

Water and Infrastructure Committee (2025-2027) on 2026-01-26 1:30 PM

Meeting Time: 01-26-26 13:30

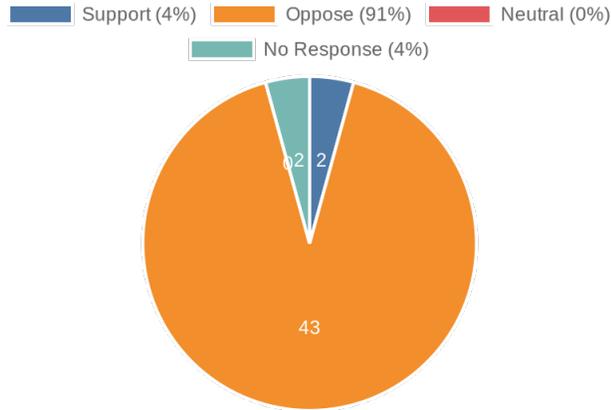
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Water and Infrastructure Committee (2025-2027) on 2026-01-26 1:30 PM	01-26-26 13:30	3	47	2	43	0

Sentiments for All Meetings

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

Overall Sentiment



Water and Infrastructure Committee (2025-2027) on 2026-01-26 1:30 PM

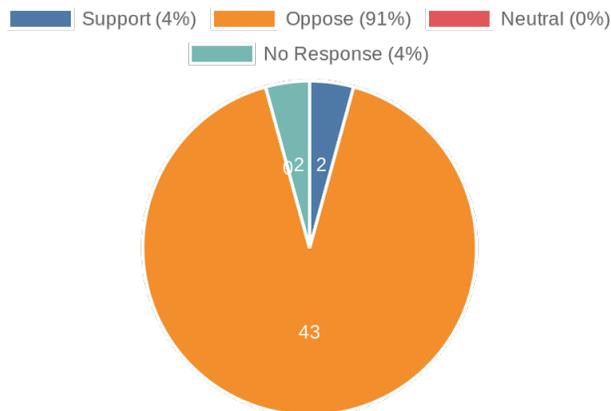
01-26-26 13:30

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	4	0	4	0
WAI-20 Bill 176 (2025) BILL 176 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES ON THE MAINTENANCE OF PI'IHOLO, OLINDA, AND ALA LUANA ROADS (WAI-20)	1	0	1	0
WAI-21 Bill 1 (2026) BILL 1 (2026), AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS (WAI-21)	42	2	38	0

Sentiments for All Agenda Items

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

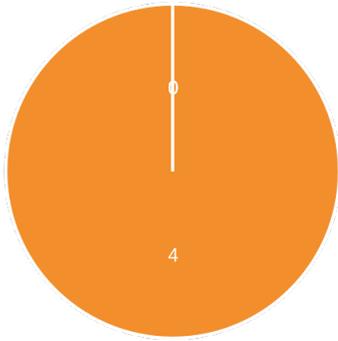
Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment

Support (0%) Oppose (100%) Neutral (0%)
No Response (0%)



Guest User

Location:

Submitted At: 12:33pm 01-26-26

Aloha Chair & Council members,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

Particularly at a time when Maui is facing alarming levels of drought, this is not the time to weaken the "Show Me the Water" ordinance. Just this past October, Upcountry Maui was put into stage 3 water shortage restrictions the Director determined that anticipated water demand in that area is projected to exceed available water supply by 31% or more. We need to put protecting the longevity of our island's health and water systems first in any planning and legislation.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for the opportunity to testify

Guest User

Location:

Submitted At: 12:05pm 01-26-26

Aloha Chair and Members of the Water and Infrastructure Committee,

Mahalo for the opportunity to testify. I strongly oppose Bill 1 because it would weaken Maui's "Show Me the Water" protections at the exact moment we need stronger, earlier verification of long-term water availability.

Supporters, including the Grassroot Institute, argue this bill would allow homebuilders to move forward with subdivision planning while they "figure out" where water will come from, and that any risk can be managed by the applicant because the bill states approval does not guarantee potable water. Respectfully, this framing misunderstands how land development actually works on Maui, and who ultimately bears the risk.

First, development without verified water is not a private risk; it is a public risk. Once a subdivision is approved and infrastructure is built, including roads, grading, utilities, lots, and homes, pressure inevitably mounts for water service to follow. When water is not available, the "solution" is rarely that the developer quietly walks away. Instead, the consequences fall on the community: increased competition for scarce water, emergency workarounds, new demands on already-stressed systems, and political pressure to reallocate water away from existing users and ecosystems. In practice, "at your own risk" becomes "at the public's expense."

Second, Bill 1 flips the sequence of responsible planning. Water is not a minor detail that can be sorted out later. Water is foundational infrastructure. Allowing subdivision approvals to proceed without verified long-term supply is planning backwards, approving growth first, then scrambling to justify or secure water later. That is precisely the kind of approach that has led to conflict, over-allocation, and harm in Hawai'i.

Third, the Planning Department is not equipped to be forced into mandatory approvals without water verification. Bill 1 uses "must approve" language that strips meaningful discretion and turns what should be an accountable review process into a ministerial rubber stamp. Even under current practice, long-term water verification is already too weak and too often deferred. Bill 1 would codify that weakness and make it harder, not easier, to ensure responsible, lawful water planning.

Finally, if the goal is truly to support housing, we should not lower the standard for water, we should prioritize water for truly affordable and attainable housing for Maui residents. What good is a home without water? It helps developers who can flip entitled properties. Real housing solutions for our community require real infrastructure planning, not speculative approvals that increase pressure on public water resources. Any policy that encourages luxury development in areas without confirmed water will predictably worsen scarcity and conflict, and will not deliver stable, livable communities.

