: Ma'alaea Small Boat Harbor Wastewater Treatment Plant: Decade-Long Unpermitted Operations, Environmental Harm, and Consumer Rights

### I. SUMMARY

This testimony presents documented evidence that the Ma'alaea Small Boat Harbor Wastewater Treatment Plant (WWTP) has operated without any state-required construction or operating permit for approximately a decade. The record is entirely composed of official government documents. I am not an attorney, and nothing herein constitutes legal advice. This testimony is a statement of public record facts and my personal opinion as a consumer and resident.

### II. THE DOCUMENTED RECORD OF NONCOMPLIANCE

#### A. First Notice of Violation — April 7, 2015

On April 7, 2015, the Hawaii State Department of Health (DOH) Wastewater Branch issued an Informal Notice of Violation (INOV) — file reference 132INOV\\_MaaleaSmallBoatHarbor — to Mr. Edward Underwood, Administrator, Division of Boating and Ocean Recreation (DOBOR), Department of Land and Natural Resources (DLNR). The notice stated, in relevant part:

- DOH had not authorized the construction or use of the WWTP.
- On March 6, 2015, DOH staff verified the existence of the unpermitted WWTP at Ma'alaea Small Boat Harbor.
- The WWTP violated HAR § 11-62-08(b) (construction without approval) and HAR § 11-62-08(f) (operation without authorization).
- DLNR was ordered to submit a corrective action plan within 30 days.

This data indicates the facility has operated in violation of state law for over a decade.

#### B. Second Notice of Violation — February 27, 2023

Nearly eight years after the first INOV, DOH issued a second Informal Notice of Violation dated February 27, 2023, from Sina Pruder, P.E., Chief, Wastewater Branch, again addressed to Mr. Edward Underwood at DOBOR/DLNR. The plant was rated "Unacceptable" following an Operation and Maintenance inspection covering February 2022 through January 2023. The same two violations remained unresolved:

- HAR § 11-62-08(b): constructed without approved engineering design plans.
- HAR § 11-62-08(f): operating without authorization for use.

DOH noted that penalties of up to \$25,000 per day per violation could apply. Additional operational concerns were documented: dissolved oxygen levels far outside normal range (7.96–9.50 mg/L versus the recommended 1–3 mg/L) and pH levels swinging from 7.8 to 11.1 (acceptable range: 6–9), both indicating treatment process failures with potential consequences for the receiving marine environment.

#### C. Application to Construct Finally Submitted, January 14, 2026

On January 14, 2026 (more than ten years after the first INOV and approximately fourteen years after the WWTP was installed) DOBOR Administrator Meghan L. Statts submitted a formal request to DOH Wastewater Branch Program Manager Jonathan Nagato (letter reference BOR-E-002.026) for approval to construct the subject WWTW. The letter attached a completed application, compliance checklist, basis of design report, construction drawings, and engineer certifications.

#### D. DOH Confirms No Active Permit, September 9, 2025

In direct response to a UIPA public records request I submitted on September 9, 2025, DOH Wastewater Branch Program Manager Jonathan Nagato, P.E., confirmed in writing: "The Department of Health Wastewater does not have an active approval-to-construct or approval-to-use for the Maalaea Small Boat Harbor Wastewater Treatment Works." This confirmation was issued before DOBOR's January 2026 application, and no approval has been announced as of the date of this testimony.

### III. THE RECEIVING WATERBODY

Hawaii's Division of Aquatic Resources (DAR), in a published report titled Status of Maui's Coral Reefs (DLNR-DAR, 2014, available at [dlnr.hawaii.gov/coralreefs/files/2014/12/Status\\_and\\_Trends\\_of\\_Mauis\\_Coral\\_Reefs.pdf](http://dlnr.hawaii.gov/coralreefs/files/2014/12/Status_and_Trends_of_Mauis_Coral_Reefs.pdf)), included a case study explicitly titled "Total System Collapse at Maalaea," documenting that the Ma'alaea reef had by that time transformed from a healthy and diverse ecosystem, with 50–75% coral cover estimated before, into a badly degraded habitat with approximately 8% cover, dominated by invasive algae, with fish stocks in very poor condition. The same report identifies elevated nutrients from wastewater as a likely driver of algal blooms at nearby Kīhei reefs, and notes that Ma'alaea reefs had the lowest herbivore populations of any surveyed site. This ecological collapse was occurring during the same period the unpermitted WWTP was actively discharging without DOH authorization.

I am not asserting a direct causal link as a matter of law. I am stating these are documented facts that, in my personal opinion, the public deserves to know.

