

County Clerk

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From: Brian Ward <brian@sandyparadise.com>
Sent: Friday, March 29, 2024 10:02 AM
To: County Clerk
Subject: Fwd: CR 24-25

2024 APR -1 AM 10:08

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You don't often get email from brian@sandyparadise.com. [Learn why this is important](#)

From the Desk of:
Brian Ward

3075 Omaopio Road

Kula HI 96790-8868

C (808) 264-7889

Brian@SandyParadise.com

March 29, 2024

Maui County Council Members

Aloha County Council members. I would like to encourage you to support CR 24-25 to make more water available to landowners upcountry.

I own property on Omaopio Road and have been on the Water Meter List for 12 years. I have water service so I can use my property but I feel terrible for the landowners who don't have a meter and can't use their property.

I'm sure that there are plenty of landowners who feel that 'I have my piece of the pie, I don't want any more neighbors, traffic, etc' but I disagree with the NIMBY position.

Again, please support CR 24-25.

Brian Ward

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2024 APR -1 AM 10: 08

Dawn Shiota

1711 Kaupakalua Road
Haiku, Hawaii, 96708
dfaith808@yahoo.com
(808)226-7334

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COUNTY CLERK

3.29.2024

Aloha Maui County Council Members:

My name is Dawn Shiota and I am a 4th generation resident of Maui County. I would like to submit my testimony opposing the Free Market Ventures Proposal to the County of Maui Department of Water Supply. To be clear, I am not on the upcountry water meter list but I have several family and friends who are on the list and have been waiting over 20 years to get a water meter. At Wednesday's meeting at the Hannibal Tavares Community Center after hearing their presentation and the presentation from Dick Mayer, I heard loud and clear from the group of residents attending that there were so many concerns with this proposal from Free Market Ventures. Concerns from myself and the community members include:

- Free Market Ventures is a development company based out of Chicago who will obtain substantial financial gains within the next 30 years of this contract and be able to build 21 homes. 21 Luxury homes built (272 acres) in Kula are not what this community's desires or needs as we have local residents who cannot obtain water for over 20 years who have lived here . Most of the residents in the room were over 60 years old.
- All of these costs will be paid by our taxpayers money (10 million dollars allocated to the County of Water Supply) and all members in our community that purchase water from the Department of Water Supply. Cost per 1000 gallons 12.87 compared to .06 cents per from East Maui water supply.
- A Request for Proposal was not conducted by the County of Maui. There were no competitive bids and DWS deputy Corporation Counsel Caleb Rowe explained that the RFP was not necessary because this project was "not initiated by the County and is not on County property". When I asked Mr. Stuffelbean why they did not seek competitive bids the response was , "companies can come and submit bids". This answer is a HUGE indicator that this deal is not PONO. How could any person managing the DWS promote a mainland development company trying to make a sale for millions/billions of dollars and not shop around, even if they claim to say they are looking to outsource to local construction companies. Furthermore I strongly support circulating our money on Maui or in the

State of Hawaii and I believe local developers/construction companies should have a chance to bid on this project.

- I believe the Department of Water Supply should be currently taking care of the current infrastructure and work on plans to build more storage facilities for the current water systems, build new reservoirs , and lower elevations wells and also work with private companies that have water reservoirs. I live in Haiku and there is lots of flooding on my own property and if these rainwaters could be captured.
- I also am concerned about the property rights to the water meters, water, and electricity that is going to the developers and if there is any mediation, it will be off island .All of these products can be sold to MECO, a private firm and they will be like another utility company.
- Lastly, this proposal was shared with the community for the first time on Wednesday and I only heard about it from a friend. There were about 100 people who had attended the meeting but many of my coworkers, family members and friends had never even heard about this proposal.

I humbly ask you as our elected council to vote NO on this Water and Infrastructure proposal CR24-45 project with Free Market ventures.

If you have any questions please feel free to call me or email me.

Mahalo for your time and consideration.

Sincerely,

Dawn Shirota

4th generation

Maui resident and Taxpayer

County Clerk

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From: charlene sakamoto <chars1957@gmail.com>
Sent: Thursday, March 28, 2024 6:47 PM
To: County Clerk
Subject: Free Market Ventures Proposal to County - TESTIMONY

2024 APR -1 AM 10:08

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Dear Council,

My name is Charlene Sakamoto, I am a lifetime Maui resident and retiree from the County of Maui, Water Department. I would like to submit my testimony opposing the Free Market Ventures Proposal to the County.

I am on the UpCountry water wait list in the Eight hundred area.

The water meter wait list is just a wish list. When your number if ever comes up that individual has to put out the cost of upgrading the county system to get to their property. For many of us this is financially impossible. When and if called the person is given a time frame and if infrastructure is not met within that time then that person gets thrown off the list completely. In the last 2 years a total of 5 meters have been given out. For the past decade the UpCountry residents are always given drought notices and rate increases based on the severity of the drought.

The County has been negligent in providing the UpCountry District with any upgrades to the water system, this includes but not limited to new reservoirs, new wells, added water treatment plants and upgrading our existing main water lines, including transmission lines and making major improvements. It is the Counties responsibility to do all of the above and yet they have failed to do so. Each voting year the Mayors will promise to take care of the water wait list and problems however no Mayor has ever come close to succeeding.