For these reasons, I respectfully ask the Committee to reject or withdraw Bill 1, and instead focus on strengthening "Show Me the Water" and prioritizing our scarce water resources so that long-term water availability is verified before approvals are granted, not after communities are boxed into untenable outcomes.

Mahalo nui for your time and consideration.

Guest User

Location:

Submitted At: 9:58am 01-25-26

I oppose Bill 1. All evidence and credible scientific studies point to a drier, hotter, and more volatile climate in our future, so why remove the requirement to prove a reliable water source for projects with this outlook? I know it is difficult to prove a long term water source for projects, but how does the community benefit from allowing development to proceed without a foreseeable source of water? Instead, the county should focus its limited administrative resources on projects that have viability and while also addressing Maui's infrastructure and housing shortages.

Edward Codelia

Location:

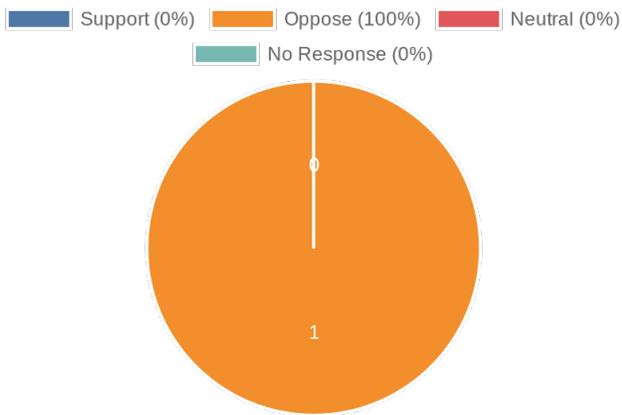
Submitted At: 9:11am 01-21-26

I respectfully submit this comment in opposition to Bill 1 (2026) and incorporate by reference my attached written

testimony. As explained in greater detail therein, this bill is not a minor procedural adjustment but a substantive policy change that reverses long-standing water-first planning by allowing subdivision construction plans to advance without verified long-term water availability. The proposal shifts practical risk from applicants to the County and the public, creates a pathway for speculative entitlements and resale without water certainty, and diverts limited capacity away from completing existing approved projects and rebuilding Lahaina. For these reasons, I urge the Committee to defer or file this measure unless it is substantially narrowed and conditioned to protect water resources and the public interest.

Agenda Item: eComments for WAI-20 Bill 176 (2025) BILL 176 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES ON THE MAINTENANCE OF PI'IHOLO, OLINDA, AND ALA LUANA ROADS (WAI-20)

Overall Sentiment



Guest User

Location:

Submitted At: 10:26am 01-26-26

Aloha Councilmembers,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

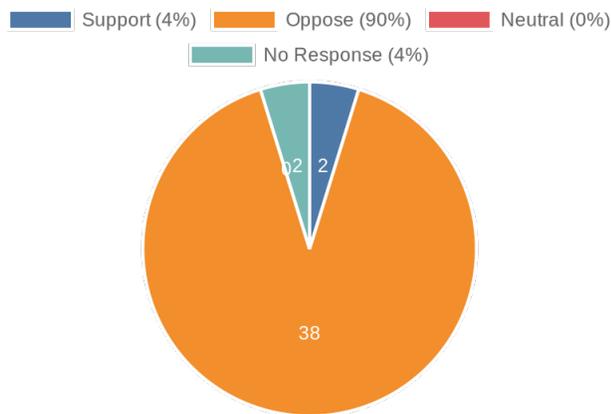
Mahalo for the opportunity to testify.

Cristina De Leon
Sustainability and Events Coordinator

Teran James Young Foundation
Office: (808) 866-0833
<http://teranjy.org/>

Agenda Item: eComments for WAI-21 Bill 1 (2026) BILL 1 (2026), AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS (WAI-21)

Overall Sentiment



Guest User

Location:
Submitted At: 11:31pm 01-26-26

Free the wai

Give it to the people

Stop feeding profit over true progress

Guest User

Location:
Submitted At: 9:31pm 01-26-26

Why do you think the water department is not issuing new water meters. There is not enough water to support new development and the demand that would put on an already short supply.

Guest User

Location:
Submitted At: 8:43pm 01-26-26

I strongly oppose Bill 1. Allowing development without proof of adequate water is reckless, especially on Maui where water is already scarce and communities are still recovering. This bill prioritizes speculative development over public safety, environmental protection, and residents' basic needs.

Approving projects without verified supply risks over-extraction, ecosystem damage, and increased competition for limited water. Maui County must protect water as a public trust.

Guest User

Location:

Submitted At: 7:57pm 01-26-26

Leave this item alone

Guest User

Location:

Submitted At: 7:38pm 01-26-26

As time goes on and resources, especially water, become more scarce it is imperative we think about the longer term needs and impacts of any development. This amendment would allow too many situations where developments go up before determining a substantial water source leaving the community, the department of water supply, and anyone else involved in a difficult position. The amendment is unnecessary.

Guest User

Location:

Submitted At: 7:38pm 01-26-26

It is your duty to continue to uphold the Show Me the Water Law. Without water, there is nothing and no development should be approved without secured, sufficient resources

Guest User

Location:

Submitted At: 6:09pm 01-26-26

Oppose it

Guest User

Location:

Submitted At: 3:11pm 01-26-26

Aloha Councilmembers,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for the opportunity to testify.