#### IV. CONSUMER RIGHTS; PERSONAL OPINION AND PUBLIC INFORMATION

*\*The following section reflects my personal opinion as a consumer. It is not legal advice. Every individual must make their own decision, ideally in consultation with a qualified attorney or their financial institution.\**

Under consumer protection principles that apply broadly in the United States, a consumer who paid for goods or services (or made a donation to a nonprofit) may have grounds to dispute that transaction if a material fact, had it been known, would have caused them not to make that expenditure. This concept underlies what credit card networks and financial institutions commonly handle as a dispute or chargeback.

In my personal opinion, the following logic applies here:

1. Commercial operations at Ma'alaea Small Boat Harbor (boat tours, charters, dive operations, nonprofit organization, and similar businesses) generate wastewater that passes through a treatment facility that has been operated by DOBOR illegally since approximately 2012, and after notice of noncompliance since 2015
2. Nonprofit organizations operating out of or affiliated with the harbor, including those purporting to protect or celebrate the ocean environment, may have received donations from individuals who, had they known that the facility was discharging through an unpermitted,

uninspected treatment works into a reef system described as "collapsed," would not have made those donations.

3. Tourists and visitors who paid for ocean experiences marketed around the health or beauty of the Ma'alaea marine environment may similarly have a basis to say: "I would not have donated or spent this money on this nonprofit or commercial business if I had known."

This is not the fault of every, or even any, individual commercial or nonprofit business operating out of the harbor. Responsibility for the unpermitted facility rests solely with DOBOR as the owner and operator. Businesses that were unaware of the noncompliance should not bear the ultimate financial loss. In my personal opinion, those businesses have a reasonable and defensible basis to:

1. Submit invoices to DOBOR for revenue lost due to consumer disputes and the full amount of any chargebacks arising from this matter.
2. Submit invoices to DOBOR for future lost revenue during any period in which effluent-generating operations must cease pending documented permit compliance.
3. Submit documented claims to DOBOR for harm to business image, brand reputation, and reasonably projected future revenues resulting from public disclosure of this noncompliance.

In my personal opinion, operations generating wastewater effluent at the harbor should cease until DOBOR can demonstrate documented DOH permit compliance. Any continued operation in the interim is, based on the public record, ongoing violation of HAR Chapter 11-62.

## V. SUGGESTED FRAMEWORK FOR CONSUMERS CONSIDERING A DISPUTE

*\*This is not legal advice. This is public information about how consumer dispute processes generally work, offered for informational purposes only. Each cardholder must make their own decision.\**

If you are a consumer who made a credit or debit card purchase at a Ma'alaea Small Boat Harbor business, or donated to a nonprofit operating there, and you believe you would not have made that expenditure had you known about the above-documented noncompliance, you may choose to contact your card issuer's dispute or fraud line. A general framework for such a conversation:

> *"I am calling to inquire about a transaction dispute. I made a payment to [business name] on [date] in the amount of [amount]. I have since learned through official government records that the facility where this business operates has been documented by the Hawaii State Department of Health as operating an unpermitted wastewater treatment plant since approximately 2012, in violation of Hawaii Administrative Rules, with the earliest notification to operator DOBOR in 2015, and recent DOH confirmation of no active permit dated September 9, 2025, and permits only applied for this January, 2026. Had I known this significant material fact at the time of payment, I would not have made this expenditure. I am requesting guidance on whether this qualifies for a dispute under your cardholder protections."*

*Note: Cardholder dispute windows vary by institution, card network, and transaction date; consumers should consult their card issuer directly regarding applicable timeframes, as older transactions may fall outside standard dispute eligibility periods.*

Relevant regulatory references a cardholder representative may wish to note: HAR § 11-62-08(b) and (f); DOH INOV file 132INOV\\_MaaleaSmallBoatHarbor (April 7, 2015); DOH INOV file 132\\_INOV\\_O&M (February 27, 2023); DOH UIPA response from Jonathan Nagato, P.E. (September 9, 2025).

## VI. SUGGESTED RECIPIENTS FOR RECOVERED FUNDS

For any consumers who successfully recover funds through a dispute process and wish to redirect those resources toward legitimate ocean protection and community benefit, the following local indigenous and unsheltered, actual marine health, community and neighbor island organizations recovering from major disasters are suggested below.