No matter how bad our situation is I firmly believe that going into partnership with Free Market Value is not the answer to our problems. They are an investment company based out of Chicago with no local interest. The only interest they have is making great returns for their investors. To them this is like hitting an oil well because water is gold to us and we lack it right now because of the county's inability to provide it to us. This venture will definitely benefit the investors of Free Market Value and they will see a substantial return within the next 30 years and the residents will be the ones that will have to pay to make them rich.

I humbly ask that you our elected officials take the residents' concerns to heart and vote NO to this project. This partnership is not PONO so vote NO.

Sincerely,
Charlene Sakamoto
Lifetime Maui Resident and TaxPayer

County Clerk

RECEIVED

From: Helen Felsing <hodyhoo2@gmail.com>
Sent: Monday, April 1, 2024 10:35 AM
To: County Clerk
Subject: Proposed Kula water deal

2024 APR -1 AM 10:43

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Aloha Council Members,

A few questions to consider about the proposed Kula water deal:

1. At the public meeting called by Council Member Sugimura, a resident asked Jack Buck of Free Market Ventures (FMV) to tell us the “elevator pitch” he would use to recruit investors in this deal. Buck stammered and stumbled and refused to answer the question. Why would that pitch be something he doesn’t want us to hear?
2. Under this proposed deal, our water costs increase significantly every single year, and much of the money we pay flows right out of Hawaii and into the hands of FMV investors in other states or countries. Does that make sense to you?
3. We water users are not dumb—we know we will need to pay higher rates to rescue our water system after too many years of not raising rates (and as a result, deferring maintenance and improvements). **But we want the money we pay to go back to our own water department right here on Maui, so that it can be strategically invested in our island’s future water security.** Do you want the same?
4. Under this deal, in the rainy season when more water is pumped up than turns out to be needed, DWS will be required to pay FMV for the unused water, and FMV will then be allowed to resell that same water, profiting not just once, but twice, off of our public trust. Does that seem right to you?
5. If you agree to this deal now under the false sense of urgency FMV and the Von Tempskys have created, and the well turns out to have some good water, but not enough water for County purposes, FMV will have cleverly used Council approval to clinch their land purchase and to recruit investors, and will be poised to tap that well to full extent for their own purposes. County time and resources will have been wasted on a fruitless quest. Shouldn’t Council and the public be allowed to see the hydrology report before gambling on this water source?
6. Back in Chicago, FMV has been repeatedly begging for extensions on an \$18m real estate debt. Do they have the money to follow through on their promises to Maui? Will they be around for the full 30 years of this deal? What are the ramifications for the County if they fail?

In my view, this is a story of late-stage capitalism: As the working populace becomes increasingly impoverished and demoralized, wealthy investors step in to take over public resources. We and future generations become hostages to their leveraged wealth. It is an ugly scenario and one I hope you don’t want to wittingly be part of.

I believe Maui residents can face the reality of climate change, recruit expertise to improve and repair our system, learn to conserve water and manage it well, accept the need for higher rates, and help lift our water department into the 21st century. Do you believe that is possible? Or are you ready to begin the process of signing away our money and our water to the big boys with the bucks, in the hope there will always be a few drops left for us working folks?

Water in Hawaii is a public trust. It is a gross violation of that trust to put Maui water into private hands to sell back to Maui people at a profit. Yes, we are desperate for water. But we are not that desperate, and we hope that as our

representatives, you will make that clear. Please vote no on the Kula water deal.

Looking forward to a courageous Council vote on April 5,

Helen Felsing
520 Omaopio Rd.
Kula
808-351-0463



March 31, 2024

RECEIVED

2024 APR -1 AM 11: 49

Aloha Maui County Council members:

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We are sending this letter to voice our opposition and concern about the proposed Board of Water Supply agreement with Free Market Ventures, a Chicago based for profit corporation with no previous experience on Maui. It appears this proposition is being rushed through without (or very little) community input or any venues to voice many realistic and professional concerns about the project. There was an overwhelming voice of opposition at last Wednesday's informal meeting (was the testimony from this event even recorded and placed in the public record?) held at the Pukalani Community Center.

Some of our many concerns are as follows:

1. The public has no access to the hydrology report that purports to show there is water at 3200' below ground level which would be at approximate sea level. Other wells drilled by the sugar industry to sea level have shown that there is a narrow fresh water lens floating on top of sea water. Where is the proof that this is not the case at this well or for other proposed wells? Have the Council members reviewed this information and asked for an independent analysis?
2. Have the finances of Free Market Ventures been carefully vetted by the County to assure there will be no liability for the County if Free Market Ventures fails to honor any contracts with them?
3. The cost to Maui residents will be very high. And that money will go into the pockets of a mainland group and not stay on Maui. Perhaps it would be smarter (and more fair to residents who will be paying) for the Department of Water Supply to raise rates equal to the rates that would be charged to pay Free Market Ventures, and use those additional revenues to build additional storage (harvest and hold excess water when it rains) and distribution lines. That way the money stays here and the public has a clearer view of what they are paying for.
4. This leads to the final point we are making and the one we believe is most important. Water is a public trust. How can any appointed or elected official of Maui County even consider giving OUR water to a mainland/for profit

company? And would this just be an open door for other PUBLIC resources to be considered for sale?

