

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

August 19, 2019

Council Chamber, 8th Floor

CONVENE: 1:35 p.m.

PRESENT: Councilmember Alice L. Lee, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Shane M. Sinenci

NON-VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura (in 3:09 p.m.)

STAFF: Christy Chung, Legislative Analyst
Rayna Yap, Committee Secretary
Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)
(Seated in the Gallery):
Dianne Shimizu, Executive Assistant to Councilmember Alice L. Lee
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci
Mae Nakahata, Executive Assistant to Councilmember Yuki Lei K. Sugimura

ADMIN.: Jeffrey Pearson, Director, Department of Water Supply
Eva Blumenstein, Planning Program Manager, Department of Water Supply
Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: KaiMaile Makekai (WAI-50, -51, -37)
Roxanne Feiteira (WAI-50, -51)
Albert Perez (WAI-37)
Lucienne de Naie (WAI-37)

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Claire Apana (WAI-37)
Stewart T. Matsunaga, Acting Administrator, Land Development
Division, Department of Hawaiian Home Lands
(1) additional attendee

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

CHAIR LEE: . . .*(gavel)*. . . Good afternoon, Members.

COUNCILMEMBER SINENCI: Good afternoon.

CHAIR LEE: Will the Water and Infrastructure Committee meeting of Monday, August 19, 2019 please come to order? It is 1:35 p.m. Please silence all cell phones and other noisemaking devices. In attendance at today's meeting are Tamara Paltin, Vice-Chair, Riki Hokama, Tasha Kama, Michael Molina, Keani Rawlins-Fernandez, Shane Sinenci and myself, Alice Lee. Non-voting Members who are not here today are Kelly King, Council Chair, and Yuki Lei Sugimura. We also have Committee Staff, Christy Chung, Legislative Analyst, Rayna Yap, Committee Secretary. District Office Staff, Mavis Olivera-Medeiros, Hana Office. Mavis, are you there?

MS. OLIVEIRA-MEDEIROS: I'm here. This is Mavis and, from the Hana District Office, and we have no testifiers.

CHAIR LEE: Thank you so much, Mavis. Denise Fernandez of Lanai Office.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR LEE: Thank you, Denise. Zhantell Lindo from the Molokai Office.

MS. LINDO: Good afternoon, Chair. This is Zhan from the Molokai Office and there are no testifiers.

CHAIR LEE: Thank you. From the Water Department, Jeff Pearson, Director, Wendy Taomoto, Engineering Program Manager, Eva Blumenstein, Planning Program Manager. From the Department of Corporation Counsel, Jennifer Oana, Deputy Corporation Counsel. Speaking of that, didn't we just John Rapacz here? No? Oh, he's not...

MS. CHUNG: He won't be sitting here. He'll be monitoring from downstairs.

CHAIR LEE: Okay, he was just visiting. Okay, other resources here, we welcome Stewart Matsunaga, the Acting Administrator, Land Development Division of the Department of Hawaiian Home Lands. Good afternoon, Stewart.

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MR. STEWART: Aloha, Chair.

CHAIR LEE: And so, if there are no further objections, I'd like to proceed with public testimony.

COUNCILMEMBERS: No objections.

CHAIR LEE: Do we have anybody here to testify in the gallery?

MS. CHUNG: Yes, Chair, we have two testifiers signed up so far.

CHAIR LEE: Alright, proceed.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. CHUNG: Our first testifier is KaiMaile Makekau, testifying on all three items.

CHAIR LEE: Okay. And, just for your information, everybody coming up to testify, you have three minutes per item. And please state your name and the organization you represent. And if you are a lobbyist, please let us know. So, good afternoon, KaiMaile.

MS. MAKEKAU: Good afternoon, Chair. Aloha, everybody. My name is KaiMaile Makekau. I'm testifying as the Hawaiian Home Lands and this water well and the water and the tank, all of that, is on Lele 4. My family and I had fought for this land since 1972. We won through litigation and probate. We won in 1996 and 1998. We have 100 percent court judgment of two shares of the Lele 4 on Land Commission Award 11-216(1) as crown land. And it says on our 100 percent court judgment, we also won Easement A and B, awarded on, we are the owners of Easement A and B, which Hawaiian Home Lands is saying that they own. I have a document here if you guys, I can make copies, I can submit it to all of you, but I have a document from Maui Land and Pine asking us for access to our easement for the watershed boys to go up to the watershed to make sure that all the water is clear for everybody to have water. So, my family granted that access to our property to go up to the Easements A and B, which we have ownership. I know, for a fact, that Hawaiian Home Lands doesn't have clear title to that land and they do not own the easement of which this tank is going to be on, and also, that they would like to utilize, and that you guys are trying to buy from Hawaiian Home Lands. I don't believe that they have any right to do that. And, from what I understand, you guys are trying to utilize that tank for the fires that's been going on, and there's a lot of fires, and me being a resident of the Lahaina side, I think that I would gladly give you guys easement for free, to that easement, for that use. I don't believe that Hawaiian Home Lands has any jurisdiction to this land. And I just wanted to also state that whoever is rezoning the Hawaiians next to the sewage plant, at the bottom down there, it's the most hauna, most stinkiest, most inhumane, most unsanitary place that they could ever rezone anybody. If you guys have ever been to Kaanapali, that place stinks. And for them to be rezoning the Hawaiian homestead lands, these kupunas have been waiting for 80, 40 years, they're about to die, and

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they're waiting their whole lives for Hawaiian homestead lands, and for them to just finally get a chance to get homes and then be rezoned in this stink, hauna area, that is sad, that is inhumane and unsanitary. Hawaiian Homes needs to be addressed. I will be addressing them about this situation, but as for this tank and this easement, I own that easement, I have 100 percent right to Easement A and B. So, most of you guys know how to reach me by phone, by e-mail, or via social media, and I'm hoping that we can get this addressed. Mahalo.

CHAIR LEE: Thank you. Are there any questions for KaiMaile? Yes, Ms. Paltin?

VICE-CHAIR PALTIN: Hi.

MS. MAKEKAU: Hi.

VICE-CHAIR PALTIN: Thank you for being here. So, I just had couple questions. Like if the tank is for the benefit of Lahaina, you're okay with it but you don't want Hawaiian Homes to be getting the money for that?

MS. MAKEKAU: For something that they don't own, no. It should be going to you guys for free because you guys are giving, getting, utilizing that tank for the use of the people, for the use of all these fires. We all know how this environmental, I mean, global warming is on like crazy, like King Kong, and it is bad. All the punawais on my land, I've live there for like ten years, none of them have ever evaporated until this year, they're all evaporating, it's bad. So, I know that Lahaina has, it's all, it's going to burn if we don't have a tank that can be there to protect the people and the homes. So, yeah, I'm okay with it, and I would give to you guys for free.

VICE-CHAIR PALTIN: So, my understanding was, we're not actually giving them money, we're giving water for the homesteaders, whether it's Leialii 1B or, which side, I'm not sure yet, but I don't think they're getting money.

MS. MAKEKAU: They're getting homes, they're getting a grant access to, and being acknowledged as homeowners, but I'm fighting for it on a different route because I want them to have Hawaiian homestead land. I own land, other, elsewhere, besides Lele 4, and I want them to put 'em on that. I would give my land away for free. I get another 3,500 acres I would give away for free, for them to place the Hawaiian homes somewhere better.

VICE-CHAIR PALTIN: Okay, cool.

MS. MAKEKAU: And if you guys have any ways of helping with that, I get plenty palapala with 100 percent court judgment of lands. I'm the only one in my family working on this right now. I don't have any other family. So, right now, there's a lot of land sitting there with a clear title and 100 percent court judgment that's just sitting there waiting for people like you, for come together and make some affordable houses for our people. So, I'm open to that. I'm not looking for money. I like live on my house, I no need electricity, I no need money, I build my house myself, I like just like farm and

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make sure that my sons get food, and mommy went plant food for you so you never starve. I went build one house so you're never homeless. I no like money, I no like be acknowledged, I no like all the hakaka, I just like make sure that we all get one opportunity for make houses, food, and for the kupunas that's been waiting for thousands of years, whether they're about to die, at least they get housing that no hauna, that's stink, that's bad, I no wish that on any of my enemies.

CHAIR LEE: Are there any further questions? If not, thank you.

MS. CHUNG: Ms. Makekau, were you going to testify on the two other items? Did you have anything else to say?

MS. MAKEKAU: Also, there's the water well, that is, which on, the land of Mahinahina water well number two. So, there is an encroachment and boundary line issue. I have the maps and the 100 percent court judgment. The metes and bounds goes from Kaawaiwi [sic] Gulch to Honokowai Gulch. For some reason, the tax map key and the boundary lines has rezoned me 1 millimeter away from water well number 2, had my shack on in, they went drill the water well 100 feet away from it. I had Daniel Ornellas come up to my house, break down my house, he went up to me and baby boy, said little girl, you better watch out 'cause I'm the one kills. I filed an injunction against him. The easement that we own, that Maui Land and Pine went ask right for easement to go up to the watershed, there's not even an easement that goes to my land, that the tax map key says that we own. And there's one gate that get access to my other 164 acres that's in the forest reserve, there's, where the land, where I was rezoned, where the tax map key saying I own, no more even one gate to go into the forest reserve. There's only one gate that goes to Puu Kukui, and that's on the land where my shack was, where water well two is, and I believe that there is an encroachment issue and a boundary line issue that I would like to address. I'm not saying that I'm against the water well. I'm hoping that the water well can be properly well functioned because I understand that if you guys were to soak out all the water, and if that water table cracks, there is a sewage plant down there that has injection wells, and if that water table cracks, they're both at ocean ground level and there could be a major sewage problem, worse than Flint, Michigan. So, I'm hoping, and I've spoken with Wendy and Alice, they said that they have very good people making sure that that water table doesn't crack. I'm not saying that I don't want that water well to be utilized, but there is an issue of water lining, easements, piping, that's going to be on that land, of which I own, so, how is that going to affect me going up to my 164 acres? 'Cause I'm going to be completely rezoned, there's no entrance to my other parcel up in the forest reserve where I can pick ohia lehua and sandalwood trees and try to revive the forest.

CHAIR LEE: Okay. Are there any questions for Ms. Makekau? If not, thank you. I'm not sure that you wanted to speak on the Water Use and Development Plan. That's kind of, that's coming up later, we're going to get a presentation on that. I think you covered most of what you needed to, yeah?

MS. MAKEKAU: Okay, thank you, guys.

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CHAIR LEE: Thank you. Next?

MS. CHUNG: Our next testifier is Roxanne Feiteira, testifying on WAI-50 and WAI-51.

MS. FEITEIRA: Good afternoon, Madame Chair and members of the Committee. My name is Roxanne Feiteira and I'm here on behalf of my mother Blossom Feiteira. She asked me to extend her apologies for her absence as she is currently attending a Hawaiian Homes Commission meeting in Lahaina; however, asked that I deliver testimony on item 19-330 and item 19-331. Approval of these two items will be able to provide sufficient water for 330 homes in Leialii and Honokowai, thereby meeting both the mandate of the Hawaiian Homes Commission Act and begin to address Maui County's need for affordable housing. We ask, as beneficiaries and successors of the trust, that you vote in support of these items. Mahalo for your time.

CHAIR LEE: Thank you, Ms. Feiteira. Are there any questions? If not, thank you. Say hello to your mom.

MS. FEITEIRA: I will.

CHAIR LEE: Alright, are there any more people to testify?

MS. CHUNG: Yes. Our third testifier is Albert Perez, testifying on behalf of Maui Tomorrow on WAI-37.

MR. PEREZ: Aloha, Chair --

CHAIR LEE: Hi.