1. [www.mauirapidresponse.org/donate-mrr](http://www.mauirapidresponse.org/donate-mrr)
2. [www.gofundme.com/f/help-restore-our-kona-low-storm-home-damage-in-haiku-maui](http://www.gofundme.com/f/help-restore-our-kona-low-storm-home-damage-in-haiku-maui)
3. [givebutter.com/communitycleanup](http://givebutter.com/communitycleanup)
4. [www.gofundme.com/f/2026-flood-relief-fund](http://www.gofundme.com/f/2026-flood-relief-fund)
5. [www.kaainamomona.org](http://www.kaainamomona.org)
6. [www.sustainablemolokai.org/contribute](http://www.sustainablemolokai.org/contribute)
7. [kaaction.org/donate](http://kaaction.org/donate)

## VII. REQUEST TO THE COMMITTEE

I respectfully request that the Maui County Council:

1. Formally urge DOBOR to immediately cease all wastewater-generating operations at Ma'alaea Small Boat Harbor until DOH documents full permit compliance, and transmit this testimony to the Governor's office and DLNR for immediate action.
2. Formally request DOBOR and DOH to provide a public accounting of all penalties accrued under HAR Chapter 11-62 and the disposition of any enforcement actions.
3. Ensure that the FY2027 budget does not appropriate funds that would subsidize continued unpermitted operations at this or related facilities
4. Preserve this testimony and all cited documents in the official record.
5. Honor the public's right to testify at all noticed public hearings, including reconvened sessions held on separate calendar days, consistent with HRS Chapter 92.

Respectfully submitted,

Travis Liggett, M.S. | [travis.liggett@gmail.com](mailto:travis.liggett@gmail.com) | (808) 291-9934

*\*Nothing in this testimony constitutes legal advice. All factual claims are drawn from official government documents cited herein. Consumers and businesses are encouraged to consult qualified legal counsel before taking any action.\**



Travis Liggett <travis@reefpowermaui.com>

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**Re: [EXTERNAL] New and narrow UIPA request for just the Ma'alaea Small Boat Harbor WWTP active WWB permit document(s)**

1 message

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**Nagato, Jonathan** <jonathan.nagato@doh.hawaii.gov>

Tue, Sep 9, 2025 at 1:41 PM

To: Travis Liggett <travis@reefpowermaui.com>

Cc: WWB <DOH.wwb@doh.hawaii.gov>, "DOH.CHIO" <DOH.CHIO@doh.hawaii.gov>, "Seto, Joanna" <joanna.seto@doh.hawaii.gov>

Hi Travis,

I'm responding to your UIPA request of government records dated 9/9/2025.

The Department of Health Wastewater does not have an active approval-to-construct or approval-to-use for the Maalaea Small Boat Harbor Wastewater Treatment Works.

Thank you,  
Jon

**Jon Nagato, P.E.**

Program Manager | Environmental Management Division | Wastewater Branch  
Hawai'i State Department of Health | Ka 'Oihana Olakino  
[2827 Waimano Home Rd., Rm. 207, Pearl City, HI 96782](#)  
(808) 586-4294

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**From:** Travis Liggett <travis@reefpowermaui.com>

**Sent:** Tuesday, September 9, 2025 12:00 PM

**To:** WWB <DOH.wwb@doh.hawaii.gov>; Nagato, Jonathan <jonathan.nagato@doh.hawaii.gov>

**Subject:** [EXTERNAL] New and narrow UIPA request for just the Ma'alaea Small Boat Harbor WWTP active WWB permit document(s)

Aloha DOH-WWB Staff and Jonathan,

Attached please find a new, narrow and expedited UIPA request for the following document(s):

**I am requesting electronic copies of all presently-active DOH-WWB permit documents governing operations of the Ma'alaea Small Boat Harbor Wastewater Treatment Plant, or written confirmation that no such permit exists.**

This is an expedited request, please send the document(s), or confirmation that the WWTP is operating without any active WWB permit as of today, as soon as you can.

Feel free to call (808) 757-5984 to discuss, or I can send a Zoom link for any afternoon time.

Thanks,  
Travis Liggett  
President, Reef Power LLC

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 **UIPA DOH-WWB Maalaea Small Boat Harbor WWTP WWB permit active now Sept-9-2025.pdf**  
141K

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII  
DEPARTMENT OF HEALTH**


P. O. BOX 3378  
HONOLULU, HI 96801-3378

April 7, 2015

In reply, please refer to:  
File:

Memorandum  
132INOV\_MaaleaSmallBoat Harbor

**TO:** Mr. Edward Underwood, Administrator  
Division of Boating and Ocean Recreation  
Department of Land and Natural Resources

**FROM:** Stuart Yamada, Chief   
Environmental Management Division

**SUBJECT:** Maalea Small Boat Harbor Wastewater Treatment Plant  
Informal Notice of Violation

The Wastewater Branch of the Department of Health (DOH) was recently informed of the operation of a new wastewater treatment plant (WWTP) at the Maalea Small Boat Harbor facility on Maui. Our records indicate that DOH has not authorized the construction or use of the WWTP. On March 6, 2015, Wastewater Branch staff verified the existence of the WWTP at the Maalea Small Boat Harbor. Therefore, the Department of Land and Natural Resources is in violation of chapter 11-62, Hawaii Administrative Rules (HAR).