We are two 54+ year residents of Maui who have raised a family here, worked hard for many years, and are now retired here. It is so sad to think that the current Council and administration can even consider that Maui is for sale. If you think at all about the future of our resources and the future of our children—then you must vote a resounding NO on this proposal.

Willam Pyle, PE, Civil and Agricultural Engineering
(808 283 1185)

Dorothy Pyle, Emeritus Professor, UHMC
(808 298 1178)

County Clerk

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From: Nohe M. Uu-Hodgins
Sent: Monday, April 1, 2024 11:38 AM
To: County Clerk
Subject: FW: FMV: Info re Kula water developer John Buck III

2024 APR -1 AM 11: 51

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COUNTY CLERK

From: Helen Felsing <hodyhoo2@gmail.com>
Sent: Friday, March 29, 2024 1:51 PM
To: Alice L. Lee <Alice.Lee@mauicounty.us>
Subject: FMV: Info re Kula water developer John Buck III

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I urge you to read this article before deciding whether the County should enter into an agreement with Free Market Ventures for Kula water:

<https://therealdeal.com/chicago/2023/10/11/john-buck-iii-seeks-extension-on-late-ohare-office-loan/>

Thank you.

Helen Felsing, Kula resident

County Clerk

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From: Stacey Alapai <staceymjohnston@gmail.com>
Sent: Tuesday, April 2, 2024 12:27 PM
To: County Clerk
Subject: Re: Opposition to Water Agreement with Free Market Ventures (CC 24-11, CR-24-45, formerly WAI-20 Reso 24-47)

2024 APR -2 PM 12: 40

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You don't often get email from staceymjohnston@gmail.com. [Learn why this is important](#)

Aloha, I just checked the agenda again and this agenda item number appears to have changed. Please make sure my testimony below is logged under the item listed as below regardless of agenda number:

COUNCILMEMBER COOK, transmitting a proposed amendment to Resolution 24-47, CD1, entitled "AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO A WATER SOURCE DEVELOPMENT AGREEMENT WITH FREE MARKET VENTURES, LLC, IN ACCORDANCE WITH CHAPTER 14.01, MAUI COUNTY CODE".

I'd like to note that the fact that this agenda number has changed in less than a week, is making it even more difficult for the average resident to provide testimony in opposition. It's unclear to me if this is agenda 24-47, 24-45, or 24-11

On Tue, Apr 2, 2024 at 12:16 PM Stacey Alapai <staceymjohnston@gmail.com> wrote:

Aloha WAI Committee,

I am opposed to this private water well proposal with Free Market Ventures in its current form and think we need more time to review and process this information as a community. If the deadline can not be extended, I am very strongly opposed. If it can be extended, I may change my stance. I agree with the testimony of Scott Werden and add my own mana'o below:

There are too many unknowns and too much vague language to approve the proposal as it is. The risk of privatizing our water source to an outside investor for profit is too great - greater than the financial risks or the risk of missing out on this opportunity. I recognize the urgency of providing water, but this deal seems to be being made under duress and without proper due diligence. The loopholes are already being demonstrated to avoid our normal RFP process just because it's not required and the optics of the way this deal has been handled has already damaged the public trust. Not a good start to a new relationship in a community recovering from tragedy.

This company is taking advantage of the urgency of our water situation. If they truly are doing this for the greater public good, they should be willing to answer our questions and be openly transparent with us to give us the time to make an informed decision. As we've learned from our history of overthrows and private ownership of water, if it sounds too good to be true, it probably is. They said themselves that they will not complete their contracted purchase of the land unless this deal goes through and have made veiled threats of what *could* happen if someone else purchases the land. Why doesn't the county purchase the land if this water resource is so valuable? Has the possibility of eminent domain for the public good even been discussed? If the current owner of record has gone through foreclosure and reobtained the property through some sketchy foreclosure deals, clearly there is another option the County could explore that doesn't require us to get into a deal with an outside investor we barely know.

Thanks again for your time and consideration. I really appreciate the Council member's commitment to transparency in having a community meeting and giving us the space to be heard. It was obvious to me as a listener that a majority of residents in attendance were also strongly opposed to this deal and that our questions were not significantly answered. I am very concerned about the cost and the terms that allow Free Market Ventures to charge significantly more for water and energy than our current standard. I am also concerned that the community near the proposed site was not

informed or given the opportunity to comment. The presence of Iwi Kupuna and the risk of damaging our aquifer were mentioned and not really given a straight answer by anyone on the panel. One week is not enough time to review the proposal, its potential risks, and long term implications for our community in depth.

Mahalo,
Stacey Alapai
Pukalani Resident, 96768

County Clerk

From: Mark Ross <markdennisross@hotmail.com>
Sent: Wednesday, April 3, 2024 7:27 AM
To: County Clerk
Subject: Strong opposition to resolution 24-47 to authorize Department of Water Supply to enter into an agreement for water delivery with Free Market Ventures

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I am opposed to this resolution for many reasons. Cost being a large portion of my issue. Also the strong possibility of damage to our ecosystem. Also would like to avoid adding more housing to our community while we are strained at every level. This is a bad deal for Maui and a bad deal for Kula.

Let's explore other options.