Mahalo,

Kathleen Gildred

Home Owner in West Maui

Guest User

Location:

Submitted At: 3:10pm 01-26-26

Aloha Councilmembers,

I am writing to oppose Bill 1.

Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. Its mandatory language removes meaningful discretion and invites speculative development in areas that may not have sufficient water at all. I live and farm in an agricultural subdivision approved in the 1990s. Despite being zoned AG, the subdivision does not have adequate water, and our farm is already suffering the consequences.

After investing our life savings into this farm, we have been under strict watering restrictions since April 2025 — nearly a full year. These restrictions make it impossible to establish new plantings, as young crops cannot be properly watered in. We are increasingly concerned that some of our established and prized plantings may not survive under continued restrictions.

This raises serious questions that remain unanswered:

- When will Upcountry water restrictions be lifted?

- Why is the County considering approval of additional subdivisions when existing agricultural subdivisions lack adequate water?

- Why is so much water being lost through inefficiency and waste?

- Why does a foreign corporation control the system our water flows through while millions of gallons are lost daily?

- And why is the water transportation system not being properly managed, maintained, and improved?

Compounding the issue, the stream our farm runs along is currently dry, as our most streams on Maui. Water is believed to be diverted to a single company that has planted over 1 million citrus trees (heavy water consumption) and is applying pesticides, while surrounding farms using organic practices are left with severely limited access. Before approving any new subdivisions, the County must address these existing water shortages. Approving additional development will only further strain an already inadequate and unreliable water supply.

While the bill suggests developers proceed "at their own risk," history shows that once infrastructure is built, the public ultimately bears the consequences — through diverted water, degraded ecosystems, and emergency decision-making. The current requirement for engineering reports verifying a long-term, reliable water supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to approve development first and ask where the water will come from later. I strongly oppose any effort to weaken the "Show Me the Water" ordinance and respectfully urge you to defer or decline moving Bill 1 forward, and instead focus your efforts on addresses the existing water shortage issues.

Mahalo for the opportunity to testify.

Lauren Lipcon

Farm: 808-419-6135

Cell: 305-321-6465

355 Kaluanui Road

Makawao, HI 96768

Guest User

Location:

Submitted At: 2:17pm 01-26-26

Aloha Committee Members,

I am writing because I oppose Bill 1.

We have had droughts more often than not in recent years, with many water restrictions for Maui's long-term residents. The "Show me the Water " ordinance should stay as is. Otherwise local residents will pay the price. Engineering reports verifying long-term reliable water supply is a critical safeguard. Bill 1 would dismantles that safeguard.

This makes absolutely no common sense to me.

Please do what is pono for the local community and not the developers.

Mahalo for your time,

Paula Phillips
Haiku

Guest User

Location:
Submitted At: 1:52pm 01-26-26

I oppose Bill 1

Guest User

Location:
Submitted At: 1:35pm 01-26-26

We need to find water that can sustain the existing community. We have droughts already as-is without the proposed infrastructure projects. This is just irresponsible to keep building without water sources that are sustainable.

Guest User

Location:
Submitted At: 1:12pm 01-26-26

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.
Mahalo for the opportunity to testify.

Guest User

Location:
Submitted At: 1:10pm 01-26-26

Aloha, my name is Lana Albright and I am writing in opposition of Bill 1.
No use for a sink if there is no water.
No use for a fire hydrant if there is no water.
I hope we have all learned lessons after the Lahaina fires.
Water is essential for human survival; let's act accordingly.
Mahalo for your time.

Guest User

Location:
Submitted At: 1:08pm 01-26-26

Aloha! As an upcountry resident, I strongly oppose Bill 1. We are frequently on water restriction, which indicates to me that water is in short supply and a precious resource. We should be doing all we can to protect and preserve it. This bill would do the opposite. Please do the right thing and stop Bill 1. Mahalo!

Guest User

Location:
Submitted At: 1:05pm 01-26-26

Strongly oppose and agree with oppositions statements as already shared

Guest User

Location:
Submitted At: 1:04pm 01-26-26

STONG OPPOSITION based on all of the thoughtful responses below have already shared.

Guest User

Location:

Submitted At: 1:04pm 01-26-26

I am writing to oppose Bill 1.

Infrastructure is more critical for Maui now more than ever. We need solutions that are solidly grounded in a known reality that is sustainable. Water source is a major part of our sustainability here, and how it will support further development, I understand, is critical to know and develop to avert a self-imposed crisis. It is normal to have a reactive (emotional) response to crisis, which we are in for several reasons and the reaction that this Bill seems like, and to create solutions that will provide the community with safe, dependable infrastructure with longevity, the water source and implementation should be determined and thoroughly planned out prior to awarding permits or any other leniencies on development.

We otherwise risk affecting the healing and more stable parts of the community to later compensate for an under-developed plan.

We need certainty now...step by step. This Bill does the opposite. Please do not pass.

Sylvia Cenzano 808-633-3032

Guest User

Location:

Submitted At: 12:33pm 01-26-26

The county should uphold the "Show me the water" Law, not weaken it. We should not be building any new infrastructure before verifying whether or not there is water available for new builds.

Guest User

Location:

Submitted At: 12:09pm 01-26-26

Aloha council...I fervently oppose Bill 1(2026) as it would act as a loophole around and away from that which has been established in the "Show Me The Water" ordinance. Verification of available resources, prior to development, is a prerequisite for responsible development.

Water access and diversion has been a long standing detriments to the Maui community, and this will exacerbate the issue further.

The issues downstream would be tenfold (and costly) for those community members who may unknowingly inhabit residences with insufficient water reserves.