Section 11-62-08(b), HAR, prohibits the construction of a wastewater system without approval of the Director of Health. In addition, section 11-62-08(f), HAR, prohibits any person from operating a wastewater system unless that person or the owner of the wastewater system is authorized by the Director of Health.

As the representative of the owner of the wastewater system at the Maalea Small Boat Harbor, you are hereby ordered to:

1. Correct the violations by contacting your design engineer to resolve the violations. Engineering design plans for the wastewater treatment plant must be approved by the Wastewater Branch prior to construction of the plant, and the engineer's final inspection report must be submitted to DOH for approval prior to operating a plant; and
2. Submit a written response to DOH within 30 days of receipt of this memo indicating what has been done and will be done to correct the violations.

For your information, the Wastewater Branch issued your design engineer, Fukunaga and Associates, Inc., a June 12, 2008 letter commenting on the branch's review of Fukunaga and Associates, Inc.'s engineering report and design plans submittal. No response to that letter has been received to date. A file copy of that letter is attached to this memo.

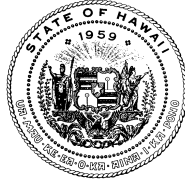
Should you have any questions, please call Marshall Lum of the Wastewater Branch at x64294. Questions regarding the approval of the plant's design should be addressed to Mark Tomomitsu of the Planning and Design Section of the Wastewater Branch.

ML:lmj

Attachment

c: Ted Bohlen, DAG (via e-mail)  
Mark Tomomitsu, Planning & Design Section (via e-mail)

**JOSH GREEN, M.D.**  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



**KENNETH S. FINK, MD, MGA, MPH**  
DIRECTOR OF HEALTH  
KA LUNA HO'ŌKELE

**STATE OF HAWAII'**  
**DEPARTMENT OF HEALTH**  
**KA 'OIHANA OLAKINO**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

132\_INOV\_O&M

February 27, 2023

**TO:** Mr. Edward Underwood, Administrator  
Division of Boating and Ocean Recreation  
Department of Land and Natural Resources (DLNR)  
Email: [ed.r.underwood@hawaii.gov](mailto:ed.r.underwood@hawaii.gov)

**FROM:** Sina Pruder, P.E., Chief  
Wastewater Branch

**Subject:** Informal Notice of Violation (INOV) and  
Maalaea Small Boat Harbor Wastewater Treatment Facility  
Operation and Maintenance Inspection

The Department of Health (Department) Wastewater Branch staff conducted an operation and maintenance (O&M) inspection of the subject wastewater treatment plant (WWTP) on February 1, 2023. The inspection covered the time period from February 2022 through January 2023. The plant is given an "Unacceptable" O&M rating due to the following reasons:

1. Section 11-62-08(b), Hawaii Administrative Rules (HAR) prohibits the construction of a wastewater system without the Department's approval. The WWTP was constructed without obtaining an approved engineering design plan from the Department.
2. Section 11-62-08(f), HAR, prohibits a person or owner of the wastewater system to operate a wastewater system without an authorization from the Department. The WWTP is operating without receiving an authorization for use from the Department.

The deficiency items listed above are considered violations of Chapter 11-62, HAR. Violations of these rules will subject you to penalties of up to \$25,000.00 for each day of each violation.

For your reference, please contact your design engineer to resolve the violations. The engineering design plan for the wastewater treatment plant must be approved by the Department prior to construction of the plant, and the engineer's final inspection report must be submitted to the Department for approval prior to operating the plant.

As the owner or lessee of the property, you are hereby issued this informal notice of violation (INOV) and ordered to correct the violations noted above and submit a corrective action plan (CAP) to the Department within thirty (30) days of receipt of this INOV. The

Mr. Edward Underwood, Administrator  
February 27, 2023  
Page 2

CAP must include a reasonable time schedule for completing the corrective actions. The CAP may be emailed to our office at [doh.wwb@doh.hawaii.gov](mailto:doh.wwb@doh.hawaii.gov) or mailed to:

State of Hawaii  
Wastewater Branch  
2827 Waimano Home Road, Room 207  
Pearl City, Hawaii 96782

Failure to deal with the violations adequately, including failure to write to the Department, may lead to formal enforcement action including monetary fines. The Department reserves its right to take formal enforcement action and seek penalties for all violations, including the ones described above, even if corrections are made.