MR. PEREZ: --Councilmembers. Albert Perez, Maui Tomorrow. Hope you're all doing just great. The Maui Island Water Use and Development Plan, I'm glad to see it coming this far. It's a vast undertaking and I hope that you all had fun reading the 1,000 pages that it consist of at this point. I hope that you won't rush through it. I hope that you will take your time, because it's a very important document. Whatever you adopt here will have important policy implications for the County through 2035, even though it's supposed to be a 20-year plan. To me, that is 16 years from now, that speaks to the need for a process to be able to update this thing more quickly. And, so, I think that it should be adopted relatively quickly, but there needs to be a process to update things. There's so much happening in the area of water. We have the transition from Alexander and Baldwin to Mahi Pono. We have climate change. We have, with regard to climate change, we have surface water systems that are very vulnerable to drought, as well as really intense storms that can cause landslides that can mess up the system. We have a need to make a transition of our surface water systems to groundwater to make them less vulnerable to drought. So, that's something that the plan states that I think is a good thing. I'm concerned about, you know, some of these inter-regional water transfers. I think that there's an assumption sometimes that if the water flows into the ocean, it's wasted, and that is not the case.

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Our fisheries have been declining and one of the reasons is because we've channelized or altered or cut off the flow from many of our streams. And now, in East Maui, we're seeing all the stream life coming back and the fisheries offshore are also coming back. So, I don't think that we should be considered, considering it a waste. I want everybody to realize that the plan for Central Maui, the way I read it right now, is to start importing water from the Koolau District, in other words, East Maui, and this water, apparently, is going to be used for development all the way down to Makena. So, I think that we need to really consider whether that's something we want to do. That's something Oahu does and they can shuttle water all around the island. If we want Maui to turn out like Oahu, well, maybe that's something that'll happen. I don't support that. Anyway, there's a lot more to say and I hope you'll take more than just this meeting to make a decision. Thank you.

CHAIR LEE: Thank you, Mr. Perez. Are there any questions? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so, you're testifying on item WAI-37 --

MR. PEREZ: Yes, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: --yeah, the Water Use and Development Plan? Okay, and then there's a attached resolution to this item, which would extend the deadline to pass the Water Use and Development Plan from September 18th to December 31st. Did you see that resolution?

MR. PEREZ: No, I went right to the Water Use and Development Plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PEREZ: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, would you be supportive of extending the deadline?

MR. PEREZ: Yes. That sounds like a reasonable time within which to absorb --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PEREZ: --the entire document.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. PEREZ: So, thank you for pointing --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PEREZ: --thank you for pointing that out.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification.

MR. PEREZ: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Thank you, Mr. Perez.

MR. PEREZ: Thank you.

CHAIR LEE: Anyone else? Any more testifiers? Oh, one more testifier?

MS. CHUNG: Two more testifiers. Our next testifier is Lucienne de Naie, testifying on behalf of the Sierra Club Maui, testifying on agenda Item WAI-37.

MS. de NAIE: Aloha, WAI Committee. My name is Lucienne de Naie and I'm testifying as Conservation Chair of the Sierra Club Maui group. I did e-mail over my testimony and a few other documents earlier this morning. I know you'll probably look at this over a few meetings, so hopefully people will have a chance to look at that. Basically, Sierra Club has tracked this particular plan, oh, gosh, I don't know, since 2005, 2006, many iterations of it. We've written comments in 2008, 2009, 2010, 2012, 2014 and some of the things definitely have moved forward, and other things still need clarification, our comments speak to that. One of the first things that needs clarification is, how much of the existing and future demand is expected to be met by private, rather than publicly-managed water resources and water sources and systems? And this is particularly important in the West Maui area, Lahaina area, because you have so many private systems there and you have so many entitled lands that belong to large landowners who have their own private system. Kapalua, Kaanapali, they have their own systems. Launiupoko, Olowalu, they each have their own systems. So, it should just be made clear. I know that the report kind of has a little bit of a breakdown but it's very confusing, just ask that this be made clear so we know what we need to pay for. Another thing is, we really asked, for years, that our Water Use and Development Plan have this one-water view. Now, it's moving in that direction, there's a discussion that all water sources are important, whether it's stormwater, whether it's R-1 water, whether it's ground water or stream water, whether it's water that comes from public systems or private systems. But, I noticed under the values topic, it talked about wai being, you know, a very precious sort of thing, but it only talked about stream flows and water sheds, and wai is everything, wai is the water that falls from the sky during our storms, wai is the water that's accumulated for centuries under the ground, so we really need that one-water view. And, although people don't like what Honolulu has become, I did include some stats about how well they have managed water. They have grown 200,000 people in population in 30 years, between 1980 and 2010, and their water use, their ground water well use, dropped 11 million gallons a day. Now, that shows that there's some active management in place. And, they have a game plan of how they do that, they have a game plan of what they want to do for the future. I was reviewing their newest plan, and so does the Big Island. I think that we need to be

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more outspoken and aggressive about what that game plan is to actually be more efficient in our water use and reduce unneeded demands. Also, there is the idea of the sustainable yield figures that we use. I noticed that the report has the 2008 map. There has been a considerable update since 2008, there have been two or three different drafts, the 2014 draft, the 2018 draft. I believe that this new Water Resources Protection Plan, that sets the sustainable yield, will be adopted this year, and it has a map that's very different from the map that's in your report. In fact, it's different by 70 million gallons a day of sustainable yield for the island of Maui, going downward. So, that should be, at least both maps should be included in the report, and at the time that this report is adopted by the Water Commission, whatever water map is adopted, should definitely be included in the final report. There's a bunch of other things, I'm down to very little time, but I wanted to say that the idea of managing our watersheds from mauka to makai is all throughout this report and it's in our Maui Island Plan, and it's even in our community plans, even our older community plans have this noble aspiration, but we need the how, because right now, the true fact is, our watersheds in the lower elevations are not managed at all. Thank you. I'm out of time.

CHAIR LEE: Do you wanna take 30 seconds to wrap up?

MS. de NAIE: I would appreciate that, thank you so much. I just finished hiking in the East Maui watershed and there's so many dying trees, there are so many broken down pipes, just leaking water, no one is managing this watershed, and yet, it is part of the East Maui water shed kinda map, but their fences are at 3,000-foot elevation and where I was walking was 1,200-foot elevation and it's an important part of our watershed. It rains a lot there, we're capturing a lot of water there. We need a plan to move towards taking care of those lower areas and it should be part of our strategy in the Water Use and Development Plan. Thank you.

CHAIR LEE: Any questions? If not, thank you very much. Do we have any more testifiers?

MS. CHUNG: Yes. Our last testifier is Claire Apana, testifying on WAI-37.

MS. APANA: Good afternoon.

CHAIR LEE: Good afternoon.

MS. APANA: Claire Apana from Wailuku. I am speaking on behalf of myself and my family and the Malama Kakanilua, as wells as the Aha Moku O Maui, of which I am a member. And so, I will first like to say that the person who's the Chair of the Water Division of the Wailuku Moku, I spoke to him earlier today and he wanted to say that we would like to be involved, we would like to be asked, we would like to be able to fulfill our duty as Aha Moku O Wailuku. And, as yet, that has not come to the table for us and we would like and welcome that input and being able to make some clarification of where we stand about water. And so, for myself, I've been a resident of Wailuku for many, many years and I've seen the quality of our water deteriorate and I have seen, now, that we're in a brown-out zone. And I actually tried to bring you a

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picture of my front yard, which is now totally brown 'cause I don't believe I should waste the water watering my grass during this time but, yet, I have a picture here, if you could imagine, my printer just didn't print it for me, of the Grand Wailea, which gets water from our aquifer, from the Iao Stream, and it's got a nice water feature with the thing shooting up into the air, the grass is thick and green and lush, and I'm asked not to use water. That doesn't seem fair to me and it doesn't seem like it's a thoughtful thing to do. Maybe it was good 50 years ago, maybe there was enough water, but now we're looking at recharging Iao Aquifer and we're at the limit. And yet, the Grand Wailea, in its application, has asked for over 200,000 gallons more per day and their leakage is 148,000 gallons a day. Where is the rationale there? We should be in the place of looking at how we can make the water systems work, how we can save the water, how...we don't have to tax people like me, to not be able to even keep my grass going, so that we can have fountains in Wailea. Where is the control of how much water we are willing to send to South Maui, because I don't believe --

CHAIR LEE: Ms. Apana --

MS. APANA: --they have ...

CHAIR LEE: --can you conclude, please?

MS. APANA: Yes, I will. I don't believe that this message has been sent out clearly and it is not sent out clearly in this water plan where you plan to take more water from East Maui to make up the difference to go all the way to Wailea. Aole. Thank you very much.

CHAIR LEE: Are there any questions? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Apana, mahalo for your testimony today. So, during this process of developing the Water Use and Development Plan, was Aha Moku consulted at all or --

MS. APANA: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: --testified at the Board of Water Supply or ...

MS. APANA: Yes, they have, we have, people have testified from the Moku and on, who are on the Moku Council, but we have never been asked to give a formal response or given a place at the table.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ms. Apana, for being here. You mentioned that there was a Wailuku water, person for the Water Committee of the Aha Moku.

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MS. APANA: Yes, that would be Kaniloa Kamaunu.

COUNCILMEMBER SINENCI: Kaniloa, okay.

MS. APANA: Yes.

COUNCILMEMBER SINENCI: And so, he's also requesting that he meet with the ...

MS. APANA: Yes, we request to actually have a seat at the table, you know, the Hawaiian values, and it's described very beautifully in the water plan that, you know, we need to be cognizant of the values of the Hawaiian people and all these things, but there is no place for us at this table. It's pretty much lip service, 'cause we, if you want to use indigenous knowledge, you have to give the people who have that knowledge a chance to make meaningful input and have results from that input, right, we would never send water from our ahupuaa miles away. So, yeah, thank you.

COUNCILMEMBER SINENCI: Thank you, thank you for your testimony.

CHAIR LEE: Seeing no further questions, thank you.

MS. APANA: Thank you very much, Chair.

CHAIR LEE: Do we have any more testifiers?

MS. CHUNG: Chair, there are no others waiting to testify.

CHAIR LEE: Any objection to closing testimony?

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay, so ordered.

. . .END OF PUBLIC TESTIMONY. . .

ITEM WAI-50: ACQUISITION OF REAL PROPERTY FROM THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY AND OTHER EXISTING AND PROPOSED INFRASTRUCTURE (CC 19-330)

CHAIR LEE: Alright, Members, we have WAI-50, Acquisition of Real Property from the Department of Hawaiian Home Lands for the Mahinahina Water Treatment Facility and Other Existing Proposed Infrastructure. The Committee will be considering a proposed resolution entitled Approving the Acquisition of Real Property (Licenses) from the State of Hawaii, Department of Hawaiian Home Lands for the Mahinahina Water Treatment Facility and Other Existing and Proposed Water Infrastructure in

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Mahinahina and Honokowai. The purpose of the proposed resolution is to authorize the Mayor to execute all necessary documents approving the acquisition of land in exchange for water service to the Department of Hawaiian Home Lands. The Department of Water Supply and the State Department of Hawaiian Home Lands desire to enter into an agreement for licenses to allow the County use of DHHL lands for the water treatment facility and other existing proposed infrastructure. In exchange for the DWS, in exchange, the Department of Water Supply will provide 200,000 gallons per day of water service source to DHHL for the development of certain DHHL lands in West Maui. Now, Section 3.44.015C, Maui County Code, requires Council approval by resolution for real property acquisitions that exceed \$250,000. I will summarize the proposed license agreement as follows, and you can read from your handout, which you should all have from the Department of Water Supply. They don't have it? Excuse me, I have to confer with my boss. Oh, okay, there's a change in plans. There will be no handout. It was really, actually, not from us, from the Department of Water Supply, and I guess they were making changes so be best not to have that handout. Okay, Mr. Pearson, Ms. Taomoto and Mr. Matsunaga are here to answer any questions. I will ask that Mr. Matsunaga be designated as a resource person, pursuant to Rule 18A of the Rules of the Council, if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay. Now, I will ask, to make things simple, I will ask Mr. Pearson and Ms. Taomoto to give you a summary of what the reso and the ordinance covers. Mr. Pearson?