For these reasons, I oppose the changes proposed in Bill 1

Deleted User

Location:

Submitted At: 11:28am 01-26-26

If the Council wants to speed housing that is actually buildable, the fix is not "approve first, prove water later." The responsible approach is to keep water certification as a gate, and instead streamline the steps that do not compromise reality-based constraints: clearer DWS timelines, pre-application conferencing, standardized engineering submittals, transparent capacity maps, and faster review only after water source and system capacity are verified. That produces fewer phantom projects, less political pressure, and more honest planning.

For these reasons, I urge you to reject Bill 1 (2026) or amend it to preserve water certification as a mandatory precondition to subdivision approval, not an afterthought.

Robin Knox

Location:

Submitted At: 11:09am 01-26-26

My name is Robin Knox, I am an environmental Scientist with close to 40 years experience protecting the water environment. I have been a South Maui resident and voter since 2006. I was the author of the first watershed Plan for Southwest Maui (Kihei-Wailea-Makena areas). I am testifying in opposition to WAI-21 – Bill 1.

I am opposed to the proposed changes to Maui County Code 14.12.040. Said changes would allow a subdivider

to submit subdivision construction plans to the Planning Department for review prior to receiving written verification of water availability from the planning Director. I am opposed to the changes because I am concerned about two types of scarce resources 1) Water Resources and 2) County staff resources.

- Per MCC 18.20.160 if subdivider is not notified of any changes or additional requirements within 45 days of submission, the plans will be deemed approved as submitted. I am concerned that if Director, planning, Water supply and the sanitary and district engineers are not able to review the plans within 45 days, that subdivision construction plans may be automatically approved without review and verification of water supply
- Per MCC 18.20.180 when construction drawings are approved, subdivider may proceed with construction of improvements and utilities. Even though written verification of water supply must be provided prior to final subdivision approval, this proposed change would allow significant investment by subdivider with no assurance of water supply. I am concerned that even though the subdivider does construction at their own risk, that it will create significant political pressure on the Planning Department to provide water verification because of the dollars invested.
- I am concerned that these changes would lead to a waste of County resources reviewing and approving of plans for a subdivision that has no verified reliable long-term water supply.
- I am concerned that our County's increasingly scarce water supply, especially in South Maui, will be compromised by having developer's gain construction approvals prior to verifying water supply.

It is well known in the community that receiving permits from the Planning Department takes an unacceptably long time. It makes no sense to waste County Resources to review something that cannot be approved due to lack of water supply. I am also concerned that South Maui will end up with a situation like that of West Maui, where development of affordable housing cannot proceed after decades of planning, because of lack of water supply.

Allowing the County to invest scarce planning staff hours, and subdividers to invest dollars and construct infrastructure without first verifying water supply is definitely putting the cart before the horse, and will create immense political pressure on the Planning Director to verify water supply due solely to the investments made prior to verification of water supply.

For these reasons, I oppose the changes proposed in Bill 1

Guest User

Location:

Submitted At: 11:05am 01-26-26

Councilmembers,

I'm writing to oppose Bill 1 which would weaken the long-time protections of "Show Me the Water" prior to approval of subdivision construction plans. It appears that the mandatory language in the bill would remove meaningful oversight and discretions and would risk having runaway development that may not have any water at all.

How are we, the citizens of Maui expected to cope with not only the current line-up of what I consider over-development of South Maui with even more unchecked development that will put us all at risk for our water needs?

Verification of long-term, reliable water supply is critical to safeguarding our county. Bill 1 removes those safeguards.

Maui can't afford to plan development first and then try to find a way to provide the water afterwards. I strongly oppose any loosening of the important safeguard of "Show Me the Water" ordinance and ask that you decline to move forward with this effort to weaken our water protections.

Thank you,

Marlena Hubert

Guest User

Location:

Submitted At: 10:52am 01-26-26

Aloha WAI Committee,

I would like to express my support for the proposed bill. Allowing the subdivider to address water availability concurrently with the Department of Water Supply's review of the construction plans will reduce the time for construction plan approval.

Mahalo,

Ashley N. M. Otomo, P.E.
President
Otomo Engineering, Inc.
305 S. High Street, Ste. 102
Wailuku, Hawaii 96793

Phone: (808) 242-0032

Guest User

Location:

Submitted At: 10:51am 01-26-26

Aloha Councilmembers,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for the opportunity to testify.

Warmest Mahalo and Aloha!

Susan Douglas
84A Iliwai Loop
(that's spelled I L I W A I)
Kihei, Maui, HI 96753

H: 808 879 1112, landline, you can call 24/7, if you get my machine you can leave a long message, best chance of reaching me live, no texts.

C: 808 205 1893, good for texts or VM but the ringer is usually off, I check a few times/day. If I text you back it might show as coming from a 225 area code # w/no caller ID (trying to straighten it out w/provider)

sd3@hawaii.rr.com

Email is usually fastest way to reach me, I check it about 20x/day.

Guest User

Location:

Submitted At: 10:50am 01-26-26

Aloha Councilmembers,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

It's not enough for the developer to say he's using private access (which is taking water from the one aquifer). 15 years ago this was a big problem. The fresh water lens was getting smaller. At that time no one knew how many "private" wells were taking water. Do you know now? If we are not wise in the way we use and allow our water to be used, we will find ourselves in a permanent lack of water for the citizens of Maui, not to mention the agriculture.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections. Please think of the time to come when we have another drought. Mahalo for the opportunity to testify.

Sincerely,

Mary K. Groode

50 year resident of Maui

3371 A Keha Dr., Kihei, HI. 96753

Guest User

Location:

Submitted At: 10:00am 01-26-26

Dear Councilmembers,

Aloha! We are writing in opposition to Bill 1.