Additionally, provided below are the Department's recommendations for the plant:

1. Throughout the inspection period, the weekly dissolved oxygen (DO) levels were high, ranging from 7.96 to 9.50 milligram per liter (mg/l). The typical DO levels should be maintained between 1 to 3 mg/l.
2. Throughout the inspection period, the weekly pH levels varied widely ranging from 7.8 to 11.1. The typical pH levels should be maintained between 6 to 9.

If you have any questions concerning the WWTP approval process, please contact Mr. Jon Nagato of my staff at (808) 586-4294. If you have other questions, please call Ms. Domciely Oda at the same number.

Sincerely,



SINA PRUDER, P.E., CHIEF  
Wastewater Branch

DO:hb

c: Mr. Jon Nagato, WB Engineer, Oahu (via email)  
Mr. Salvatore Marino, DRC, Valley Isle Pumping (via email)  
Mr. Finn D. McCall, DNLR (via email)

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA ĀINA



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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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FIRST DEPUTY

**CIARA W.K. KAHAHANE**  
DEPUTY DIRECTOR - WATER

**MEGHAN L. STATTS**  
ADMINISTRATOR  
BOATING AND OCEAN RECREATION

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA  
DIVISION OF BOATING AND OCEAN RECREATION**

4 SAND ISLAND ACCESS ROAD  
HONOLULU, HAWAII 96819

BOR-E-002.026

January 14, 2026

**VIA E-MAIL ([jonathan.nagato@doh.hawaii.gov](mailto:jonathan.nagato@doh.hawaii.gov))**

Mr. Jonathan Nagato, Program Manager  
State of Hawaii, Department of Health, Wastewater Branch  
2827 Waimano Home Road  
Pearl City, Hawaii 96782

**Maalaea Small Boat Harbor Wastewater Treatment Works  
Documents to Request Approval to Construct  
Wailuku, Maui, Hawaii**

Please find the following documents attached and accept this letter as our formal request for approval of the subject wastewater treatment works (WWTW) for construction.

1. Completed and signed WWTW Application.
2. Completed WWTW Compliance Checklist.
3. WWTW Basis of Design Report.
4. WWTW Construction Drawings.
5. WWTW Engineer and Owner Certifications.

Should you have any questions, please call Finn McCall of my staff at 587-3250.

Sincerely,

Meghan L. Statts  
Administrator

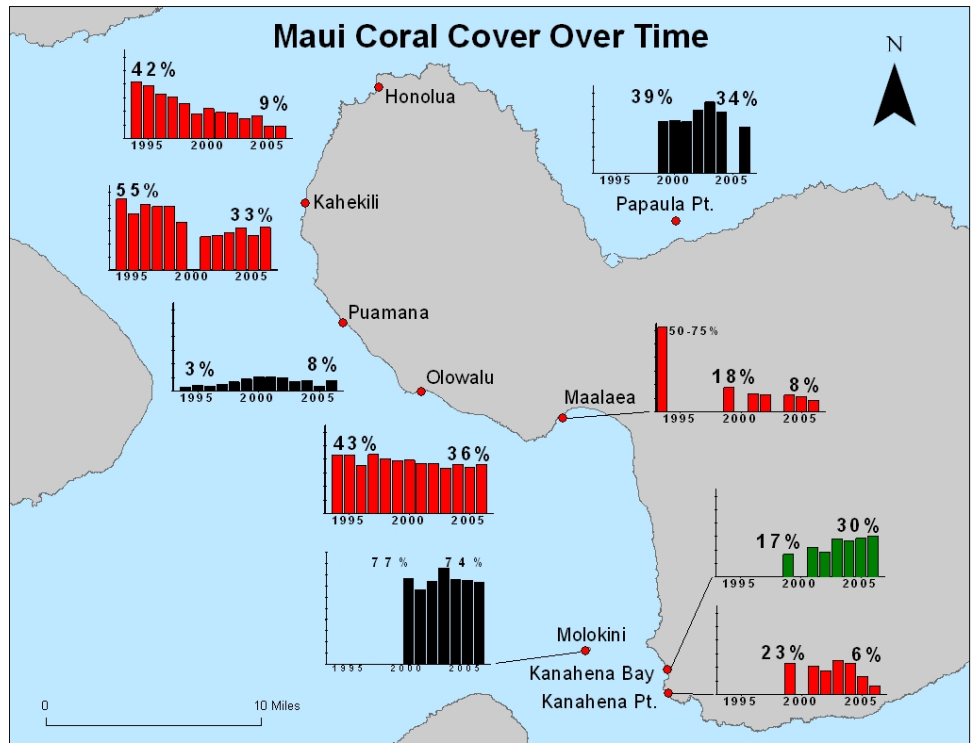
encs. (via e-mail and SharePoint link)

In 1999, The Hawaii Division of Aquatic Resources (DAR) in partnership with the Coral Reef Assessment and Monitoring Program began annual surveys of coral condition at 9 reef areas in Maui County (see map ↓). The 4 West Maui stations had been previously monitored by the Pacific Whale Foundation since 1994. Those long-term monitoring programs provide an opportunity to assess the status and trends of Maui's coral reefs over the last 7 to 13 years.