Thank you

Mark D. Ross

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2024 APR -3 AM 7:42
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April 3, 2024

2024 APR -3 PM 12: 59

John Stufflebean
Department of Water Director
200 South High Street
Wailuku, Hawaii

OFFICE OF THE
COUNTY CLERK

RE: Proposed Partnership between DWS and Free Market Ventures, LLC - Resolution 24-47

Dear Mr. Stufflebean,

I and my family have experienced the same disappointments with the Upcountry Meter List as Stan Riddle and Sherman Deponete. We have gone through years of promises with the Department of Water since Director David Craddick's time. Mayor Arakawa who served from 2011 thru 2019 used resolving the Upcountry Meter List as his campaign promise. The list still exists and there has been little to no movement. When we first purchased our property in 1989 our children were young teenagers. They are now pushing 50. I'll have to admit, I encouraged our children to come back to Maui after pursuing their degrees, saying we have this land and will divide it so you will have a place to live.

Recently, I had information given to me regarding the proposed Partnership. I was shocked to hear a Venture Capital Group from Chicago is proposing it. At any rate, having been on the List for many years, I support such a Partnership if the priority is to get water to all those on the Upcountry Meter List. If that could be written into the contract it would give many longtime local families an opportunity to use their land and finally build. There is so much talk about housing, yet these families have the land but are prevented from using it not just for a year or two but for decades due to the Upcountry Meter List.

I was at the recent Water and Infrastructure Committee meeting in the Council Chambers where this was on the agenda. I believe the major points of the proposed contract were addressed and tweaked although, once again, the Upcountry Meter List should be a major part of the contract. Forgive me for not trusting that the List will be a priority unless included somehow.

The meeting Yuki Lei called last week saw a good number of residents questioning this Partnership. Of course, many just received info regarding it so emotions were high. Some of us have seen or felt the well drilling across from King Kekaulike, a well specific to a proposed subdivision that will develop land all the way down to Makani Rd. Those on the Meter List will not see this water and ask why the County doesn't help fund the Dept of Water to oversee the people's water source.

With the DWS in control we would have water for fire protection, agriculture and for those longtime residents on the Meter List. Many of us understand the situation when we are faced with less rainfall, so recycle water, never water our lawns, mulch heavily around fruit trees, hold off on washing our cars and take shorter showers. When you rely on rainfall and end up in a drought this is what you do. The test well at the Kula Mauka site is apparently about 3,100 feet deep and did hit good water but the cost to pump up this water makes for an expensive operation and the Developer will need to see a profit. It was stated that our water bill will continue to be a tiered system with a proposed increase of 10% this fiscal year. This proposed private well will cause rates to increase every year to cover the costs which includes the solar project that provides the power to operate the system. From what was said, the DWS can at any time purchase the system. Does that mean they will own the land under it and the solar farm as well? I trust the DWS and Maui County Council along with Free Market Venture can finalize a contract that will benefit our community and create a reliable water source for Upcountry.

Respectfully submitted,

Barbara Luke

Copies sent to: Tom Cook, Tasha Kama, Gabe Johnson, Nohelani U'u-Hodgins, Tamara Paltin, Shane Sinenci, Keani Rawlins-Fernandez, Alice Lee, Yuki Lei Sugimura

TO: Council Chair Alice Lee and Council Members
FROM: Bobbie Patnode, President, Kula Community Association
RE: **RESO 24-47** Concerns regarding the Proposed DWS Water Agreement

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2024 APR -4 AM 8:5
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The Kula Community Association asks our Maui County Council to defer the adoption of Resolution 24-47. Should the following actions be taken and changes be made in the water agreement under consideration in Resolution 24-47, we would support increasing the water supply to Upcountry through this Resolution. Our recommendations are included below.

We believe that it is premature for the County Council to vote in favor of Resolution 24-47 with its attached Water Agreement at this time because there are many objectionable parts in the Water Agreement, plus there are too many unknowns and uncertainties for the County Council to give its approval. Please request the landowner give a time extension to the developer so that the issues below can be understood, clarified, and resolved. Thereafter, our County Council can take up this resolution with its agreement, having more knowledge and understanding of the implications contained in the 39 page long legal Agreement.

The Kula Community Association recommends (in **BOLD**):

- 1. The County Auditor review this agreement and make a recommendation to the Maui County Council, including annual net loss to the DWS and the long-term economic implications.**
- 2. The electricity rate be set similar to the non-inflationary fixed rates being paid by Maui Electric for electricity from existing solar microgrids.**
- 3. Calculation of the impact on an average water ratepayer countywide over the length of the agreement, based on estimated and annual net losses.**

The total costs that the County and Department of Water Supply will have to pay for this project over a 30 year period are large, especially since there is cumulative, compounding additional 3% charge each year.

The agreement requires the DWS to make multiple, very costly payments to the developer. The costs are far above potential alternatives. The costs include: a) a water charge that begins at \$5.95 per 1,000 gallons; b) electricity produced by the solar microgrid at 33 cents per KWH; c) reimbursement by DWS to the developer of the property taxes resulting from the water well and microgrid; d) land charge of \$20,000 annually for each acre used by DWS for water tanks and easements; e) a 50% sharing of the revenue that the DWS receives from the source component of the water meters that will be issued using extracted well water; and f) the surface infrastructure costs, including a 7% interest payment.

The sum total of all of those expenses will make the cost of the water very expensive relative to the revenue which the DWS will earn by selling that water to the Upcountry farmers and residents. Those revenue losses will continue to rise significantly and steadily at a rate of 3% compounded every year.