MR. PEARSON: Thank you, Chair. Good afternoon, Councilmembers. Jeff Pearson, Director, Department of Water Supply. As you know, I haven't been here that long. I came in to this process just recently. Wendy, our Engineering Program Manager, Wendy Taomoto, has been working in great detail for a long time, working with DHHL representatives, including Stewart Matsunaga. I can give you, I'll give you a quick summary of what's going on, but once we move towards details or questions, I most likely will allow the Engineering Program Manager to answer any questions. So, the land acquisitions, there's two types of easements. There's existing license easements and then there's, which are exclusive, and then there's non-exclusive license easements. So, the exclusive license easements are described in the License No. 827, DHHL License 827. It's affecting two TMKs, totaling about 18 acres. These provide for the following existing and future DWS facilities, existing Mahinahina Water Treatment Plant, existing raw water reservoir, existing Honokowai tank, future expansion of the Mahinahina Water Treatment Plant, future control tank for the West Maui Water Source Development Project, and future, a second Honokowai water tank. Exclusive, of course, means limited access because of whatever buildings, whatever else is within that easement. Non-exclusive easements are easements that you can literally cross over, such as underground waterlines, and so forth. There's, in the second license, DHHL License No. 828, there are three non-exclusive license easements described. They affect, excuse me, affect one TMK with a total of about 6.7 acres, and it provides for existing access roads and utilities.

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CHAIR LEE: Okay, Mr. Pearson --

MR. PEARSON: I'll stop there.

CHAIR LEE: --yeah, I'd like to just interject here that what we're approving today are these easements licenses, number one, and number two, the compensation. We are not approving any housing projects or anything like that, okay. Ms. Taomoto or Mr. Matsunaga, which should I call upon, Mr. Pearson?

MR. PEARSON: We'll ask Stewart to give a quick summary of the situation.

MR. MATSUNAGA: Aloha, Chair and members of the Council. Stewart Matsunaga, I'm the Acting Administrator of Land Development Division. I'd like to thank the Council for this opportunity to come before you to really say mahalo for being able to work with the Department of Water Supply on this project. It is very important for Hawaiian Home Lands to move forward with its housing projects in Leialii, as well as in future in Honokowai. I know you're not here to approve those projects, but this is really the start of our expansion of homesteading in West Maui. When Hawaiian Home Lands received Honokowai lands back in the mid-'90s through Act 14, at that time, the water supply improvements were not excluded from the lease with DLNR, and so over the years, and more recently, when we started to work with Water Supply on development of water in West Maui, we both noticed that there were no formal dispositions of the improvements. And we thought that this was a good opportunity to partner with the County so that we can both expand the water development in West Maui and then, specifically, for Hawaiian Home Lands. And so, this has been several years in the making. DHHL has other plans for water development, which actually connect into the County system, and so it is important that these licenses be approved, I think, for both DHHL, as well as the County. And so, several, I guess, about a year ago, we started the discussions with the County as far as what DHHL needs would be. And as Jeff was saying, it provides for water in Leialii, up to 250 units, and also in our future Honokowai lands, about 83 units. So, this is what we came to the County with and in exchange for the exclusive and non-exclusive licenses within Honokowai. So, currently, we do benefit from water that is coming through the system for Leialii 1A, which is 104 units that we developed back in about mid-2000s. So, we see this as continuation of our partnership with Department of Water Supply. We have agreements in Upcountry Maui for 500,000 gallons per day for our Upcountry, Kula, Waiohuli and Keokea homesteads. We've partnered prior for water tank development in Waiehu Kou, as well as transmission lines. So, we see this as another great opportunity to expand our homesteading program on Maui, and which really leads to affordable housing on Hawaiian Home Lands. And, again, thank you for this opportunity to be able to provide our position and we appreciate your --

CHAIR LEE: Okay.

MR. MATSUNAGA: --kokua.

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CHAIR LEE: Thank you. Before we go to Ms. Taomoto, we have a question. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And, thank you, Mr. Matsunaga, for being here. So, there was a question earlier, is there any current land issues or litigations that is about this, specifically, Easement A and B, or past litigation or current?

MR. MATSUNAGA: From what I've been provided with, DHHL does not see any conflict with the prior testimony regarding our lands. We have a land patent grant, which is clear to DHHL. We're always open to having our Deputy Attorney General kind of revisit that to confirm, but as far as I know, we have, we don't have any conflict with our clients.

CHAIR LEE: And you don't have any pending litigation?

MR. MATSUNAGA: No, no pending litigation.

COUNCILMEMBER SINENCI: Chair, could we ask for that confirmation?

CHAIR LEE: Certainly.

COUNCILMEMBER SINENCI: Okay. Of your Attorney General. Thank you.

CHAIR LEE: Are there any other questions? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted clarification from Mr. Matsunaga. So, you're saying that the two parcels where the County is asking for easement, Easement A, that those two parcels, DHHL has clear title to those parcels?

MR. MATSUNAGA: That is correct, yes, we have clear title to those, to the specific parcels, the TMKs listed, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the Chair of DHHL, Aila, would attest to having clear title?

MR. MATSUNAGA: I believe he would. And, I, remiss to say, he extends his apologies for not being here. We have Hawaiian Homes Commission business in Lahaina today. I can take that back. Our Deputy AG is at that meeting and we can surely get word back to the Council on this matter.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo, 'cause I believe that Chair Aila admitted to not having clear title, but I think Chair of this Committee, Chair Lee, said that she'll send something in writing to get confirmation from the Department. Mahalo.

MR. MATSUNAGA: Okay, thank you.

CHAIR LEE: Ms. Paltin?

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VICE-CHAIR PALTIN: Thanks, Chair. So, I had a question, on the part where it was saying, I mean, maybe this was from Director Pearson, too, so I'm not, I didn't know we were asking after each person or, but the exchange . . . or the easement you were saying has our treatment plant already on it, that was their land, if they have clear title?

CHAIR LEE: Mr. Pearson?

MR. PEARSON: Yes, thank you. The Mahinahina Treatment Plant is actually sitting on two different parcels. It's sitting on land that's actually currently owned by Maui Land and Pine, and then the other portion of the land that's to the south side is the DHHL lands.

VICE-CHAIR PALTIN: And so, the deal that you guys made, is that for the use of the land or is it also to include, like, back rent?

MR. PEARSON: Well, the efforts that took place over the years and the discussions between DHHL and Department of Water Supply determined that there will be no back rent and that the fees that will be paid will be in the form of water credits, which, of course, has a value, but there's, back rent wasn't specifically calculated.

CHAIR LEE: Excuse me, I told Ms. Paltin earlier, because I thought that's what you told me, is that we have not paid DHHL for the use of crossing their property since 1994, so that was taken into consideration in determining compensation.

MR. PEARSON: Chair, that's correct, it was taken into consideration, but I thought the question was, is back rent part of the, it's taken into consideration but it's not part of the calculation for the amount of water.

VICE-CHAIR PALTIN: So then basically, you just used their land without compensation, and going forward, you will be compensating through these 333 meters?

MR. PEARSON: Correct.

VICE-CHAIR PALTIN: And that easement is going to last forever? I mean, it's intended to be in perpetuity?

MR. MATSUNAGA: Yes, both the exclusive license easement and the non-exclusive license easement are being provided in perpetuity.

CHAIR LEE: Corporation Counsel?

MS. OANA: I just want to make, a little clear on that. Although both licenses do have perpetual language, it also has language where, if we breach anything, which may mean using environmental, you know, chemicals or something that DHHL doesn't want us to, if we're in breach, they can terminate. So, as long as there's no breach, they can't terminate, and it'll be perpetual.

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VICE-CHAIR PALTIN: And then, the agreement is for a 5/8 inch and that's, if the fee is usually source, transmission, and storage, it's only covering the source part and DHHL will need to pay for their own transmission and storage?

MR. PEARSON: Correct.

VICE-CHAIR PALTIN: And will drought declarations apply? Like, will they be held to that as well? I mean, if, it's saying source, 5/8 inch, \$5,789. Does drought declarations apply to the Hawaiian Homes users?

MR. PEARSON: Yes, it would apply to anybody that has meters that are under the Department of Water Supply.

VICE-CHAIR PALTIN: And then, I guess, for Mr. Matsunaga. How, do you have a timeline of when you would be able to put these to use?

MR. MATSUNAGA: Thank you, Councilmember. So, right now, DHHL is in the EA and design phase for Leialii 1B. We have funding for that, and but we don't have construction funding for 1B yet, that will be in our legislative package. So, we are estimating between maybe two to three years before those particular lots and houses would come online.

VICE-CHAIR PALTIN: And, is there a chance that they could lose those credits for non-use, say, after, like 10, 20 years? Was, like, my understanding before Hawaiian Homes had reserved space in the wastewater, but then it got taken up by other entities because they weren't using that. Is that a possibility, like say they never build anything and these other guys are ready to build some affordable housing for west side and we have this 200,000 gallons a day, 20 years later, that never got built. I mean, just going on their track record, no offense, but just based on what we've seen since 1920. Like, what then, are we going to still be bound by this or, just asking the question?

CHAIR LEE: Go ahead.

MS. OANA: So, with regard to how long DHHL can use our credits, you know, we wanted to limit it, but through negotiation, we came to the resolution of it's, they're good for as long as the licenses are in effect. If, and if they ever want to terminate our licenses, they don't get any more credits. So, I'm sorry, so the credits unused will revert back to the Department if they terminate these licenses.

VICE-CHAIR PALTIN: If in case of, like, climate change or whatever, and the well doesn't produce as much as, like, it's anticipated to produce, and that 200,000 gallons happens to be the one that's left out to dry, is there a contingency plan?

MS. OANA: No, we didn't discuss that, that's not in the agreement, but there is the potential new well that the Department is going to be developing, so I think that can ...

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VICE-CHAIR PALTIN: Department of Water Supply?

MS. OANA: Yes. So, I think that can make up for it, anything in your, you know, situation.

VICE-CHAIR PALTIN: So, then, in theory, like, if that new well doesn't yield and then they're about to use their 200,000 gallons but, whatever, climate change takes place, then the easement could revert back to them because of breach of contract on County's side?

MS. OANA: If we can't give the 200,000 gallons then I think they'll, that there will be a breach and we'll have to negotiate something else.

VICE-CHAIR PALTIN: Okay, thank you.

CHAIR LEE: Mr. Hokama?

COUNCILMEMBER HOKAMA: Mister...Director, did your staff check with the other County agencies upon whether or not there was comments regarding your proposal on this revenue and/or source fee development, \$1.9 million value and your approach? Because I'm sure Finance would've said, they would have given you comments, since on RPT, the Department still owes us, we'll say \$1.4 million.

MR. PEARSON: Chair, if I could defer to Wendy on the, she was doing most of the negotiations throughout this process.

MS. TAOMOTO: Chair? It's a, Stewart can expand on this, but DHHL has a similar agreement in Kauai, I believe, where source credits was granted by a utility in exchange for the easements. If I may ask Stewart to provide that detail. Thank you.