### Coral Status and Trends:

- Coral cover in 2006 ranged from 74% at Molokini to <10% at 4 sites: Honolua (9%), Puamana (8%), Maalaea (8%), and Kanahena Pt (6%).
- Coral cover increased at only 1 reef (Kanahena Bay, 17% to 30%), remained stable (<5% change), at 3 reefs (Molokini, Papaula Point, and Puamana), and declined at 5 reefs, most dramatically at Honolua (42% to 9%) and at Kahekili (55% to 33%).
- Mean coral cover of the 9 reefs declined from 35% when sites were first surveyed (1994 for West Maui, 1999 elsewhere) to 27% in 2006. Thus, nearly ¼ of all living coral was lost over that period.

Given the strong likelihood that several of the sites were already somewhat degraded when monitoring began, recent trends almost certainly underestimate declines over longer timeframes. For example, coral cover at the Maalaea site declined from 18% to 8% between 1999 and 2006, but a 1993 Fish & Wildlife Service study estimated coral cover there as being between 50% and 75%.



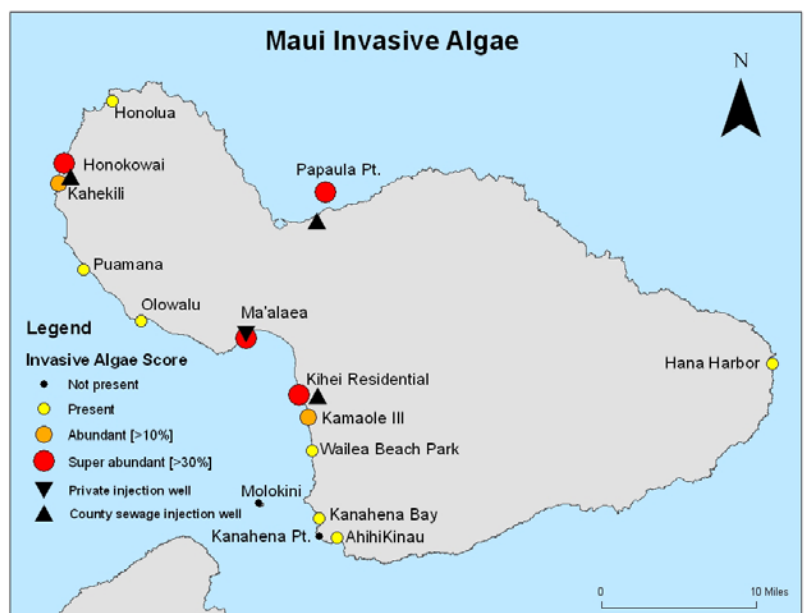
Trends in coral cover at 9 long-term monitoring stations. Red indicates >5% decline over monitoring period, green indicates >5% increase, black = no change (<5%)

The causes of coral reef decline around Maui are complex and vary among locations, but there are strong indications that human impacts have been very important. Notably, cover has declined at several West Maui sites: Honolua Bay, Kahekili, shallow reefs of Olowalu, and at Maalaea, where anthropogenic impacts from shoreline development and human use are likely greatest. Conversely, sites which have experienced increases or sustained high coral cover are remote or offshore (Kanahena Bay and Molokini). The one observed decline on a relatively remote reef (at Kanahena Point since 2004) was due to a local outbreak of the coral-eating crown-of-thorns starfish.

### The Growing Problem of Invasive Algae

A significant and growing concern is the increasing overgrowth of reefs by invasive seaweeds, particularly *Acanthophora spicifera*, *Hypnea musciformis* and *Ulva* spp.. Shallow reefs in Kihei and Maalaea are now almost totally overgrown by those species and *A. spicifera* has become much more abundant in recent years at other locations including Honokowai/Kahekili and Papaula Point. Algal blooms are indicative of a loss of balance between factors which promote algal growth (e.g. nutrient availability) and those which control algal abundance (e.g. grazing). It is likely that both high nutrients & low grazing have been important:

- Studies by researchers from University of Hawaii (UH, next page), together with the evident correspondence between reefs with severe algal blooms and coastal areas with high human population density (see →), strongly suggest that elevated nutrients from wastewater or fertilizers are fueling accelerated algal growth.
- Reefs with abundant herbivorous fishes, such as those in the Honolua and Molokini MLCDS, have little or no invasive algae present, whereas reefs with depleted herbivore populations (e.g. Maalaea) are severely overgrown by algae.