4. The DWS make available a comparison of potential alternative water sources, such as: reservoirs, East Maui water to Kamole Weir, wells at lower elevations, etc.
5. Require the developer provide the County with a description of both the specific microgrid plans (acreage, solar panel numbers, generator power, fuel storage, battery capacity, and electricity output) of what would be built to support the first well, and subsequent wells.
6. Independent water engineer(s) are requested to estimate the risks to the County of depending on these proposed wells.

There is uncertainty in having a dependable, long-term supply of well water from an unexplored and undocumented water source, and from one to four wells all located close together on the same land parcel. If the water supply begins to be reduced from over-pumping, there may be many more people dependent on the Upcountry water system because so many meters were already issued.

7. Remove from the agreement the wording in the second WHEREAS of the agreement after the word TMK," **and together with certain adjacent or nearby to be acquired real estate, the "Property")"** as well as **"and/or commercial."** . .

This provision would give the developer major rights to develop other lands besides the 272 acres using the support and influence of the County, because Article 4.2 states, "DWS agrees to work cooperatively with Owner to assist Owner in that permitting process. . . . DWS and the county will not object to and will affirmatively support if required by owner any of the owner's applications to other government authorities for government approvals necessarily to approve the project (including surface improvements) . . ."

This gives the owner a tremendous advantage over other property owners and may allow for unknown projects and activities on properties which are not on the 272 acre Kula Ridge Mauka parcel.

- 8 .Receive a *due diligence* report on both the private company Free Market Ventures, LLC, and/or the individual venture capitalist principals.

Identify the Microgrid owners/investors who are separate from the water well owners/investors and are completely unknown and have a *due diligence* report on them.

9. Receive from the DWS a budget for installing the infrastructure to move the water from the wellhead to both the Upper Kula and Lower Kula waterlines; also calculate the annual infrastructure O&M costs plus the pumping costs to pump the water from the wellhead up 700' to the Upper Kula water line.

There is an unknown cost of providing the **surface infrastructure** (pumps, water treatment, trenching, pipes, connections, and water tanks). It would have to be paid for by the Department of Water supply with a 7% interest charge.

10. Require in the agreement that a future NEUTRAL party (such as a Judge) make the selection of a 3rd party who will make a fair market evaluation of the value of the well and microgrid, rather than the owner selecting the 3rd party as is described in this proposed agreement.

11. Require the agreement specify backup equipment and supplies be kept in a Maui location where they would be readily available should something break or stop working.

12.. Free Market Venture, LLC be required to register as a company allowed to do business in Hawaii and to get a GET tax license.

In addition, we recommend the owner notify all adjacent property owners to the 272 acre parcel, announcing the plans being proposed and who to contact with questions and concerns. There has been no notice alerting neighboring property owners of this project which will generate loud well-drilling and long-term generator noise and potentially other disruptive activities.

We understand it is not a legal requirement, however, we recommend the DWS issue a RFP to Maui landowners and business to propose alternative and cheaper water supplies, and thus stop the potential outflow of funds from Maui.

We respectfully suggest the Council watch the meeting of the Board of Water Supply March 21, 2024 or read the minutes thereof. If possible, ask for a recommendation from the Board of Water Supply. In addition, we respectfully suggest you try to watch or listen to the recording of the meeting sponsored by Councilmember Sugimura on March 27, 20024 in order to understand our community's concerns and significant opposition regarding this agreement.

Thank you for your consideration of these recommendations.

County Clerk

From: Leina Shiota-Purdy <shirotap@hawaii.edu>
Sent: Wednesday, April 3, 2024 9:03 PM
To: Yukilei Sugimura; gabe.johnson@nauiCounty.us; Tasha A. Kama; alice.lee@mauiCounty.us; Tamara A. Paltin; keani.rollins@mauiCounty.us; Shane M. Sinenci; Nohe M. Uu-Hodgins; Thomas M. Cook; County Clerk
Subject: Opposition to Proposed Water Agreement Purchase from the Department of Water Supply

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Aloha Council Members,

My name is Leina Shiota-Purdy and I am writing in opposition to the Department of Water Supply's proposed water purchase agreement with Free Market Ventures. I was present at the community meeting that was held at the Pukalani Community center last Wednesday and spoke in opposition to this project. I was born and raised here on Maui in Haiku and now live in Kula with my husband and my children. I know what it is to be on the water meter list and to have waited over twenty years to receive one. I know of family and friends that are still awaiting a meter. The problem with our "lack" of water is not due entirely to climate change but to the lack of infrastructure including reservoirs and storage tanks to hold this water. As I said in my testimony last week, we have insufficient reservoirs to hold the water when it does rain and many tanks in the upcountry system that have been taken off line. This is a known fact per past Water Department Upcountry Supervisors Richard Boteilho, George Medeiros and current supervisor Allen Purdy. Per Mr. Boteilho, this problem is from the lack of maintenance of the current system ranging from Nahiku to Waikamoi. In my testimony I stated to Director Stufflebean that he and the engineers needed to get out into the work field with the upcountry crew and let them show them where the problems lie. The director and engineers can put all of their ideas on paper, but unless you have actually walked into these places and see what the maintenance people are talking about, the best ideas mean nothing but wasted time, effort and taxpayers money.