We realize that Bill 1 weakens Maui's long standing protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The position of this bill is not acceptable to us. This Bill 1 removes the vital safe guard that insures that new developments show that there is ample water available for any new project. Instead, Bill 1 approves of development in areas that do not necessarily have adequate water.

We absolutely oppose any loosening of our current law requiring verification that there is indeed adequate water available. For

the health of our island, please decline to move forward with anything similar to Bill 1 which weakens water protections and supply.

Mahalo for reading our testimony,

Barbara Terrill and Michael Reed Gach

Maui Residents and Property Tax Payer

2198 Auina Place, Kihei, Maui, HI 96753

Michael Reed Gach, Ph.D.

Michael@acupressure.com

Guest User

Location:

Submitted At: 9:07am 01-26-26

Aloha, I am asking that you please oppose Bill 1. Loosening water protections is NOT the direction Maui should be going. Building (or planning to build) without confirmed water access is short sighted and bound to put our county in a worse situation. We must stop this practice of using housing as a magic word to streamline development. The UN has declared that the world has entered an era of "Global Water Bankruptcy". Please read

the article and UN report: <https://www.smithsonianmag.com/smart-news/united-nations-declares-that-the-world-has-entered-an-era-of-global-water-bankruptcy-180988045/>

I could copy and paste quotes from this that apply directly to Maui's situation of insolvency and irreversibility from spending 'beyond our hydrological needs'.

I understand that the intent of this proposal is to reduce the time it takes for projects to get approved, but at what cost? We are entering an era of GLOBAL WATER BANKRUPTCY. You are all fully aware of the drought and dire water conditions we face as a county. This is a solution that creates more problems than it solves. Please end this in committee and try again with a new proposal that acknowledges the global water bankruptcy that Maui County (and the rest of the world) face in the coming years.

Mahalo

Guest User

Location:

Submitted At: 9:05am 01-26-26

January 26, 2026

Aloha Esteemed WAI Committee Chair and Members,

I'm testifying to take a moment to sincerely congratulate everyone on the introduction of a statewide R-1 mandate modeled on Bill 52 (Ord. 5592), filed by Senator Angus McKelvey as S.B. NO. 2971 on Friday, January 23, 2026. This is a meaningful, forward-looking step that builds on the incredible work of this Council, and recognizes municipal wastewater disinfection and expanded reuse water production as essential infrastructure for Hawai'i's future, not a secondary afterthought. It reflects long-term thinking, climate realism, and a commitment to using every drop wisely.

In that spirit, I'd like to offer this testimony as a gentle counterpoint to today's discussion on Bill 1, suggesting that the WAI Committee could consider focusing its time instead on finishing the important work of protecting citizens and marine ecosystems alike from municipal effluent-borne pathogens.

While questions of land use and subdivision sequencing are important, they risk pulling focus away from the most immediate and solvable water issue before us: finishing the job on municipal wastewater disinfection.

In South Maui, that means getting the Kihei Wastewater Reclamation Facility fully across the finish line for 100% UV disinfection so that all effluent meets R-1 standards, all of the time, by passing a retroactive FY2026 budget amendment to fund CBS-5521, which DEM Staff reassured me in a UIPA response would solve remaining "pinch" points that prevent the agency from making full use of the new 7 MGD UV disinfection channel to achieve 100% R-1 / effluent disinfection at the facility.

This is not an abstract policy concern. It is a public and marine environmental health issue. Incomplete disinfection has real downstream consequences for nearshore water quality and for the people who live, work, and recreate here. Ensuring that every gallon leaving the facility is fully disinfected is one of the most direct actions the County can take to reduce illness risk and restore trust in our water systems.

The statewide R-1 mandate raises the bar for Maui, with a chance to show legislators how a community can unite and focus to solve municipal wastewater disinfection, to reassure state lawmakers that implementation of S.B. 2971 is not only within reach, but is readily achievable. Now we have an opportunity to align our day-to-day legislative focus with that destination by prioritizing the infrastructure upgrades that make it real.

I present this testimony as a backdrop indicating what the WAI Committee could and arguably should be focusing on: realizing the vision of Bill 52 (Ord. 5592, 2024) over a decade earlier than required by law.

Thank you for the leadership you've shown in advancing reclaimed water and municipal effluent disinfection policy, and for continuing to keep public health at the center of these decisions.

With appreciation,

Travis Liggett, M.S.
travis.liggett@gmail.com

Supporting documents:
https://drive.google.com/file/d/1LZ4crubX407oTPKwGYr_VddGtomNL8eG

Statewide municipal wastewater disinfection (R-1) mandate S.B. 2971:
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2971&year=2026

Guest User

Location:
Submitted At: 7:01am 01-26-26

Aloha Councilmembers,
I strongly oppose Bill 1, which fundamentally weakens Maui's "Show Me the Water" protections. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

The current reliance on engineering reports that verify long-term, reliable supply is a critical safeguard for making sure our island has the water it needs. There is NOTHING more important than adequate water, and removing this safeguard could be truly catastrophic.

I ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for doing the right thing.
Sara Patton
160 River Road
Wailuku, HI 96793

Guest User

Location:
Submitted At: 8:41pm 01-25-26

I urge you to safeguard water protections and vote no on Bill 1. I am a home owner in Wailea and have observed the increasing drought conditions in the area from a decrease in rainfall. I am very concerned about the proposed LEDCOR developments in the Wailea area in part because of water shortage. I am writing to oppose Bill 1 which weakens the water protections that we have.