Distribution of invasive algae around Maui: 'present' means invasive species found only in low abundance & in limited habitats, 'abundant' indicates cover of 10-30% on extensive portions of reef, 'super-abundant' means >30% algal cover in multiple reef zones

Invasive algae are by no means the only problems affecting Maui's coral reefs. In fact the greatest decline in coral cover observed on any surveyed reef was at Honolua Bay, where invasive algae are scarce. It is, therefore, important not to discount other potential factors such as increased sedimentation, chemical run-off and other pollution. However, the causes and consequences of invasive algal blooms are relatively well understood and therefore worth considering in some detail.

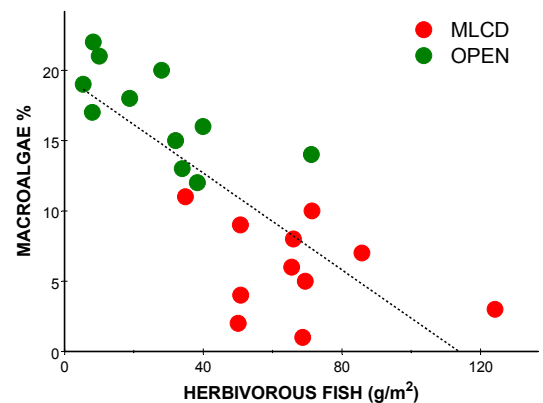
### Sources and Consequences of Elevated Nutrients in Maui's Nearshore Waters

Recent research by UH scientists which has focused on shallow Kihei reefs which are currently overgrown by *Hypnea* and *Ulva*, strongly suggests that terrestrial, likely anthropogenic, nutrients are driving algal blooms there:

- Concentrations of nutrients (Nitrogen and Phosphorus) are highly elevated in nearshore areas where algal blooms are found.
- Stable isotope ratios ( $\delta^{15}\text{N}$  ‰) in algal tissue are indicative of animal waste (presumably sewage) being their primary source.
- Growth rates of algae on shallow reefs are extraordinarily high (*Hypnea* is able to double its biomass in just 2 days). Such growth rates are so high that the estimated productivity of shallow Kihei reefs is among the highest ever recorded for any ecosystem on the planet.

### The Role of Grazing Fishes in Controlling Invasive Algae

Clear evidence of the ability of grazing fishes (parrotfishes and surgeonfishes) to control the abundance of problem algae comes from the "Fish Habitat Utilization Study", a cooperative study by the National Oceanographic and Atmospheric Administration and Hawaii DAR. For that study, fish and habitat were surveyed in all of Hawaii's MLCDs plus comparable 'control' areas open to fishing. Among the findings were that, statewide, reefs with large stocks of herbivorous fishes tended to have much less macroalgae than reefs with low stocks of grazing fishes (see →). Supporting evidence for the capacity of grazing fishes to control the invasive seaweeds which are currently abundant on several Maui reefs comes from diet preference studies. Both *Acanthophora* and *Hypnea* are highly preferred foods for grazing fishes. In fact, *Acanthophora* has repeatedly been found to be among the most preferred foods for grazing fishes in studies both in Hawaii and elsewhere in the world. Therefore increases in stocks of grazing fishes would almost certainly lead to reductions in the spread and prevalence of invasive algae.



Relationship between biomass of grazing fish and macroalgal cover on 22 Hawaiian coral reefs. Red dots represents reefs closed to fishing (Marine Life Conservation Districts); green dots represent areas open to fishing

### Case Study: Total System Collapse at Maalaea

The end result of reef degradation is evident at Maalaea Bay. In 1972, Maalaea coral reefs were described as being 'striking in their diversity and in the presence of rare corals species'. As late as 1993, estimated coral cover was 50-75% close to the site where cover is now 8%. Therefore, in just a few decades, the Maalaea reef has transformed from a healthy and diverse ecosystem into a badly degraded habitat overgrown by algae and with little surviving coral. One consequence of severe loss of living coral is that degrading reefs change from being actively-growing and structurally-complex habitats, into eroding and relatively flat areas which do not support abundant marine life. That process is well advanced at Maalaea, where fish stocks are now in very poor condition, being dominated by small wrasse, triggerfish and puffers. Given that the Maalaea reef is now a poor habitat for most grazing fishes, and that existing blooms of algae will continue to inhibit new coral growth, even in the best of circumstances (without water quality or fishing impacts), recovery of Maalaea would likely take many years.