There are other reasons why I oppose this partnership.

1. The cost factor in the long run will drastically increase our water bill - especially the farmers.
2. It was not said what will happen after the lease ends - will we get charged an even higher rate if the county is allowed that water?
3. This was a very hushed and rushed deal that the public was only made aware of within the last few weeks - why do we have to rush this project - it will take two years to drill the well anyway.
4. There was no mention of what the DWS will have to pay to put in the new pipes to get this water to all of Upcountry - why can't we use that money to replace old tanks that are off line or build another reservoirs.
5. Director Stufflebean mentioned that we didn't have enough water to fight the fires - did it not cross his mind that part of the reason why we didn't have enough water to fight the fires was due to the obsolete tanks in the Kula system?
6. What else will the developer get in return besides the allowed 21 homes? There has to be some other perks that the public is not aware of?
7. No one knows how much water will actually be produced and this is a huge unknown, Why gamble with the unknown when a new reservoir is a SURE THING
8. I live next to the proposed drilling site and could hear the drilling of the well when it was being done. If one or up to four wells are proposed, does that mean I will have over eight years of drilling noise to deal with? Councilwoman Sugimura will be affected too since she lives right there also.
9. What happens if more burial sites are discovered on the property? Will a Native Hawaiian Burial Member be present when all excavation/drilling happens?
10. Director Stufflebean says he's trying to find us the water - its hard to believe a man who has not even met with the Upcountry Maintenance Division Supervisor or crew and is over a year into his position. These are the guys that are out

in the field everyday dealing with the water line breaks and managing our water system. They know the system - Stufflebean does not.

Please VOTE NO to the partnership! This is not in our best interest for all of Maui County and our monies would be better spent putting in new COUNTY OWNED infrastructure to catch and hold the water that we can get without drilling into our aina.

Mahalo,
Leina Shirota-Purdy
4448 Lower Kula Rd
Kula, HI 96790
(808) 281-7331

PS Richard Boteilho (retired upcountry DWS supervisor) said you may call him to verify the facts dealing with Nahiku to Waikamoi water system. (808)281-6215

County Clerk

RECEIVED

From: Megan Nakashima <megannakashima@pukalanisuperette.net>
Sent: Thursday, April 4, 2024 9:20 AM
To: County Clerk
Subject: STRONG OPPOSITION to Resolution 24-47 - to authorize the Department of Water Supply to enter into a Water Delivery Agreement with Free Market Ventures

2024 APR -4 AM 9:50

OFFICE OF THE
COUNTY CLERK

You don't often get email from megannakashima@pukalanisuperette.net. [Learn why this is important](#)

Aloha Councilmembers,

We are in strong opposition to the proposed resolution to authorize the Department of Water Supply to enter into a water delivery agreement with Free Market Venture.

We are well aware of the need for water Upcountry. However, we feel that this is too soon and too fast of a decision. Given the outpouring of opposition within the Upcountry community, we hope that you reconsider this decision until more of the concerns that were brought to light are addressed.

Thank you,

Megan Nakashima | President

Pukalani Superette | 15 Makawao Avenue, Pukalani, HI 96768 | www.PukalaniSuperette.com

Phone: (808) 572-7616 | Fax: (808) 572-7733 | E-mail: megannakashima@pukalanisuperette.net

April 4, 2024

Testimony on CR 24-44

Maui County Council Meeting on April 5, 2024

RECEIVED
2024 APR -4 AM 11: 09

OFFICE OF THE
COUNTY CLERK

Dear Chair Alice Lee and members of the County Council,

My testimony is as an individual who has worked over 35 years in advocating for affordable homes for all Maui County residents. I support CR 24-44 to hire a Housing Coordinator for Maui County.

In 2004, the Maui County Council approved a resolution honoring the work of the late Gladys Baisa and Maui Economic Opportunity for establishing a 10-point action plan to address the housing crisis on Maui. Over several years, 40 meetings, and 400 participants the action plan was created and one of 10 points was the hiring of an Affordable Housing Coordinator.

On July 19, 2021, the Maui County Council received from contractor, Hawaiian Community Assets, the Comprehensive Affordable Housing Plan (CAHP), which recommended that within 60 days of the acceptance of the plan, an affordable housing coordinator be hired.

On October 21, 2021, University of Hawaii Economic Research Organization (UHERO) wrote the following on the Affordable Housing Coordinator position recommended by the CAHP: "It is important that the position be outside of particular county departments because building affordable housing necessarily involves coordinating activities of and resolving disputes between several departments.

In summary, for over 20 years, various entities have recommended that County of Maui hire an Affordable Housing Coordinator and therefore I

support Resolution 23-226, urging the Mayor to establish a Housing Coordinator for Maui County.

Respectfully submitted,

Stan Franco

808-214-3575



Housing Hawai'i's Future
PO Box 3043
Honolulu, HI 96802-3043

April 5, 2024

TO: Members of the Maui County Council
RE: Bill 67

My name is Sterling Higa, and I serve as executive director of Housing Hawai'i's Future, a nonprofit creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support Bill 67.

We seek to minimize greenfield development. Rather, we prefer smart growth principles (rezoning, upzoning, infill development, and adaptive reuse) to fully utilize existing building stock and infrastructure.

Queen Ka'ahumanu Shopping Center is ripe for redevelopment.