CHAIR LEE: Stewart?

COUNCILMEMBER HOKAMA: No, I'm asking if the County Water Department checked with other County agencies about this proposal because other departments have financial challenges with DHHL. And Finance has definitely concern because that is one Department where DHHL owes this County a lot of money, so why wouldn't we have offset the differences? We would still owe the Department a credit, but wouldn't be at \$2 million, 'cause I think this is a good project, the intent I fully support, there's benefits on both sides of the system, but I would disagree on your compensation proposal.

CHAIR LEE: Answer the question.

MR. PEARSON: I'm unaware of talking to other departments but, again, if Wendy was aware during negotiations, hopefully she can answer.

MS. TAOMOTO: Chair? We did not discuss this negotiation with the other Board of Water Supply in the other counties. When we presented the appraisal to the Department of Hawaiian Home Lands, it became very clear to us that they weren't interested in a

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dollar value compensation. And with the, it's not necessarily a crises, but we are concerned with the water availability for West Maui and the need to move this project forward in a timely manner without detriment to the, you know, providing housing, we entertained their request for ...

COUNCILMEMBER HOKAMA: We don't have an issue with what you're addressing, Ms. Taomoto. Our issue is the balances between the Department and the County of Maui Finance Department, okay. The department owes this County, currently, over a million dollars, okay, in penalties and interest. So, my thing is, why wouldn't we then make an agreement to offset what the Department owes us, the difference with the proposal, and see if we work out something that still yet both sides come out as benefits? That's what I'm asking, because you propose this, I don't have a problem with that if we, they didn't owe us money.

MS. TAOMOTO: Chair?

CHAIR LEE: Yes.

MS. TAOMOTO: In the negotiations, and it was primarily with, at, with Director Baisa, or at that time, Acting Director Baisa, and myself and Hawaiian Home Lands, we were not aware of what you are bringing ...

COUNCILMEMBER HOKAMA: Council has brought this up for over eight years with two previous departmental chairmans, okay.

MS. TAOMOTO: So, it wasn't ...

COUNCILMEMBER HOKAMA: The County knows about this 'cause we've sent letters to the department, okay, when it was trustee Artates on Hawaiian Homes Commission, the trustees voted to pay and settle with the County of Maui. The Department never follow through on the trustees' judgment and decision, okay, so I don't know why you folks not trying to help enforce it so that we get final settlement and closure on this other outstanding issues. Thank you, Chair.

CHAIR LEE: Okay. I do have a comment to make. Mr. Matsunaga, were you aware that the Department owed the County of Maui over a million dollars?

MR. MATSUNAGA: Chair, yes, we, I'm aware. I think when we went into the discussion with Water Department, it was that single purpose for water. I cannot speak for this Chair and the previous commissions, but I am willing to take it back to discuss with the Chair and with the Commission.

CHAIR LEE: Do you know why it wasn't considered as part of the negotiations?

MR. MATSUNAGA: Well, for me, it was a single purpose of seeking water for our homestead development in West Maui.

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CHAIR LEE: Is it possible that it can continue to be negotiated separately? I mean, we do have a timeline, West Maui is running out of water, that's a fact. We might be losing a \$6 million grant from the, funding from the Department of Health. There are timelines involved in this whole thing. So, is it possible for any outstanding monies due to the County to be compensated within a timely manner from the Department of Hawaiian Home Lands? Stewart?

MR. MATSUNAGA: That's, unfortunately, that's not a commitment that I can make. I will take that to the Chair and the Commission. I would also like to say that DHHL is also on a timetable. We have an agreement and funding from HHFDC to develop DHHL's well south of Honokowai Gulch, which will feed into the control tank that is part of the exclusive easement. And so, we are also going to be contributing water into the County system. And so, that's not something that's part of this discussion but it's, it also brings DHHL water to the table for ...

CHAIR LEE: Okay, we have other questions. Ms. Rawlins-Fernandez then Ms. Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, as I understand it, the storage tank was built in 1994, so 25 years ago, and the County has been using that easement and built a storage tank on DHHL land for 25 years, and DHHL has not sought out any compensation for that past 25 years?

MR. MATSUNAGA: That's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I think in this discussion of back property taxes that DHHL owes to the County, that 25 years of compensation to use DHHL land should also be not just considered but factored in. 'Cause, like Member Hokama and Chair Lee, I agree that this is an opportunity to make good on that and since that 25 years of back use was considered but not factored in, I think we can now factor it in to some agreement. Mahalo.

CHAIR LEE: Okay. Ms. Paltin?

VICE-CHAIR PALTIN: Yeah, I kinda was gonna say the same thing, like, you know, \$1.4 million and 25 years is like 50,333 a year, whatever, and then factor in also no permission to build on somebody else's stuff, and just taking it, so back rent, call it even moving forward.

CHAIR LEE: Well, that's a thought. Mr. Hokama, did you have anything to add?

COUNCILMEMBER HOKAMA: No, I just would say, you know, I agree with you on timing, Chair. We all want this thing to move forward, because there's benefits on both sides, the department's beneficiaries get the benefit, the County users get the benefits. So, I like it, I just would hate to miss an opportunity where we can get resolution on other outstanding issues for the County. Thank you, Chair.

CHAIR LEE: Thank you. Mr. Molina and then Mr. Sinenci.

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COUNCILMEMBER MOLINA: Yeah, thank you, Madame Chair. I thought this was going to be a slam dunk today but, you know, in light of the title issues, and now upon finding out--I want to thank Mr. Hokama for bringing to light that issue about monies owed to this County. I guess, I would ask Mr. Matsunaga, I guess the issues that was brought up by the testifier today, maybe even Corp. Counsel, if we could, you know, assuming this, if this passes out of Committee, if we could get a response with regards to the claims made by the testifier that I guess, she's won, or her family's won judgments against DHHL. I'd like to get that issue cleared up, yeah, so we don't hit any unanticipated snags, just for my --

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: --own comfort level. Madame Chair, I just want to ask a quick question on the ...

CHAIR LEE: Before you move on, on that issue, we will ask Corporation Counsel to give us a written response on your question. Believe me, we have spent many, many hours on this issue --

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: --on clear title.

COUNCILMEMBER MOLINA: Yeah.

CHAIR LEE: Mister ...

COUNCILMEMBER MOLINA: Oh, wait, I not pau yet.

CHAIR LEE: Oh, you had a second question?

COUNCILMEMBER MOLINA: I not pau yet, wait, wait, wait, no cut me off yet.

CHAIR LEE: Oh, okay, sorry.

COUNCILMEMBER MOLINA: Okay, sorry, I'll be real quick. Just on the construction of the tank, if I may, 'cause it sounds like we're kind of co-mingling this thing with the project itself and then now with the resolution to grant the 250,000. I guess maybe, Ms. Taomoto, the projected start and completion date of this new water tank and expansion, you guys have a tentative date if everything goes according to plan?

MS. TAOMOTO: If you're referring to the new control tank --

COUNCILMEMBER MOLINA: Yeah.

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MS. TAOMOTO: --not the additional Honokowai tank. So, the new control tank, which is situated below our existing Mahinahina Water Treatment Plant, if all, if this gets approved through Council in the timeframe we need it, we expect to be able to contract with, for this project, by the end of this year, with a notice to proceed on construction early, you know, in the spring, January through March. Sometime after we get, the building permit is issued by the contractor --

COUNCILMEMBER MOLINA: Okay.

MS. TAOMOTO: --to the contractor, sorry.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Madame Chair.

CHAIR LEE: Okay, one clarification, Mr. Molina, we're not co-mingling these two items. One, we have to have a resolution because the County Code says that any approval for real property acquisitions that exceed \$250,000 has to be approved by the Council, yeah, so we need a reso for that. And then we need an ordinance for the easements and the licenses, so they go together. Yeah. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair, for that explanation. I just wanted to, you know, agree with my fellow Councilmembers that it's such a great opportunity to make amends between DHHL and the County of Maui. I think sometimes some of the issues with real property taxes from DHHL is, a lot of the lessees don't know, they're just lessees, and they're not sure, should the landlord be paying for those RPT, real property taxes. So, I think, Mr. Matsunaga, maybe the Department can come up with some clear guidelines as far as RPT for DHHL lessees. My question was to the Director, do we have a list of wells, County-run wells on DHHL properties?

MR. PEARSON: The question was, do we have a risk, did you say?

COUNCILMEMBER SINENCI: List, list.

MR. PEARSON: I'm sure we, I mean, I'm sure we do, but I don't think, when we develop wells, we try to acquire the land, so they're likely not on DHHL property. In this case, DHHL will dedicate the well to the County, Department of Water Supply, and then, of course, we will utilize the water.

COUNCILMEMBER SINENCI: Oh, okay, alright, thank you.

CHAIR LEE: Do you want a list?

COUNCILMEMBER SINENCI: Yeah, if we could, 'cause I think we had some issues in East Maui that we wanted to ...

CHAIR LEE: Okay, I know we have a list from CWRM every month on private wells and I know you can provide us, Mr. Pearson, a list of County wells, okay.

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COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Staff, make sure you give us the private well list, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Real quick?

CHAIR LEE: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Can you add a list of storage facilities or storage tanks --

CHAIR LEE: Is that possible?

COUNCILMEMBER RAWLINS-FERNANDEZ: --since that one seemed to be on DHHL land?

CHAIR LEE: On DHHL land. See if we can get that, too. Did you get the question? Okay, great.

MS. YAP: Can I clarify your intention for this item?

CHAIR LEE: Sure.

MS. YAP: Is it to file or to defer?

CHAIR LEE: No, I'm going to pass this, if I can.

MS. YAP: Okay, just as a concern that our OCS Director has, when a Committee is recommending a matter to be filed, it is often, it often isn't productive for the Committee to also send correspondence requesting information on the matter unless you don't recommend filing, or generate the correspondence through PAF, or to delay the Committee report.

COUNCILMEMBER HOKAMA: Chair?

CHAIR LEE: This is the most bureaucratic place in the world. Yes?

COUNCILMEMBER HOKAMA: Chair, I just wanted to say, I support you reporting out the proposals, but I believe we have the jurisdiction to keep the subject matter within Committee yet --

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: --and it would be clear in your Committee Report's recommendation to Council.

CHAIR LEE: Oh, good idea. Got that? Alright. Ms. Kama?

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COUNCILMEMBER KAMA: Thank you, Chair. I just had one question for Mr. Matsunaga.

CHAIR LEE: Certainly.

COUNCILMEMBER KAMA: So, the debt that the Department owes the County of Maui, for what is that debt?

CHAIR LEE: I think real property taxes, right?

COUNCILMEMBER KAMA: That's what I'm asking.

MR. MATSUNAGA: Real property tax.

COUNCILMEMBER KAMA: Okay.

MR. MATSUNAGA: Correct.

COUNCILMEMBER KAMA: So, the Department actually pays real property taxes?

MR. MATSUNAGA: DHHL does not typically pay the property tax for properties under lessees' control.

COUNCILMEMBER KAMA: So, who does pay the tax? What do they pay the taxes on?

MR. MATSUNAGA: It would be the lessees.

COUNCILMEMBER KAMA: So, the leasee pays taxes on --

CHAIR LEE: Oh.

COUNCILMEMBER KAMA: --what?

MR. MATSUNAGA: On their improvements, basically, and then each county has their own formula for the tax rate.

UNIDENTIFIED SPEAKER: Right.

COUNCILMEMBER KAMA: So, the debt that we owe is not the Department's debt, it's the lessee's debts?

MR. MATSUNAGA: That is correct.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Yes, Mr. Sinenci?