Maalaea Reef. Dense growths of macroalgae dominate, remaining corals are in poor condition & reef physical structure is deteriorating as coral growth does not keep pace with the rate of erosion

### Summary

It is very important to recognize that the kind of degradation which has occurred at Maalaea and elsewhere is not just a matter of loss of coral cover. Reductions in associated habitat quality and topographical complexity mean that once degradation is well established, affected reefs will have lower recreational and commercial value, and will support limited fish stocks, to the detriment of all resource users. The goal of those charged with the protection and restoration of Hawaii's natural resources must be to prevent such severe degradation from further affecting Maui's reefs. Given the trajectories of decline over the last 7-13 years, it is evident that substantial deterioration can occur rapidly. If steps are not taken to return conditions to those in which corals can thrive, it is nearly certain that additional reefs will reach the state of Maalaea. Recovery of herbivore stocks may be part of the solution at some locations, but without other steps to reduce land-based impacts there is unlikely to be substantial recovery across the island's reefs.

For more information, please contact:

Ivor Williams, Hawaii DAR & Hawaii Coral Reef Initiative Research Program at (808) 327 6226 or [ivor@hawaii.edu](mailto:ivor@hawaii.edu)  
Russell Sparks, Hawaii DAR, Maui Office at (808) 243 5294 or [russell.t.sparks@hawaii.gov](mailto:russell.t.sparks@hawaii.gov)  
Celia Smith, UH Manoa, Dept of Botany at (808) 956 6947 or [celia@hawaii.edu](mailto:celia@hawaii.edu)



Travis Liggett &lt;travis.liggett@gmail.com&gt;

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## Formal Protest – Improper Closure of Public Testimony, BFED Committee Meeting of April 13, 2026

1 message

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**Travis Liggett** <travis.liggett@gmail.com>

Mon, Apr 13, 2026 at 9:33 AM

To: BFED.committee@mauicounty.us

Cc: county.council@mauicounty.us, "Nohe M. Uu-Hodgins" &lt;nohe.uu-hodgins@mauicounty.us&gt;, Gabe Johnson &lt;Gabe.Johnson@mauicounty.us&gt;, "Keani N. Rawlins" &lt;Keani.Rawlins@mauicounty.us&gt;, "Thomas M. Cook" &lt;thomas.cook@mauicounty.us&gt;, Yukilei.Sugimura@mauicounty.us, tamara.paltin@mauicounty.us, "Shane M. Sinenci" &lt;Shane.Sinenci@mauicounty.us&gt;, "K. Kauanoë Batangan" &lt;k.kauanoë.batangan@mauicounty.us&gt;, "Alice L. Lee" &lt;alice.lee@mauicounty.us&gt;

Bcc: "Axel I. Beers" &lt;Axel.Beers@mauicounty.us&gt;, Kate Griffiths &lt;Kate.Griffiths@mauicounty.us&gt;, "Jared P. Agtunong" &lt;Jared.Agtunong@mauicounty.us&gt;

To the Chair and Members of the Budget, Finance, and Economic Development Committee, Council of the County of Maui:

The undersigned hereby formally protests the closure of public testimony at today's reconvened session.

### I. LEGAL BASIS

HRS § 92-3 requires all meetings of a board be open to the public. HRS § 92-3.7 contains no provision permitting the blanket closure of testimony at a reconvened session. The Public Meeting Notice for today's session lists eComment and written testimony as available means of participation, creating a reasonable expectation among the public that testimony would be received.

HRS § 92-2.5 provides that the right of the public to participate in the deliberations of boards is a fundamental right. This session reconvened three (3) calendar days after the original meeting. Members of the public unable to attend on April 10, 2026 have been effectively denied that statutory right.

### II. PREJUDICE TO THE PUBLIC

The matter before the Committee (the proposed FY 2027 Budget, including Bills 55–64 (2026) and Resolution 26-63) is among the most consequential legislative action the County undertakes annually. Foreclosing public comment without consistent notice is prejudicial to the public interest and contrary to the transparency the Sunshine Law is designed to protect.

### III. REQUEST FOR RELIEF

The undersigned respectfully requests that the Committee:

1. Reopen public testimony for the duration of today's session; and
2. Preserve this protest in the official record of the proceedings.

Failure to address this objection may subject any action taken at today's session to legal challenge.

Respectfully submitted,

Travis Liggett, M.S.  
+1 (808) 291-9934  
April 13, 2026  
9:33 a.m. HT