It is the residents who are asked to ration water while hotels and luxury developments continue to use huge amounts of water. Keep our water safeguards as they are and if anything, strengthen them!

Development first then deal with where the water will come from later is not responsible planning in any way. Protect our water- it is vital.

Mahalo for the opportunity to testify,
Jeanne Schaaf
3150 Wailea Alanui Drive #2704, Kihei. 96753

jmb Schaaf@gmail.com

Guest User

Location:
Submitted At: 11:48am 01-25-26

No be STUPID. Allowing building to commence without the tried and true requirement of proving water viability for the future is irresponsible in the extreme. I encourage you to act on behalf of our 'aina and Maui citizens to keep the wisdom and caution instituted by your elders in place and make sure Maui remains sustainable, just and livable for all.

cheryl hendrickson

Location:

Submitted At: 9:37am 01-25-26

Aloha Committee members-

Please oppose Bill 1.

I am dumbfounded this is even being considered.

Each one of you know our lack of water in Maui County. Climate change has completely change our frequency, direction and quantity of rainfall.

I am on a water catchment system in formerly wet Haiku. I pay attention to rainfall. We experienced a four month dry spell this last fall with my neighbors and I having to purchase potable water. We are still struggling with supply. Even being winter!

Please do not weaken subdivision approval water requirements. While the bill claims to put risk on the developers, history shows that once built, the public bears the consequences through diverted water flow, degraded ecosystems and resorting to emergency decision making. West Maui being an unfortunate example.

The current trend of well digging also can not continue. Risking quantity of aquifer flow.

Please oppose this abhorrent effort to loosen water protections.

Many mahalos,
Cheryl Hendrickson
40 year kama'aina

Amy Fonarow

Location:

Submitted At: 5:13am 01-25-26

Aloha Maui County Councilmembers,

I am writing to respectfully request that you consider opposing Bill 1, or at least deferring it until it is massaged into something that ensures that an accurate account of Maui's water resources is taken first every time – before new development is considered and long before it could be permitted.

I oppose Bill 1 in its current version. It's not sensible to put Maui into more water debt. Everyone would have to hope that the water showed up somehow or could be diverted from somewhere that someone decides it isn't needed and can be spared.

Simply put, Maui's water is already needed where it is, both for the ecology and the economy, which by this time we're all learning are the same things.

Thank you so much for putting Maui's wai and lehulehu at the forefront of your minds as you make this decision.

I appreciate your time and all of your hard work!

Warm regards,
Amy Fonarow

Guest User

Location:

Submitted At: 2:31pm 01-24-26

Knowing that rainfall has been decreasing over the last decade and that we just came off mandatory water restrictions. This is not the time to weaken the requirement that developers show proof that there is enough long term water available for their project, not after the fact that there is not enough water for their developmen and it

shouldn't have been approved. If we allow over development without making sure the infrastructure keeps up with the growth every one suffers .

Here in Kihei where I live the Kamaole aquifer is dangerously low with saline intrusion. There are 7,000 new units being built without the infrastructure improvements in water , sewer, electricity and roads to keep up with current demand. We need climate resilience not over development. We should be implementing catchment basins in the upper terrain of our major gulches to catch, retain, slow the erosion and recharge the aquifers with a fund being contributed to by the developers. Mahalo for your time.

Eric Muller

Guest User

Location:

Submitted At: 2:25pm 01-24-26

Aloha Councilmembers,

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for the opportunity to testify

Guest User

Location:

Submitted At: 10:37am 01-24-26

I am writing to oppose Bill 1. Bill 1 fundamentally weakens Maui's "Show Me the Water" protections by requiring approval of subdivision construction plans even when long-term water availability has not been verified. The bill's mandatory language removes meaningful discretion and invites speculative development in areas that may not have water at all.

While the bill claims developers proceed "at their own risk," history shows that once infrastructure is built, the public bears the consequences, through diverted water, degraded ecosystems, and emergency decision-making. The current reliance on engineering reports verifying long-term, reliable supply is a critical safeguard. Bill 1 dismantles that safeguard.

Maui cannot afford to plan development first and ask where the water will come from later. I strongly oppose any loosening of the "Show Me the Water" ordinance and ask that you defer or decline to move forward with this effort to weaken water protections.

Mahalo for the opportunity to testify

Guest User

Location:

Submitted At: 1:26am 01-24-26

Hawai'i means "air and fresh water are important". "Ha" means air and/or breath. "Wai" means fresh water. Finally 'i means important. Thus, air and fresh water are important.

Why? Because those two substances are needed to support the lives of the plants, animals and humans that live on these Hawaiian islands. The author(s) of this bill must lack the most basic knowledge of the essential resources necessary for human life. Without fresh water, Maui will no longer possess the natural resources necessary to sustain human life let alone being a wonderful paradise.

It is hard to imagine that a sane human being could be foolish enough to propose this bill. Given the strong indication that the author(s) of this bill have some sort of mental disorder, they ought to be banned from participating in Maui County's rule making process.

Guest User

Location:

Submitted At: 9:14pm 01-23-26

Aloha, I respectfully oppose this bill and remind us that development without consideration to our limited vital resources is irresponsible. As the stewards of this island, we must balance development and financial pursuits with consideration to long term sustainability, which is stability. Removing the requirement of water for development puts future residents at risk and also compromises our ability to manage our natural resources from a balanced perspective. This is a common sense step we must not remove from the process of approval for development. It's our responsibility to make carefully considered decisions for our future generations.