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COUNCILMEMBER SINENCI: Just for clarification. When you're looking at the list of RPT violations, Hawaiian Homes is listed as a, on that list, if you're, that, if you've violated the RPT tax. So, in some of those violations for RPT, there's also listed Hawaiian Homes on that list with the lessees. I just wanted to share that.

CHAIR LEE: I'm not sure what you meant.

COUNCILMEMBER SINENCI: So, the RPT will come up with a yearly report of people --

CHAIR LEE: Yeah.

COUNCILMEMBER SINENCI: --that are delinquent, and so they'll have the lessees listed but they also have Hawaiian Homes, I believe, Commission or something on that list as also delinquent. So, I think that's why some of the, there's no clarity on who pays it. And I think that's why I recommended that the Department make that clear.

CHAIR LEE: Okay. Mr. Matsunaga, can we get some clarification on that? Did you understand the question?

MR. MATSUNAGA: Yes, Chair.

CHAIR LEE: Okay.

MR. MATSUNAGA: Understood.

CHAIR LEE: Any further questions? Okay, let's review with our Secretary, which questions, what questions are you going to send to whom?

MS. YAP: There's a question asked by Member Sinenci to ask the Attorney General, ask if any further pending litigation. Member Fernandez asked if there was clear title. Mr. Matsunaga said yes. She wanted confirmation from Chair Aila.

CHAIR LEE: Okay.

MS. YAP: Is that correct?

CHAIR LEE: Other questions?

MS. YAP: Member Sinenci wanted a list of County-run wells on DHHL lands. Member Fernandez wanted a list of storage tanks.

CHAIR LEE: Okay.

MS. YAP: I didn't get Member Sinenci's last one. Did he ...

CHAIR LEE: Okay, did you ask a question? Did you, oh, yeah, Mr. Matsunaga was going to answer his last question.

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MS. YAP: Okay.

CHAIR LEE: Okay, any more questions? If not...yes?

COUNCILMEMBER KAMA: Can we get a list of all the outstanding, a list of the outstanding delinquencies on the RPT?

CHAIR LEE: You mean, for every one?

COUNCILMEMBER KAMA: I mean, if we owe 1.4 million, I'd like to know who we owe and what we owe.

CHAIR LEE: Oh, you mean, for Hawaiian Homes --

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: --lessees?

COUNCILMEMBER KAMA: What we're talking about today, yes.

CHAIR LEE: Yeah, well, we already asked that question.

COUNCILMEMBER KAMA: Did we? Okay.

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: No, I don't think so, I didn't hear it.

CHAIR LEE: Okay, I thought we did but okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Thank you.

COUNCILMEMBER KAMA: Did you get that?

MS. YAP: Yes.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Any more questions? Okay, if not, the Chair --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: --will entertain...huh?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry. I do have a couple questions. I don't have any more questions to add to ...

CHAIR LEE: Ms. Rawlins-Fernandez, yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, a question for Mr. Matsunaga. Is there a timeline for source distribution utilization for the 333 meters?

MR. MATSUNAGA: Yes, our timeline for Leialii 1B, we're designing the first 75 lots and we expect that to be online in about 2 to 3 years, subject to us getting construction financing for that project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. MATSUNAGA: We are also embarking on a Honokowai master plan and that is in process right now. So, Honokowai is on a slower track to be developed. We do have specific plans for the first 75 lots a Leialii 1B.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Three questions, three more questions, Chair. Okay, Mr. Matsunaga, what was the offer that DHHL rejected for the purchase of the those, of the parcels identified?

MR. MATSUNAGA: It was cash payment of, I don't recall the exact amount, but at that time the offer was made our Commission chose not to accept cash but wanted, what we call, "wet water" in lieu of cash.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it, mahalo. Okay, and will DHHL be the authority for all required documents if there are any EAs or EIS' required for this project?

MR. MATSUNAGA: Yes, we are in process of doing environmental assessment for the Honokowai master plan, as well as for Leialii 1B. We believe that Leialii 1B is covered under HHFDC's original master plan development for the Villages of Leialii. There are some improvements that are required at the highway that connects Honoapiilani to Leialii Parkway, which is under Governor's EO to County Parks and Rec. So, we are working with OEQC to determine what the Chapter 343 requirements are for that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, and for the construction of the storage tank, are there EAs or EIS' required for that?

MR. MATSUNAGA: That would be the County's --

CHAIR LEE: That's us.

MR. MATSUNAGA: --responsibility.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so they are, okay. And would DHHL be the approving authority?

MR. MATSUNAGA: No, County would be.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, the County would conduct the EA or the EIS, and there would be an approving agency, so we wouldn't approve ourselves. We wouldn't, there would have to be an approving agency, the State. So, would that be DHHL?

MR. MATSUNAGA: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or, who would be the approving authority then?

MR. PEARSON: When the County performs an EA, such as that, they are the accepting agency.

COUNCILMEMBER RAWLINS-FERNANDEZ: We approve ourselves?

MR. PEARSON: Yeah, the fox watching the chickens.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it, mahalo. Okay, if the, so, Director, if the leases are perpetual, when would the Department conduct the hazardous waste evaluation mentioned on Page 11 of the Lease No. 827? Okay, I'll let you look that up and then I'll ask my last question while you look that up. So, in the contract, at expiration or termination of the licenses granted by DHHL, the amount of credits remaining after the memo [sic] and available for future use shall be forfeited and revert to Department of Water Supply. What does that mean for homesteaders or other end users who will still be connected to the system from this arrangement? Either ...

CHAIR LEE: Mr. Matsunaga?

MR. MATSUNAGA: Excuse me, can you restate that again? I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, at the expiration, termination of licenses granted by DHHL, the amount of credits remaining after the memo [sic] or available for future use shall be forfeited and revert to the Department of Water. What does that mean for homesteaders or other end users who will still be connected to the system from this arrangement?

CHAIR LEE: Let Wendy answer that. Wendy, please?

MS. TAOMOTO: This is in regards to item G. When a DHHL beneficiary or a lot receives water service from the Department utilizing the credits, this is not where this applies. This is for the unused credits. If they terminate the license, for whatever reasons, and there's unused credits that was not used to obtain water service, that would be

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forfeited. Water meters or water service that was installed is, will be treated like a regular Water Department customer and not terminated with the lease.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Taomoto.

MS. TAOMOTO: And I can answer your other question.

CHAIR LEE: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo.

MS. TAOMOTO: And that was Page 11. It's referencing prior to the termination of this license, that we may be required to conduct a Level One (1) Hazardous Waste Evaluation. And, I hope it doesn't terminate, so we can, they can exercise their credits, so but should it terminate, they can, I guess, demand that we conduct this evaluation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo.

MS. TAOMOTO: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: That was, that's all my questions. Mahalo, Chair.

CHAIR LEE: They didn't answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

CHAIR LEE: What did you say?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, no, those were all my questions.

CHAIR LEE: Oh, okay, I'm sorry, I didn't hear you. Any further questions? If not, the Chair will entertain a motion to recommend adoption of the proposed resolution entitled Approving the Acquisition of Real Property (Licenses) from the State of Hawaii, Department of Hawaiian Home Lands for the Mahinahina Water Treatment Facility and Other Existing and Proposed Water Infrastructure in Mahinahina and Honokowai.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay. And we will, part of this motion is to defer the item but not the reso and not the, the subject matter, we're going to defer but not the resolution or the ordinance. Okay, it's been moved by Ms. Kama and seconded by Ms. Rawlins-Fernandez to adopt the attached resolution. Discussion? All those in favor, say "aye."

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COUNCILMEMBERS: “Aye.”

CHAIR LEE: Opposed, “nay.” Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

ITEM WAI-51: INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS, FOR LICENSES FOR MAHINAHINA AND HONOKOWAI (CC 19-331)

CHAIR LEE: The next item is Intergovernmental Agreement with the Department of Hawaiian Home Lands, for Licenses...oops, let me see, miscue...and the Chair will entertain a motion to recommend passage on first reading of 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 State of Hawaii, Department of Hawaiian Home Lands (Agreement for Licenses for Mahinahina and Honokowai); including any revisions made by the Committee; and incorporating any nonsubstantive revisions that may be needed. And, then ...

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER HOKAMA: Second.

CHAIR LEE: Okay, moved by Ms. Kama, seconded by Mr. Hokama. Discussion? All in favor, say “aye.”

COUNCILMEMBER SINENCI: Just had a ...

CHAIR LEE: Yes, Mr. Sinenci?

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COUNCILMEMBER SINENCI: Just a clarification for the vote. So, we're going to be waiting for some of our, the answers to our questions --

CHAIR LEE: Uh-huh.

COUNCILMEMBER SINENCI: --also during this process?

CHAIR LEE: Yeah. We're going to pass this out of Committee, but in the meantime we're going to also ask for questions --

COUNCILMEMBER SINENCI: Okay.

CHAIR LEE: --and if there is, you know, objections at first reading, we will hold that matter until we can clear up any issues.

COUNCILMEMBER SINENCI: Fair enough.

CHAIR LEE: Okay?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Alright. So, all those in favor, say "aye."

COUNCILMEMBERS: "Aye."

CHAIR LEE: Opposed, "nay." Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of proposed bill.

CHAIR LEE: So, as I mentioned, the items will be, the subject will be deferred, the questions will be sent to all the relevant parties, and we'll try and get those answers for you as

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soon as possible, okay. Thank you very much, Mr. Matsumoto [sic]. Are you going to Lahaina now?

MR. MATSUNAGA: I'm going back to the Hawaiian . . .(inaudible). . .

CHAIR LEE: Yeah. Okay, tell everybody we said hi.

ITEM WAI-37: MAUI ISLAND WATER USE AND DEVELOPMENT PLAN (CC 19-162)

CHAIR LEE: And, now, we have the Water Use and Development Plan. Eva? Oh...yes? Oh, you want to...if there are no objections, we'll take a ten-minute break.

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay . . .(gavel). . .

RECESS: 3:00 p.m.

RECONVENE: 3:09 p.m.

CHAIR LEE: . . .(gavel). . . Will the Water and Infrastructure Committee please reconvene. The last item for today is WAI-37, Maui Island Water Use and Development Plan. The Department of Water Supply has transmitted a proposed bill entitled 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 the updated Maui Island Water Use and Development Plan draft dated March 19, 2019. Today, the Water, Department of Water Supply will introduce to the Committee the Maui Island Water Use and Development Plan update. In our future Committee meetings, the Department will explain each section of the plan. The deadline for the Council to adopt the Water Use and Development Plan is September 18, 2019. Because the Committee will not be able to complete its review of the plan before the deadline, I am requesting that the Committee also consider a proposed resolution entitled Approving a Time Extension for the Council to Adopt the Maui Island Water Use and Development Plan. The proposed resolution extends Council's deadline to December 31st of 2020. Mr. Pearson and Ms. Blumenstein, you can begin your presentation now, and then I will open up the item for discussion, and then I'm hoping that you will adopt the resolution regarding the time extension. Any questions so far? If not, Department?

MR. PEARSON: Thank you, Chair. Jeff Pearson, again. I'm introducing Eva Blumenstein. She's our Water Resource and Protection Plan Section Head. She's going to give a real brief introduction, as Chair mentioned, of the process that's going to take place. So, I asked her to be somewhat brief, I think you all have the PowerPoint in front of you, so she's not going to read every word on the sheet, so I'll let you do that at your leisure or as you're listening. And then there's going to be many follow up meetings to look at the different sections of the Water Use and Development Plan, so there'll be ample

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time for you to learn and to ask additional questions. So, this is just to give you a startup of what's going to take place going forward. Okay, thank you. Eva?