Even on its best days, the mall parking lot is mostly empty.

This is prime real estate in the middle of Kahului.

Let's ensure that we make the most of it, contributing to a mixed-use community!

Thank you,

A handwritten signature in black ink that reads "Sterling Higa".

Sterling Higa
Executive Director
Housing Hawai'i's Future
sterling@hawaiisfuture.org
+1 (808) 782-7868

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2024 APR -4 PM 2:39
OFFICE OF THE
COUNTY CLERK

ECONOMOU LAW & CONSULTING, LLLC
JASON ECONOMOU, ATTORNEY & CONSULTANT

P.O. Box 472
Wailuku, HI 96793

(808) 308-9015
jason.Economou@gmail.com
www.JasonEconomou.com

April 4, 2024

Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RECEIVED
APR -4 PM 4:10
OFFICE OF THE
COUNTY CLERK

RE: Bills 67 & 68 - Changing the Community Plan Land Use Designation and Zoning for Queen Kaahumanu Center

Aloha Chair Lee, Vice-Chair Sugimura, and Councilmembers,

I am submitting this testimony in strong support of Bills 67 & 68, which seek changes in zoning and community plan land use designation for the Queen Kaahumanu Center. Allowing the Queen Kaahumanu Center to transition from Heavy Industrial zoning to Business/Commercial is a sensible change that reflects the actual uses of the property, while also creating many new opportunities for the property, and for the residents of this island. The Business/Commercial zoning designation will still allow for all the uses already occurring on the property, and it will add the possibility of residential uses to address our housing crisis and transform a center of commerce into a community.

As a resident of Wailuku, I pass the Queen Kaahumanu Center almost every day, and a favorite rainy day spot for my toddler and I. Whenever I see it, I marvel at how great the architecture and location of the property are, and how terribly underutilized it is. This impressive structure in the heart of town tries hard to bring in the community with activities and events, but the decline in brick and mortar retail activity over the past two decades has resulted in our mall, like many around the world, becoming a mere husk of what it once was. Unfortunately, as a consequence of being zoned Heavy Industrial, there aren't many ways for the Queen Kaahumanu Center to adapt. Allowing the requested community plan amendment could change that.

Aside from supporting this from a common sense perspective, I also support this community plan amendment because it is in line with feedback received from essentially every community plan and outreach effort related to housing over the past few decades. Having been involved in both the Comprehensive Affordable Housing Plan and the Kaahumanu Community Corridor Plan, I know the community is strongly in support of mixed use development and adaptive reuse of commercial spaces to address our housing crisis, and I know that the Queen Kaahumanu Center has often been cited as an optimal location for such adaptive reuse and redevelopment. Notwithstanding, by virtue of its Heavy Industrial zoning, it is far more likely for the Queen Kaahumanu Center to be converted into an Amazon warehouse instead of housing.

That wouldn't be good at all, but that is what the property is zoned for, so there would be nothing we could do to stop that. Let us avoid that scenario by making a change in zoning that will both preserve and enhance the character of the area.

As a local attorney specializing in housing policy and local land use regulation, I've learned a lot working with government entities, businesses, and nonprofits that are all focused on addressing Maui's housing crisis. I've looked at all the plans, heard the community input, read the books on zoning, and looked at what other communities are doing. The Queen Kaahumanu Center's request is a clear step in the right direction, and this Council should support it and encourage similar efforts from other industrial and commercial property owners.

Mahalo,

Jason Economou

County Clerk

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Thursday, April 4, 2024 4:24 PM
To: County Clerk
Cc: Alice L. Lee; Shane Sinenci; Tamara A. Paltin; Kean'i.Rawlins@mauicounty.us; Gabe Johnson
Subject: Bill 42, CD1, FD1 - Committee Report 24-32
Attachments: AG DECLARATION FINAL.pdf

RECEIVED
2024 APR - 4 PM 4: 26
OFFICE OF THE
COUNTY CLERK

Aloha Council Members:

As a Farmer on Maui, watching people not fulfill the requirements for the privilege of living on AgZonedLand has aggravated me for over 20 years.

This year, I initiated a conversation with Council Chair Lee's office regarding this issue. It's my experience that most people who buy AgZonedLand for building their home are caught off guard when they learn that they must farm 51% of the farmable land to receive entitlements for accessory use privileges such as an Ohana, a Tennis Court...so they hire a consultant who knows how to game the system.

In the midst of discussing how to make an ordinance that requires disclosure of requirements and penalties prior to the purchase of the land...it came to my attention that we have such an ordinance on the books...it's attached directly below...It is not currently enforced which needs to be corrected and would solve the concerns addressed by Bill 42, CD1, FD1

Maui County Ag Declaration

In a discussion of when this Declaration needs to be introduced and signed the idea that during the Due Diligence phase of the purchase is the correct time to formalize the understanding with the new owner signing. This action takes away the excuse, 'I didn't know'...if we have their signature, we know they were informed prior to purchase.

Regarding the idea that a 5 acre property with 3 unfarmable acres would require farming on the remaining 2 acres as a way to stop cheaters misses the mark....51% of land that can be farmed is a great rule and it can clearly be assessed by inspectors. Inspector training is a big weakness as is...can you imagine how awkward it would be if an inspector had to determine how much land was farmable and then take measurements...right now they don't understand the many forms of Agriculture that are developing across the USA...Successful practices such as Regenerating the Soil Fertility and non row crop strategies already set off alarm bells in Inspectors...making it harder for them hurts everyone.