Lore Menin

Location:

Submitted At: 2:19pm 01-23-26

Members of the Water and Infrastructure Committee, I submit this testimony in opposition to Bill 1 (2026) because it reflects a fundamental misunderstanding of the role of government in land-use and water planning and because it weakens long-standing protections that exist to serve the people of Maui, not private development sequencing preferences, speculative strategies, or hopeful assumptions about future water conditions. County policy should be guided by what is known, verified, and sustainable, not by what is merely planned, hoped for, or assumed to materialize later.

The County Council and its committees exist to serve the entire population of Maui, present and future. Their obligation is not to accelerate private development pipelines but to protect public trust resources, ensure orderly planning, and prevent foreseeable harm. Water is not an administrative checkbox. It is a finite public trust resource. Treating water availability as something that can be resolved later, after subdivision plans are reviewed, approved, and normalized within the system, places private convenience ahead of public responsibility. That is not sound governance.

Requiring verified, long-term water availability before subdivision advancement is not unnecessary red tape. It is deliberate risk management. It prevents speculative land use, protects limited water systems, avoids political pressure on water officials, ensures transparency and fairness, and prevents downstream conflicts. Bill 1 reverses that logic. It allows projects to advance materially without water certainty and assumes that any resulting risk can be isolated to the applicant. In reality, once approvals are issued, the risk is shared by the County, by surrounding communities, and by future decision-makers. That is not deregulation in the public interest; it is the deferral of risk.

This bill implicitly relies on a dangerous premise that water will be found later, that conditions will improve, or that future supply through rainfall, infrastructure, or policy accommodation will resolve uncertainty. Hope is not a water strategy. Maui's history contains ample examples of development advancing ahead of infrastructure, with the public paying the price later through shortages, emergency measures, inequity, and conflict. Sequencing requirements exist to prevent precisely that outcome. Lowering standards in anticipation of future water availability is not proactive planning; it is speculation.

Allowing subdivision construction plans to proceed without verified water availability also undermines accountability rather than improving efficiency. County staff time is consumed reviewing projects that may never be viable. Perceived entitlement is created where none should exist. The County's ability to deny projects later is weakened, and pressure on water officials increases to accommodate incomplete or marginal proposals. True efficiency comes from clarity and discipline at the front end, not from accelerating incomplete applications and attempting to resolve conflicts later.

At this point in Maui's history, priorities should be clear. The County should be focused on finishing existing approved projects, rebuilding fire-impacted communities, restoring housing where it was lost, and protecting remaining water resources. This bill does none of those things. It is not limited to rebuilding areas, does not prioritize existing pipelines, and does not distinguish between small local projects and large speculative subdivisions. It simply makes it easier to start new subdivision processes without resolving the most critical constraint. That diverts limited capacity away from where it is most needed.

There has been no showing that the public interest is harmed by requiring water certainty before subdivision advancement, nor has there been a credible demonstration that existing water requirements are the cause of

Maui's housing challenges. What the public has consistently asked for is accountability, transparency, and restraint in land and water use decisions. Bill 1 moves in the opposite direction.

This Committee is not tasked with making development easier for its own sake. It is tasked with governing responsibly on behalf of Maui's residents, its environment, and its future. Water-first planning exists because Maui cannot afford to gamble with its most essential resource. Lowering that standard in the hope that water will appear later is not leadership. It is abdication. For these reasons, I respectfully urge the Committee to defer or file Bill 1 (2026) and to reaffirm that Maui's water policies exist to serve the public good, not speculative development, deregulation agendas, or assumptions about future rainfall.

Jon Leialoha, Wailuku Resident and Registered Voter

Jonathan Helton

Location:

Submitted At: 8:17am 01-22-26

See attached

Edward Codelia

Location:

Submitted At: 9:09am 01-21-26

I respectfully submit this comment in opposition to Bill 1 (2026) and incorporate by reference my attached written testimony. As explained in greater detail therein, this bill is not a minor procedural adjustment but a substantive policy change that reverses long-standing water-first planning by allowing subdivision construction plans to advance without verified long-term water availability. The proposal shifts practical risk from applicants to the County and the public, creates a pathway for speculative entitlements and resale without water certainty, and diverts limited capacity away from completing existing approved projects and rebuilding Lahaina. For these reasons, I urge the Committee to defer or file this measure unless it is substantially narrowed and conditioned to protect water resources and the public interest.

OPPOSING BILL 1 (2026) – AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS (WAI-21)

Members of the Water and Infrastructure Committee,

I submit this testimony in opposition to Bill 1 (2026), not because I oppose housing, rebuilding, or efficiency in government review, but because this bill fundamentally **reorders land-use planning in a way that weakens water protections, increases speculative development pressure, and shifts risk away from applicants and onto the County and the public.**

At its core, this bill allows subdivision construction plans to be reviewed and approved **before long-term water availability is verified**, with the caveat that the subdivider proceeds “at their own risk.” While that language may sound cautious, in practice it does not protect the County, our water resources, or our communities.

1. This bill changes a foundational planning principle

Maui’s current framework is simple and sound:
water first, development second.

Bill 1 reverses that order.

Under this bill, a subdivision can move substantially forward—triggering agency review, approvals, timelines, and expectations—**without verified water**. Water becomes something to be resolved later, after time, money, and political momentum are already invested.

That is not a procedural tweak. It is a policy shift.

On an island with finite water, unresolved water rights, post-fire rebuilding needs, and increasing climate stress, this inversion is not prudent.

2. “At the subdivider’s risk” is legally neat but practically hollow

The bill repeatedly emphasizes that early review occurs “at the subdivider’s risk” and does not guarantee water availability. However, this framing misunderstands how land-use decisions actually play out.