- MS. BLUMENSTEIN (*PowerPoint Presentation*): Thank you, Director. Thank you, Chair. Okay, gonna to try do this really brief, sort of like a mini overview of the executive summary. The process, the status of the plan, the purpose and requirements, the regulatory planning framework, the approach and methodology, an assessment of water resources, existing water use and projected water demand, and the strategies. So, we are now in 2019, Board of Water Supply provided their final comments in January of this year, so we submitted the final draft to this body in March. There was initial efforts going back to 2004, the latest one that this body adopted by ordinance was the Central Maui District, that was not approved by the State Water Commission primarily because it was limited in scope, it was just limited to the Department systems. So, after the, this body reviews and adopts the plan by ordinance, the final step is for the State Water Commission to approve the plan as part of the Hawaii Water Plan. The purpose of the Water Use and Development Plan is to guide and advise Council and the State Water Commission in planning, managing, developing use and allocation of the island water resources. So, that's key, that is a primary guide to Council, this is not the capital improvement program of the Department, it's not the master plan or the infrastructure plan for the Department. It does guide not just the Department's infrastructure and water resource use but all water uses and water users on the island. The regulatory requirement for the plan is Hawaii Revised Statutes 174C, as well as HAR. It's also addressed in Maui County Code Chapter 14.02. So, the approach and the methodology for developing this plan is, primarily there's six regional plans and those are based on hydrologic units, which is required by HAR. There's six aquifer sectors. The State Water Commission designates aquifers and they establish sustainable yield by aquifer systems and sectors. So, on the map, you can see, from West Maui, the colors of the polygons, there are the aquifer sectors, there's Central, Hana, Kahikinui, Koolau, Lahaina, and Wailuku. Those aquifer sectors do not coincide with land use plans such as community plan district, but we still have to project water use on a 20-year planning horizon based on population growth and, of course, population growth is by community plan district. So, when we're looking at growth and use and also the different water systems, these hydrologic units overlap somewhat. So, it makes sense, for example, to look at the Central Maui, the Central aquifer sector together with Koolau because you're gonna have a lot of water resource use from one aquifer sector serving another aquifer sector, so that's one of the implications of those boundaries. The 20-year water use projections is also one of the requirements by State Water Code and it also is consistent with the Maui Island Plan, which is the guiding land use policy document for the Water Use and Development Plan. So, the Water Use and Development Plan is just one component of the overarching Hawaii Water Plan that consists of several components, the Agriculture Water Use and Development Plan, that's prepared by Department of Ag, and then you have State Water Projects Plan, which includes the DHHL update as of 2017, the Water Resource Protection Plan that's prepared by CWRM, State Water Commission, Water Quality Plan that's prepared by the Department of Health. And the Water Use Development Plan also has to be consistent with State and County land use plans, so we have to consider policy plans, all the

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existing community plans, the ones that have been adopted to date, only up through 2002. So, as I mentioned, it applies to all water system and uses, it's not DWS centric, our system is just one of the many users. Since it's a guidance, it informs the capital improvement program. What the Water Use and Development Plan does not, it does not propose different growth rates or locations than the Maui Island Plan. Land use policies and growth strategies are established in land use planning in the Maui Island Plan. It does not provide infrastructure detail as a master plan or a CIP project, so water resources means aquifers, streams, not wells and individual treatment plants. This is a general flow of the integrated resource planning, which is the method that we use. It pretty much means that you do not assess cost only as the factor when you're assessing different resources to meet projected demand. Rigorous community input is important, so issues, concerns and objectives are established through a rigorous public process, you assess the regional water resources, look at settlement patterns and cultural resources for each region. You have two alternative methods for projecting water demand on a 20-year planning horizon, and then, of course, you have to be consistent, then, with the different land use policies and plans, DHHL water quality plan, et cetera, and identifying what are the different constraints that make a particular resource strategy viable, where there may be legal constraints, cost constraints, practical constraints. So, I said that planning, the community participation was key to this process. We started off this new, reignited Water Use and Development Plan public process in late 2015. We held about 12 regional community meetings, they were open public meetings, there were Saturday workshops, we had several target interest group meetings, which included meetings with the Aha Moku O Maui, farm community, realtors, different groups. We had 16 presentation briefings to CWRM, the Board of Water Supply, the former committee to County Council, Cultural Resource Commission, et cetera. So, that sort of sets the basis for the resources, the issues and concerns from the community and all the resource strategies that we recommend, meet planning objectives, and there obviously are going to be some tradeoffs when you do that. Planning objectives were derived, then, not just from the Water Use and Development Plan, the public process and meetings we held, but they're also derived from the Maui Island Plan, each community plan that deals with water resources and infrastructure, the State plans, and those generally fall into these generic categories, and they may be more specific for regions, but even between these categories, there's always going to be some conflicting objectives, there has to be tradeoffs to find a resource strategy that meets the highest public good. Major caveats. So, we started developing the data that is the basis for this plan. We started in 2015, so 2014 is the base year in terms of water use, what policies were in place then, and a lot of major events occurred since then. Some of the contested cases were reopened, sugar cane ceased, CWRM went through establishing instream flow standard for several areas, et cetera, and some of these events, whatever took place before we submitted the final draft to the Board we incorporated, and anything that occurred after that fact we have not incorporated because that was the final draft submitted to the Board, but we have tried to explain to you, you know, when those, are those events, do they impact the final strategy and the data. In some cases they do and in some cases they don't. For example, it was mentioned on the update of sustainable yields of aquifers, those have been revised and they have not been, actually, they were just formally adopted this last month, and that shows a overall

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decrease in sustainable yield on an island-wide basis, but it does not impact strategies because they either do not impact key aquifers that are proposed or we factored in that there'd be some decreased recharge, so this kind of just summarize those major changes. The resource assessment is, of course, key. Aquifer sectors consist of aquifer systems. So, the six aquifer sectors, we assess available water resources by sustainable yield for groundwater, but there's other constraints of just available yield. There could be water quality, some aquifers may have more brackish water or there might be contaminant issues. Climate change impacts, we think the long-term impact on overall recharge, the aquifer is, for example, a designated groundwater management area. Surface water was even more of a challenge because a lot of that surface water base flow and stream flow has not been quantified, so using available flow where we have good data, considering instream flow standards. Very important for stream flow is to consider low flow conditions because when you have low flow drought conditions, that is really the limiting factor of when surface water is available. And other resources that are not just the conventional ground and surface water is stormwater and reclaimed water, rainfall catchment. Okay, this is the snapshot of water use, the base year of 2014, pre, there was still sugar cane cultivation. Water use has to be identified by types, municipal, domestic types, agriculture, irrigation, by source, which is ground or surface water. So basically, municipal or potable type uses, 2014, was about 40 million gallons a day, that's that red piece of the pie chart on the top, and the rest, 270, was non-potable uses such as ag, irrigation, industrial. If you're looking at, slice it down by source, you can see that potable groundwater, the dark blue, is about 29 million gallons a day, while non-potable groundwater is 61, the orange, and that big yellow piece, 208 millions gallon a day was non-potable surface water, most of that was for ag. And a snapshot of projected water use on the 20-year planning horizon. So, in 2035, looking island-wide, a million gallons per day, you can see the breakdown by aquifer sector, divided by potable and non-potable. So, total is the lighter blue there, 2035 demand would be 69 million gallons a day, and non-potable demand would be 200 million gallons a day, just island-wide. This is very brief, generic, of the executive summary. So, the strategies then, that's kind of where the rubber hit the road, those different conventional and alternative water resources do have to, we have to sort of assess do they meet the planning objectives and are there other constraints that makes them viable and feasible? We have provided lifecycle cost comparisons, so not develop X source of X elevation, but is more develop this aquifer over this timeframe, how does that compare to developing the same thousand gallons potable water if it was surface water or reclaimed water? Legal issues, of course, the open contested cases, the instream flow standards, designated ground water management areas also inform and guide whether those resources are viable alternatives, and then that they're consistent with the adopted components on the Hawaii Water Plan and land use policies. Address the resource strategies during drought conditions as well, and that is something that has, the community has brought up as being key to the plan of what this is, even if this a 20-year plan, looking further than that, how does climate change, drought and changes in recharge affect those strategies? And also, priorities for public trust uses. So in summary, the plan is to guide this body and other county agencies in the use and commitment of water resource in the County. So, it applies to all water uses and users, so that includes whether that's reclaimed water or another alternative resource, stormwater catchment.

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It's not Department of Water Supply centric, this is not the Department's CIP or master plan. It's projecting demand on a 20-year planning horizon. And by State Water Code, this is by hydrologic units or aquifer sectors. And the recommended resource strategies are divided, then, into six regional plans that could be addressed individually or it makes sense in some instances to address them combined because of their shared resources and demand. That's it.

CHAIR LEE: Okay, are there any questions? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a question for the Director. One of the testifiers said that she had, she was on a drought where she couldn't use, and she mentioned something about hotels. Do some of the resorts get that report as well or are majority of 'em on reclaimed water? Do you know?

MR. PEARSON: The hotels, the majority of the hotels have potable water for their use and they've acquired the certain, the meter size that's needed for their use. Some hotels, and I know golf courses and others have brackish water wells. That's still considered part of the aquifer and it's still considered part of the sustainable yield, but it's brackish water. I can't list those in specifics now but I know that there is some brackish water use.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madame Chair. Director, just wanted to get a clarification on your methodology. On Page 6, it says the Water Use and Development Plan does not propose growth rates or locations different from the Maui Island Plan. Then when I looked at methodology, the next page, project future water needs. So, I'm kind of, just in my mind trying to figure out, if the development plan doesn't project, I guess, growth rates, but then you turn around and project future water needs, wouldn't that be sort of hand-in-hand, you would need to kind of project growth rates to determine your future water needs? I'm sure there's a method to the madness on how to calculate that, but if you could just explain it to me, how it was calculated or determined.

MR. PEARSON: So, the growth rates are going to be projected by the Maui Island Plan and other plans that discuss the growth rates, and then we'll take those projections, that information, to look at where we can project our water needs.

COUNCILMEMBER MOLINA: Okay, and then you implement that into the plan, the Water Use and Development Plan, from the Maui Island Plan?

MR. PEARSON: Correct.

COUNCILMEMBER MOLINA: Okay, so, you guys don't do any growth rates with the Water Use and Development Plan in itself?

MR. PEARSON: Correct.

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COUNCILMEMBER MOLINA: Okay, alright, thank you. Thank you, Madame Chair.

CHAIR LEE: Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for that presentation. My first question is on slide three, it says, Molokai 2020. What is that?

MS. BLUMENSTEIN: Chair? So, the, we are starting the public process next year, issue an RFP, and that's going to be very dependent on the timing of this body's review of the Maui Island Water Use and Development Plan, so we don't want to have both going simultaneously. So, that's our intent, to start on Molokai 2020.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so it's to start the Water Use and Development Plan using some of the information that was left off from the previous group or starting from scratch?

MS. BLUMENSTEIN: The Molokai Water Advisory Group will likely be part of that process. I don't think the approach will be the same as Maui. I think it'd be watershed-based rather than aquifer sector, it's just different strategies and source development issues on Molokai.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. So, if we pass the resolution that extends our deadline to December 31, 2020, how does it affect that? How does it affect the Water Use and Development Plan for Molokai starting in 2020?

MS. BLUMENSTEIN: I think we can still get the public process started there, even though more the heavy lifting may be the following year but it's been a while, so we should still get it started.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Okay, and then, my next question is on slide eight. So, you said that seven targeted interest groups, and you had seven meetings for targeted interested groups, one of which was the Aha Moku. So, was that, like, only Aha Moku members at that meeting, or how do your targeted interested group meetings work?