Regarding a definition of Agriculture for use in the County Code...please work with Ag Working Group...AWG has been asking RPT, Planning and Water to all establish the same definition of

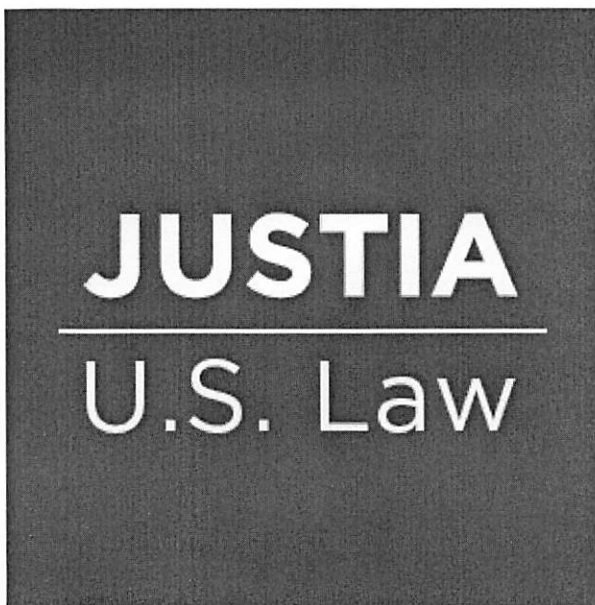
Agriculture...AWG has put hours into a concise and comprehensive definition. Ag Working Group is comprised of Farmers, Ranchers, Bee Keepers and a Nursery Owner. They are the proper group to include in the final decision of language defining Agriculture on AgZonedLand.

I will include California's recent work in defining Ag...Hawaii used a lot of California's Code for Hawaii's Wastewater Code, so perhaps we can benefit from their deep Agricultural experience.

Agriculture Arts is what California now calls the myriad of practices that fall under the umbrella of Agriculture...

Such an attractive moniker for the oldest Career in Human History...Agriculture Arts...

"Practice of the agricultural arts" means the undertaking of being predominantly responsible for the decisions and actions encompassing the various phases of producing an agricultural product. The practice of the agricultural arts for fruit, floral, nut, vegetable, and other plant products includes directive or actual responsibility for all the actions of planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting. The practice of the agricultural arts for agricultural animal products includes directive or actual responsibility for a substantial time of the raising, feeding, veterinary care, and product harvesting.



Let's enforce the ordinance that is already written and being ignored..

Mahalo
Bill Greenleaf
Greenleaf Farm
Ag Working Group

FARM DWELLING AND AGRICULTURAL STRUCTURES DECLARATION

RE: Tax Map Key(s) _____ ("Parcel")

The Parcel is located within the County's Agricultural Zoning District, regulated by Chapter 19.30A, Maui County Code (MCC) and Chapter 12-102, Administrative Rules, and/or is within the State's Agricultural District, regulated by Chapter 205, Hawaii Revised Statutes (HRS).

Chapter 19.30A MCC and Chapter 205 HRS do not authorize residential dwellings or residential use as a permitted use in the County or State agricultural district unless the dwelling is a farm dwelling.

"Farm dwelling" is defined in Chapter 19.04 MCC as "a single-family dwelling located on and used in connection with a farm" and is defined in Section 205-4.5 HRS as "a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling."

"Farm" is defined in Chapter 19.04 MCC as "a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation."

Chapter 19.30A MCC and Chapter 205 HRS allow farm dwellings and other agricultural structures that are accessory to a

principal use of agriculture and agricultural land conservation; this means that agricultural or agricultural land conservation activities must be conducted in order for farm dwellings and other agricultural structures to be lawful. Such structures must be justified by supporting agricultural uses.

Agricultural and agricultural land conservation uses shall be maintained on the property for structures to remain lawful as long as the property is designated Agriculture by the state and county; otherwise, other approvals and designations must be obtained. Failure to maintain the property in agricultural or agricultural land conservation use shall constitute grounds for the County of Maui to revoke or suspend permits, and conduct other enforcement. The County, through and as determined by its Planning Department, may allow for lapses in agricultural or agricultural land conservation uses due to Acts of God or other uncontrollable forces or circumstances.

If the property is sold, this declaration must be disclosed to the buyer, and the new owner must submit a new declaration. No new permits will be approved by the Planning Department without a declaration on file by the current property owner.

The County of Maui, through its Planning Department, has a right to enforce the above-noted land use regulations, including the issuance of zoning violations and any fines related thereto.

Tax Map Key _____

Page 3 of 3

Violations of Chapter 19.30A MCC can be accompanied by an initial fine of \$1,000 and daily fines of \$1,000 per day until the violation is cured; violations of Chapter 205 HRS can be accompanied by a fine of up to \$5,000.

As the owner of the subject parcel, I hereby acknowledge the information herein and declare that the subject parcel will be developed and used in compliance with County and State regulations relating to the Agricultural Districts in a reasonable and timely manner as determined by the Planning Department.

Property Owner Name (print)

Property Owner Signature

Date

Planning Department Witness Name (print)

Planning Department Witness Signature

Date