Once construction plans are approved:

- Agencies have already spent public resources reviewing them
- The project gains perceived legitimacy

- Denying water later becomes politically and emotionally harder
- Pressure increases on the Department of Water Supply to accommodate the project

This is not speculation—it is human and institutional reality.

The risk does not stay neatly with the applicant. It migrates to the County through political pressure, fairness arguments, and expectations of follow-through.

3. The bill creates a speculation and resale loophole

One of the most serious flaws in this ordinance is what it **does not address**.

There is **no provision** requiring re-review or re-verification if the property is sold after the subdivision process has begun.

That means a developer can:

1. Submit subdivision construction plans without water
2. Obtain early approvals
3. Sell the property mid-process
4. Transfer those approvals to a new owner
5. Leave the County holding a partially entitled project with no water

The approvals run with the land, not the original applicant.

The review clocks do not reset.

The political pressure does not disappear.

This enables **land banking, entitlement flipping, and speculative resale**, not the delivery of housing.

4. This bill favors large, well-capitalized developers

Large developers can absorb sunk costs, hold land, and wait out uncertainty.

Local families, small builders, and incremental housing efforts cannot.

By allowing projects to advance without water certainty, this bill:

- Rewards those who can afford to speculate
- Penalizes those who need certainty before proceeding
- Concentrates advantage in fewer hands

This is not a neutral policy outcome, even if unintended.

5. The bill is not tied to rebuilding priorities or public benefit

Maui is still recovering from catastrophic fires. Lahaina, in particular, requires **focused redevelopment, not expanded speculative pipelines elsewhere.**

Yet this bill:

- Is not limited to fire-impacted areas
- Is not restricted to rebuilding or replacement housing
- Does not prioritize existing approved projects
- Does not require affordability or workforce housing commitments

If the true goal were to **finish Lahaina, complete existing pipelines, and remove bottlenecks for approved projects**, this bill would be narrowly crafted to do exactly that.

It is not.

Instead, it opens the door to **new subdivision activity without water**, at the very moment when the County should be concentrating its limited capacity on rebuilding what was lost.

6. Context matters: this bill reflects a builder's perspective, not a water-first planning framework

It is relevant to note that this policy proposal reflects the perspective of someone with a construction background—someone whose professional experience emphasizes **building new projects, rather than completing, redeveloping, or finishing existing ones.**

There is nothing improper about that perspective. Builders play an essential role.

But water policy should not be driven primarily by construction sequencing convenience. It must be driven by **resource protection, long-term planning, and public trust obligations.**

Maui does not need more half-entitled projects without water.

Maui needs to **finish what has already been approved**, rebuild what was destroyed, and ensure water decisions are made deliberately and transparently.

7. The absence of safeguards is striking

If the Committee is inclined to move this bill forward despite these concerns, it is important to recognize what is missing:

- No sunset clause
- No pilot or temporary limitation
- No project size threshold
- No resale or transfer restrictions
- No requirement to prioritize rebuilding or affordability
- No reporting or accountability mechanism

In other words, this is a **permanent policy change with no guardrails.**

8. Conclusion

This bill does not create water.
It does not guarantee housing.
It does not prioritize rebuilding Lahaina.

What it does is **shift leverage, normalize planning without water certainty, and increase speculative pressure on a finite resource.**

That is not the direction Maui should be moving.

For these reasons, I respectfully urge the Committee to **defer or file Bill 1 (2026)** and, if reform is still desired, return with a narrowly tailored proposal that:

- Puts water certainty first
- Finishes existing and fire-impacted projects
- Prevents speculation and resale abuse
- Protects the public interest

Mahalo for the opportunity to testify.

Edward Codelia, Realtor(S)
Maui Real Estate 808
Direct: 808-283-8288
Email: info@mauirealestate411.com

Jan. 26, 2026, 1:30 p.m.
Kalana O Maui Building

To: Maui County Council Water and Infrastructure Committee

Tom Cook Lee, Chair

Yuki Lei Sugimura, Vice Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: Bill 1 (2026) — AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS

Aloha Chair Cook, Vice Chair Lee and other members of the Council,

The Grassroot Institute of Hawaii **supports** [Bill 1 \(2026\)](#), which would allow homebuilders to submit applications for subdivisions prior to receiving certification from the Department of Water Supply that the proposed subdivision will have access to potable water.

Under the proposal, the department would have to approve the plan if it met all other requirements.

Grassroot supports this bill because it would allow homebuilders to proceed with the planning and application process while figuring out where they will obtain water for their projects.

The bill makes it clear that approval of a subdivision by the department does not guarantee the subdivider access to potable water for their project; however, that risk can be managed by the applicant.

Thank you for the opportunity to testify.

Joe Kent

Executive Vice President

Grassroot Institute of Hawaii

Aloha Councilmembers,

Jan 25, 2026

Mahalo for this dialog and taking the time to review this change. I am writing in opposition to Bill 1. I am puzzled as to why Bill 1 which puts the cart before the horse by creating “housing” without water was initiated.

Creating a project which requires political pressure to become feasible is kinda taking it hostage...and doesn't seem like a pono way to provide housing. I understand it benefits speculators who will likely flip the project, take the added value, and run.

By considering Bill 1, we return to political pressure to supply water from the county system, even if that means compromising the aquifer. That's how it was before the “Show Me the Water” ordinance passed.

Let us stay steadfast in our approach where we prioritize our limited water supplies for truly affordable housing - particularly at the lowest income levels.

I believe Bill 1 weakens Maui's longstanding protection. I urge the Council members to maintain safeguards and ensure new developments are moved forward in their entirety and vote No on Bill 1.

Mahalo plenty,

Lisa Darcy

Kula, HI