MS. BLUMENSTEIN: So, we had one meeting with all the water sharers for each of the 14 Moku on Maui, including the Wailuku Moku. We followed up, we were invited to a couple of other regional moku meetings to Honuauia and Kula and a couple. There were other Aha Moku members who came to open public meetings, as well, but we did have a specific consultation with them on couple occasions.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, who was them?

MS. BLUMENSTEIN: The Aha Moku O Maui.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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MS. BLUMENSTEIN: So, we did the consultation through the poʻo of the island representative, Kyle Nakanelua, he called at the water chairs to the one original meeting, which is kind of historic, that was the first time we ever did that, but that's a continued consultation process, but we did have some good input from them.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. Okay, and then my last question was on slide 12. So, it says, well on slide 3, that 2016, there were 20 public meetings, 2017, 16 presentations, and so it kind of has a timeline on slide 3. But on slide 12, this graph is water use for 2014, and I was just wondering why we would be presented old data for 2014 instead of something a little more updated, especially after, you know, the water use by type is no longer, or I don't know if it's still dominated by ag, but since most of that, the green part in your graph, in your pie chart, is sugar cane use, you said?

MS. BLUMENSTEIN: Yeah, and that's a good question. So, we reignited the process here in 2015, so 2014 was the most current complete data we had. That said, as 2016 rolled along and those changes, we incorporated the changes, major things like, how did water use change in 2016 and 2017. The slide you saw here is kind of just a big island-wide snapshot. But, that said, I mean, the regional aquifer sectors do address more current data. We couldn't revamp or redo the plan completely because that public process took three years. It does sync, though, with the socioeconomic forecast that was updated in 2014. So, the population projections, that is the basis for demand, water use demand projections, are synchronized, so to say.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, just to clarify, that this pie chart is not actual use?

MS. BLUMENSTEIN: So, this represents water use in 2014.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. BLUMENSTEIN: When we look, when we get to aquifer sector and looking at Central aquifer sector, where some of the former sugar cane water use demand, then we are looking at, you know, 2014, which is this, 2017, how does, how did groundwater pumpage and surface water change that year after sugar cane. So, we, as we had that additional data, we incorporated it all the way through August 2018, when we submitted the final draft to the Board. After that point, there were no more adjustments.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so you have an updated graph like this for 2018?

MS. BLUMENSTEIN: So, we incorporated some of the major changes. So, for the Central aquifer sector, we're looking at water use data for post sugar cane as well 'cause that's significant enough. That's probably the only area where we have a major change in water use data. So, this is generic, looking at island-wide. All the other aquifer

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sectors are 2014. We don't have 2018 water use data, we couldn't make the updates as we went through the public process 'cause we'd never get done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I still don't understand why we're looking at five-year-old data but it's okay.

MR. PEARSON: I think, in summary, what Eva's trying to say is when we get to the specific aquifer sectors, especially Central Maui, the information that has come after 2014 up to 2017 will be discussed and part of the discussion and incorporated within the Water Use and Development Plan, but most of the other aquifer sectors haven't had a great change since 2014. And we need to continue moving or we'll never finish the plan because we're always changing the data, and plus you have to give respect to the people that you met in the community at that time and what you presented to them. So, you can't present them something, change it, and then move on, then they're going, oh, so...if that makes sense.

COUNCILMEMBER RAWLINS-FERNANDEZ: I understand respecting, you know, the community's input and everything, but, I mean, that's a major change in water use after HC&S closed, so, I mean, it would be understandable, I would think that the community would understand if, you know, the data changed because the use changed dramatically, yeah?

MR. PEARSON: That major change will be discussed and incorporated when we get to that aquifer sector in more detailed discussion. It's just not shown on here.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Mahalo, Chair.

CHAIR LEE: Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, your PowerPoint tells me how you're going to present it to us, it told us about the process you went through, the purpose and the requirements, your approach and your methodology, all the regulatory and planning framework, and then you took us to the methodology on Page 7. So, is this what the discussion is when you go to all your community meetings, that you talk, I mean, I just want to figure out, when you go and talk to the community and the people, what are you asking them, what do you hope to solicit from them, what kind of information do you want them to tell you? Or, just to approve this, what you wrote?

MS. BLUMENSTEIN: So, for each region, we had public meetings in each region and focused on the water resources, the key issues, and the projected demand in that region. So, this is the general process that we went through, identifying what the key issues are for that community, what regional water resources are available there, what those planning objectives are and how can we, what strategies can meet those planning objectives with the resources available.

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COUNCILMEMBER KAMA: So, can we just take one community and just talk about one so that I can be real clear about what we're doing and what we're saying here? Can we do that?

CHAIR LEE: We are going to be doing that. But, go ahead, Mr. Pearson.

MS. BLUMENSTEIN: Yeah, so that's the proposed approach, that we gonna go through one aquifer sector at a time, this is a just a very brief overview, sort of an executive summary of the whole plan, but it is divided into regional plans, six of them.

COUNCILMEMBER KAMA: So, let's say, this is your community meeting for the district of Wailuku. So, how would that play out in the meeting? What would you ask me? What would you want to know? What would you tell me? Where are the, whatever it is that you want to tell me, and what do you want me to know?

MS. BLUMENSTEIN: We would want the community to identify to us what are their key issues and concerns --

COUNCILMEMBER KAMA: Okay.

MS. BLUMENSTEIN: --for their regional water resources. We come up with a analysis for them, these are the resources that we have inventoried that's available in this community.

COUNCILMEMBER KAMA: Okay, so what's available in Wailuku?

MS. BLUMENSTEIN: You want me to give you an overview of Wailuku --

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: --resources?

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: So, you have, primarily, groundwater from Waihee, Iao, Waikapu aquifer systems, some of the surface water from Na Wai Eha, is primarily used for non-potable needs and instream needs but a small portion is currently used to meet municipal needs. We want to know from the community then, what are appropriate uses for those available resources or are there alternative resources, conservation, reclaimed water should be used to offset some of that demand that we identified. That would be a --

COUNCILMEMBER KAMA: That's it?

MS. BLUMENSTEIN: --brief overview. No, it's a hundred pages but that's a brief overview of just resources for Wailuku. You have about 20 million gallons a day of sustainable

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yield, you have surface water, depending on if you're looking at dry conditions or total flow, it varies from 10 to 70 million gallons a day.

CHAIR LEE: Okay, so, she just wanted to give you a flavor.

COUNCILMEMBER KAMA: Yeah, I just wasn't sure whether if it was vanilla, chocolate or strawberry.

CHAIR LEE: Yeah, all of the above.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Yeah, okay. Ms. Paltin?

VICE-CHAIR PALTIN: Thanks, Chair. I had a couple questions for, I guess, starting on Page 3, the second to last final step, it says, County Council adoption by ordinance of your guy's, of the Water Use Development Plan.

MS. BLUMENSTEIN: Yeah.

VICE-CHAIR PALTIN: So, is it like a thing that we go through and we can amend what you put in your Water Use Development Plan?

MS. BLUMENSTEIN: Absolutely.

VICE-CHAIR PALTIN: And then, I guess, I'm a little bit confused about Page 5 and how it plays out when the community plan boundaries and the aquifer sector don't line up one-to-one, how does that work out?

MS. BLUMENSTEIN: So, in terms of projecting water demand, future water demand?

VICE-CHAIR PALTIN: I guess 'cause I felt like my understanding was that the Water Use Development Plan would help guide the community plans and if a community plan, straddled, say, like, three different aquifer sectors, then the folks creating that community plan have to look at all the three sources, depending on the geographic location in the community plan?

MS. BLUMENSTEIN: It was a puzzle.

CHAIR LEE: Excuse me, Ms. Blumenstein. The community plans are not guided by the Water Use and Development Plan, it's the opposite. The Water Use and Development Plans are supposed to help fulfill the community plans, right?

MS. BLUMENSTEIN: True. So, we have to be consistent with the adopted community plans. So, in an area where you have multiple community plans or multiple aquifer sectors straddling, then we have to look at both, we have to look at both the objectives, planning objectives, for each adopted community plan that's impacted by that aquifer

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sector and we have to look at the growth rates of that community plan district. So, in the case, if you have two different community plan districts but you may have one water system that primarily serving the larger part of the community plan district, we will literally make a calculation, say, 90 percent here is served by the Central Maui system, so we're using the growth rates from, say, the Kihei-Makena Community Plan to project water use in the Kihei-Makena area, although, that is really straddling multiple aquifer sectors. So, it's explained in detail in each region, but it's not, it's not straightforward and that's because we're kind of stuck with this hydrologic units that's required.

VICE-CHAIR PALTIN: And so, the aquifer sectors, by region, has, it's just kind of an arbitrary line with multiple aquifers within that boundary?

MS. BLUMENSTEIN: So, each aquifer sector consists of individual aquifer systems, could be three to six, and when you get into detail of each regional plan, we're breaking down use and demand by aquifer system, too, but the regional plans are divided up by sectors.

VICE-CHAIR PALTIN: So, how did you come up with the sector lines?

MS. BLUMENSTEIN: Oh, no, those are defined by CWRM, those are hydrologic units.

VICE-CHAIR PALTIN: Oh, okay. So, then, like, say the community plan wants all the growth in one area but the aquifer system can't handle that amount of projected growth, then what?

MS. BLUMENSTEIN: In many cases, the demand in an aquifer sector is not met by the water resources in that aquifer sector. It may be transported in, or partly transported in. So, the only area where all the water use is staying with the aquifer sector is West Maui. In all others, there's some linkage or conveyance from water, it's both naturally, because streams don't follow community plan district boundaries, you know, you're going to have water flowing mauka to makai, so from Makawao-Pukalani-Kula to Kihei-Makena, so both naturally and manmade water resources are shared between the different districts.

VICE-CHAIR PALTIN: And then, so, if the Water Use Development Plan is adopted at, as an ordinance, and it gets approved by CWRM then, like, it has the force and effect of law?

MS. BLUMENSTEIN: No. It's a component of the Hawaii Water Plan. It should guide Council in your land use decisions, allocating money to CIP and other County agencies, and it guides State Water Commission in their issuing aquifer reservation managing groundwater and surface water areas.

VICE-CHAIR PALTIN: What if the body doesn't follow the guidance in the Water Use Development Plan?

MS. BLUMENSTEIN: Are you saying, what if Council or ...

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VICE-CHAIR PALTIN: Either CWRM or the Council doesn't follow the guidance of all this work that you put into this plan.

MS. BLUMENSTEIN: Well, I just know from the last efforts of, say, the Central District, it was adopted by ordinance in 2010, it was not approved by CWRM because it did not follow the framework and State Water Code, it was not inclusive and was kind of centric to the Department system. So, what happened is that we haven't had a Water Use Development Plan since 1990.

VICE-CHAIR PALTIN: That's why it's messed up?

CHAIR LEE: I did my job in 1990. Jeff?

MR. PEARSON: Just to reiterate, this Water Use and Development Plan in its stages, as it was being developed, was brought forth to the State Water Commission and Eva has made, I don't know how many, but more than two or three, presentations to the Water Commission and working with the planning branch there. They're quite happy and satisfied with the efforts that have been made to date and they've seen them as they've been going forward. So, like, of course, they can't predict the future, but I know they're happy with the product that's being provided right now.

VICE-CHAIR PALTIN: And, is there any legal things that we aren't allowed to amend before it goes, passes an ordinance?

MS. OANA: No, I don't see anything in 14.02.

VICE-CHAIR PALTIN: Okay, thanks.

CHAIR LEE: You realize that this is kind of guide, yeah, and, you know, like certain sections of the Water Use and Development Plan simply lists options for us to consider in developing this kind of water or this kind of method and so forth. So, it's not like a real strict ordinance. Questions over here? Mr. Hokama?

COUNCILMEMBER HOKAMA: Real quickly. And I appreciate the summary, and that's what it was, yeah, so, I appreciate it. We will take the, the Chair, I know the Chair is going to address the more specifics in the proposal, but just couple things I was interested, 'cause I didn't see it in the details, too. You have, you folks work on a estimated carrying capacity for the 20-year window, right now? I mean, we're an island, yeah, we're doing island planning, so the island has limitations. And so, with limitations, I would hope that some of the allocations is based on what we believe is a smart, conservative carrying capacity so that we have the cushion to, of time to make certain adjustments required, yeah, for the community. So, I was just wondering if that was something you folks have in this 20-year window?

MS. BLUMENSTEIN: Chair? Well, what we've heard from the community is, even though we do not truly have a resource shortage, we have developed a small fraction of available

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water, groundwater, primarily, on Maui, there's still a desire to use alternative resources where they're available, emphasize conservation and alternative means just to keep demand under control in areas. So, it's not truly because there's a resource shortage, it's just a more desirable use of water resources. It may not always be the cheaper alternative but, for example, conservation, to meet that projected amount over a 20-year period was still see maybe 9 million gallons of that can be met just by focusing more on outdoor conservation measures rather than developing new source. So, it is not because there is no resource available, it's just the more desirable measure to do it.

COUNCILMEMBER HOKAMA: Understood, but Council needs all the options, yeah, and then through community input and our due diligence, we'll come up with a policy for that point of time but I don't want the Department to assume that the Council is not interested in other opportunities, and we'll make a decision on cost and how to pay for things, but I think we need to have the information provided, nonetheless, on what is currently. So, you could say, current technology, current system, this is our capacity. You give us more pumps and, you know, we can pump more definitely, so with new pumps, we get another 18 percent capacity 'cause now we can pump more per hour, per day, and da, da, da, da. That's our limitation currently. If you want us to do this, this, this, then you're gonna need to give us money so we can plan for three wells at a time instead of one well, because it takes 15, 20 years to get a well, okay. The population is not going to wait for the well, I going tell you that, okay. Local people don't look at planning documents or statistics to decide whether or not families pop up or not. Yeah, we going to have our young people have young people, so my thing is, unless people gonna say, I'd rather drink alternate water than potable water and I'm willing to pay the cost difference, whatever that may be, I still believe people want potable well water. So, my thing is, tell us what is part of our limitations, what is our current capacities. I know we have a lot of water someplace, it's just not where the people are.

MS. BLUMENSTEIN: Yeah, I hope we have provided that, I mean, looking from the, all the alternative water resource options to ...

COUNCILMEMBER HOKAMA: Yeah. And then, just couple things. I just wanted to be sure, yeah, and, again, the Chair is going to ensure we go through our due diligence, so I'm supporting her in that. Is it very clear that we not just talking about government or public water and public systems? We talking about water as an island thing, right, doesn't matter if it's a private system, a County system, a State system, DHHL system, we talking about just water as water, not whose water it is, right, in the plan?

MS. BLUMENSTEIN: Yes.

COUNCILMEMBER HOKAMA: So, we're approaching it from a resource, not ownership or --

MS. BLUMENSTEIN: Correct.

COUNCILMEMBER HOKAMA: --authorized agent, kind of thing, right?

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MS. BLUMENSTEIN: Correct.

COUNCILMEMBER HOKAMA: So, is it clear to the private sector group that this is how we proposing this water plan? Is it clear to them, that this is going to impact them?

MS. BLUMENSTEIN: I will say that they have both been requested to provide detailed information, invited to the public process, and many of them have provided good feedback throughout the process. So, in general, I think the private purveyors understand that this plan affects everybody.

COUNCILMEMBER HOKAMA: Okay. And, again, you know, everything is dependent upon what you do, what gets authorized, yeah, through Chair's recommendations and whatnot, so you have the appropriate financial considerations for us for the 20-year window also, regarding your fee structures, your borrowing capacities --

MS. BLUMENSTEIN: No.

COUNCILMEMBER HOKAMA: --source development, versus maintenance, versus replacement?

MS. BLUMENSTEIN: No, we do not provide CIP level budget detail. We provide ...

COUNCILMEMBER HOKAMA: No, just general, general --

MS. BLUMENSTEIN: Yes.

COUNCILMEMBER HOKAMA: --forecast.

MS. BLUMENSTEIN: So, it's a comparative lifecycle cost analysis, looking at the capital operation and maintenance cost over the 20-year lifecycle. So, just comparing the resource options in same volume of water, potable and non-potable, so for comparative purposes, they're looking at serving 1,000 gallons of reclaimed versus potable surface stormwater. So, that analysis is provided, but it's not source specific and time specific as in a CIP plan.

COUNCILMEMBER HOKAMA: Okay, thank you for that, Eva. Chair, thank you. And when you're ready, I'm happy to support your motion on the resolution. Thank you.

CHAIR LEE: Thank you. Any further questions? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I'm not a Committee member, so thanks for allowing me to ask this question. So, is there a ...

CHAIR LEE: Which reminds me, I forgot to mention that you came in before the presentation. So, for the record, Ms. Sugimura arrived before the presentation of the Water Use and Development Plan overview.

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COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Go ahead.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, is there a deadline that we are, I know, like, community plans, there's deadlines for us to approve, but is there a deadline that the Council is supposed to approve your Water Use and Development Plan? And what are the ramifications if we do or do not?

MR. PEARSON: Chair?

CHAIR LEE: Go ahead.

MR. PEARSON: Well, I don't know if you would call it a deadline, but because there's going to be a lot of discussion in front of you on these different sectors, Chair has that resolution put forward to allow you to review and approve or disapprove up to December 31, 2020.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Ms. Sugimura, we received the Water Use and Development Plan in March of this year. Then we went straight into the Budget, and so this is--we finished the Budget in June, this is August, so, we have six sectors to review, and that is the reason why we're asking you to extend the deadline, which was supposed to be September 18, 2019. Yeah, we were supposed to review all of this in a very short period of time, which is impossible, to do justice to the Water Use and Development Plan. And we wanted to take it sector by sector, so that's the reason why I will entertain a motion to recommend adoption of the proposed resolution entitled Approving a Time Extension for the Council to Adopt the Maui Island Water Use and Development Plan; including any revisions made by the Committee; and incorporating any nonsubstantive revisions that may be needed.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Been moved by Ms. Kama, seconded by Mr. Molina. And any discussion? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. Quickly, I support this, I think we can do good work within your Committee's leadership, Chair, and I think one of the things I look forward to that we have on Lanai, since we passed Lanai long time ago, is the allocation table, where the community knows what are our priorities and who gets water first under certain situations. And for Lanai, that was a reassurance from the

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plan that, number one, came residents, the priority use number one, potable water, is residents, residential use. And that seemed to allay certain concerns of who gets water, from testimony and whatnot, so I look forward to working on the plan under your guidance, Chair. Thank you.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madame Chair. Just, sorry for, just quick informational question for the Department. How many times have you come before the Council for extensions for the Water Use and Development Plan? Is this the first or second, that you can recall?

CHAIR LEE: Go ahead.

MR. PEARSON: This is the first time that it's come for extension for the Water Use and Development Plan. As Chair mentioned, when you received it, it was March. By County Code, it's 180 days for the Council to review. And, of course, she just gave you the timeline of why you were unable to review in that 180 days to come up with a vote, so that's why it's being extended now.

COUNCILMEMBER MOLINA: Okay, thank you, just thought I'd ask. And I hope this is the first and only extension you're asking. Thank you, Madame Chair.

CHAIR LEE: Any other questions? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was thinking that Member Molina's question was regarding it not being updated since 1990. I mean, if that wasn't your question, that's my question.

COUNCILMEMBER MOLINA: . . . *(inaudible)* . . .

CHAIR LEE: We have this combo question. Mr. Pearson?

COUNCILMEMBER RAWLINS-FERNANDEZ: We're co-mingling our questions. So, has the Department requested extensions since--was it every, is this supposed to be updated every 10 years, 20 years--and it hasn't been since 1990 and, how many extensions has the Department requested from then?

MS. BLUMENSTEIN: Chair? So, the second approach to update the 1990 Water Use and Development Plan was the 2009 draft for the Central Maui District. That was approved by this body by ordinance, but then it didn't pass approval by CWRM. So, this is, so we reignited that in 2015, I mean, I started this in 2015, so we have not formally requested an extension. This is, we have sort of followed the same process as all the other County agencies. There was revised framework established by CWRM in 2000 and none of the counties adopted and updated 1990 plan except Hawaii island did that in 2012. So, we're just second Statewide.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. So, that, in 2009, that was Central Maui alone, not Maui island?

MS. BLUMENSTEIN: Correct. It was focused on the Department's systems and that was one of the reasons why it didn't pass the Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay, I see. So, as Member Hokama, this is inclusive of all water, all wells, all water use, and not exclusive to County?

MS. BLUMENSTEIN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, got it. Mahalo for that clarification. Mahalo, Chair.

CHAIR LEE: It is exclusive to the County, it includes all of Maui County.

MS. BLUMENSTEIN: All of Maui island, just, regardless if it's private or public water.

CHAIR LEE: Okay, oh, okay. We're not doing Molokai?

MS. BLUMENSTEIN: After this, yes.

CHAIR LEE: So, Molokai is on a different deadline?

MS. BLUMENSTEIN: We intend to start the Molokai public process in 2020, and then go back to Lanai because it's going to be time to update --

CHAIR LEE: I see.

MS. BLUMENSTEIN: --that already.

CHAIR LEE: I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, we've never had a Water Use and Development Plan, only Lanai got one in 2011, and Maui island, 1990, and Molokai never. There was a water advisory group and that was disbanded and there was never a Water Use and Development Plan that came out of it.

CHAIR LEE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I'm very, I know my island's very much looking forward to completing that after many years of it not. Mahalo.

CHAIR LEE: Okay. Yes, did you have a question?

MR. PEARSON: Just to clarify. Of course, you're correct, Molokai is a little different because they petitioned to the State Water Commission to have the entire island designated.

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So, of course, it's not a Water Use and Development Plan, but the island has been under closer scrutiny by the State Water Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: A groundwater --

MR. PEARSON: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: --designation, not surface. We're working on the surface.

CHAIR LEE: Thank you, Ms. Rawlins. I really believe you should start your own county. I really do, you're exempt from all these water things, plus you're exempt, you don't have SMA, the whole island is SMA. When we have water, I remember when we proposed housing ordinances, we had to exempt Molokai. For real, you know, always exempting you guys, by request of you folks. Okay, any other questions or comments? If not, all in favor of the motion, say "aye."

COUNCILMEMBERS: "Aye."

CHAIR LEE: Opposed, "nay." Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

CHAIR LEE: And then, so, I'm, if there are no objections, I would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION.

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CHAIR LEE: Okay, anything else, Staff? Okay, you sure? Alright, then, I think we've completed the agenda. Thank you, everyone, for coming. And this meeting is adjourned. . . .(gavel). . .

ADJOURN: 4:03 p.m.

APPROVED:



ALICE L. LEE, Chair
Water and Infrastructure Committee

wai:min:190819:alp

Transcribed by: Annette L. Perkett

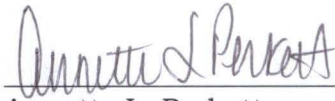
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CERTIFICATE

I, Annette L. Perkett, 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 2nd day of September, 2019, in Haiku, Hawaii.



Annette L. Perkett