

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Council of the County of Maui

MINUTES

July 27, 2021

Online Only via BlueJeans

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Gabe Johnson, Vice-Chair
Councilmember Kelly Takaya King, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 9:52 a.m.)

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
Keoni Shirota, Committee Secretary
James Forrest, Legislative Attorney
Richard Mitchell, Legislative Attorney
David Raatz, Deputy Director of Council Services
Lenora Dineen, Council Services Assistant Clerk

Gina Young, Executive Assistant to Councilmember Shane M. Sinenci
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Sarah Freistat Pajimola, Executive Assistant to Councilmember Keani Rawlins-Fernandez
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Evan Dust, Executive Assistant to Councilmember Tasha Kama

Zhantell Lindo, Council Aide, Moloka'i Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lāna'i Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hāna Council Office (via telephone conference bridge)
Michele Blair, Council Aide, West Maui Office (via telephone conference bridge)

ADMIN.:

Jeff Pearson, Director of Water Supply
Eva Blumenstein, Planning Program Manager, Department of Water Supply
Stephanie Chen, Deputy Corporation Counsel

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OTHERS: Kanoelani Steward
Terrill James Kanealii Williams
Staceydee Pohaikealoha Ramsey
Lucienne de Naie
Kaniloa Kamaunu
Noelani Ahia
Clare Apana
Others (1)

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

CHAIR SINENCI: . . . *(gavel)* . . . Aloha kakahiaka kākou , bonjour, comment allez-vous, quoi de neuf, and welcome to the Agriculture Public Trust Committee meeting of Tuesday, July 27th. It is 9:04. I am Shane Sinenci, Chair of the Committee. And joining us today, we have Committee Vice-Chair Gabe Johnson. Quoi de neuf.

VICE-CHAIR JOHNSON: Good morning. Good morning, Chair. Good morning, Members. Bonjour, quoi de neuf, hello, what's up.

CHAIR SINENCI: Bene. Next, we have Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Hi, aloha kakahiaka, bonjour, quoi de neuf, and it's good to see everybody this morning even though it's an off week.

CHAIR SINENCI: Bene, mahalo. Next we have Council Chair, who shared our greeting this morning. Aloha, Chair Lee, quoi de neuf.

COUNCILMEMBER LEE: Bonjour, Mr. Chair, quoi de neuf.

CHAIR SINENCI: Bene, bene. Next, we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha, Mr. Chairman. Bonjour to you, quoi de neuf, buenos dias, and every other greeting in the world to you, my colleagues, and everyone else on this wonderful Tuesday. Aloha.

CHAIR SINENCI: Right, in light of the international competitions going on, aloha. Next we have Councilmember Tamara Paltin, quoi de neuf.

COUNCILMEMBER PALTIN: Bonjour, monsieur, and quoi de neuf.

CHAIR SINENCI: Bene. And finally, we have Council Vice-Chair Keani Rawlins-Fernandez. Bonjour.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka...oh, aloha kakahiaka, Chair, mai Moloka'i nui Ahina. Bonjour kākou ia quoi de neuf, monsieur.

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CHAIR SINENCI: Mahalo, thank you for joining us on this special meeting. Also, we have our non-Committee, Non-Voting Committee Members, Pro-Tem Tasha Kama and (*audio interference*) should they want to join us. From the Administration, we have Ms. Eva Blumenstein, the Water Resource and Planning Manager; the Director of Water Supply, Mr. Jeff Pearson; and Ms. Stephanie Chen of our Deputy Corporation Counsel. Quoi de neuf and welcome. Our Staff today, staffing this meeting, we have Ms. Kasie Apo Takayama, Mr. Keoni Shirota, Mr. James Forrest, Ms. Nicole Siegel, and Ms. Lei Dineen. Quoi de neuf.

MS. APO TAKAYAMA: Quoi de neuf, Chair.

CHAIR SINENCI: Okay. So we do have some...this online meeting is being conducted in accordance with the Governor's most recent Emergency Proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. Members, today we have one item, APT-57, the Water Use and Development Plan for Maui. And again, mahalo for joining us on this off week. We do have some testifiers, so I'll read...for testimony, let's begin with public testimony. Oral testimony via phone or teleconference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link at <https://bluejeans.com/411641115> as noted in today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290, entering meeting code 411641115, also noted on today's agenda. Written testimony is highly encouraged. Instructions on how to submit testimony can also be found at mauicounty.us/testify. Moving on to oral testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your name. If you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. And please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. If you're here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, you will be asked to disconnect from the call; however, you are always welcome to continue to view the remainder of the meeting on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Participants who wish to view the meeting only without providing testimony, please also disconnect at this time and instead view the meeting on *Akakū* Channel 53, Facebook Live, or visit mauicounty.us/agendas. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. I remind Committee Members, Administration, and the public to please be patient if we run into any technological issues. Members, I'd like to proceed with oral testimony. Staff has been monitoring people joining today's meeting by phone and by video, and we'll do our best to take each person up in an orderly fashion. So with that, Ms. Apo Takayama, do you want to call the first testifier please?

. . . BEGIN PUBLIC TESTIMONY . . .

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MS. APO TAKAYAMA: Chair, the first testifier is Kanoelani Steward, to be followed by Terrill James Kanealii Williams.

CHAIR SINENCI: Aloha, Ms. Steward. Mahalo for joining us.

MS. STEWARD: Aloha kakahiaka kākou.

CHAIR SINENCI: Hi, aloha.

MS. STEWARD: I think I'm just speaking on behalf of...oh, kala mai, my name is Kanoelani Steward. I am from Lāhainā. I'm a resident of Honokōhau as well. But I think I'm just speaking to the recent interim in-stream flow standard that was established for Honokōhau back in May. There's a lot of community support that...to support the interim in-stream flow standards that were established by CWRM, establishing a certain amount of base flow for the river, and also supporting the reservation of...I think it was about two million gallons a day for the Department of Hawaiian Home Lands. And then also, we supported in the same meeting Aaron Strong, he notified us of some changes that are going to be happening to the upper diversion, including putting in boards at the top gate. And that is to allow on low flow days the bottom board...so if you, sorry, I don't know if you guys could see me, but if there's like the gate that goes into the diversion...so CWRM is planning on putting two boards, one on the bottom and like one on the top. But the bottom board is so that if it's super low flow, the ditch doesn't get any of the water, and then if its super high flow is kind of like a cap of how much...so yeah, there's a cap of how much water will be going into the ditch. And so, however big that they make that space in between those two boards is the amount of water that the ditch will be getting, which is a lot better than what is happening currently. But yeah, there was a lot of community support for the interim in-stream flow standards. And what else was I supposed to talk about? Was there anything else in general, Councilmember Sinenci? That's all that I have at the top of my head.

CHAIR SINENCI: Yeah, mahalo, Ms. Steward. And Members, we were...I was going to ask Ms. Steward to stay on as a resource. I know she's been meeting with (*audio interference*) Paltin, so she has significant knowledge of the Lāhainā sector that we're going to take up later today...if there are no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Okay. Mahalo.

COUNCILMEMBER KING: Chair, quick question.

CHAIR SINENCI: Oh wait, we have a question for...from Member King.

COUNCILMEMBER KING: Aloha, Kanoelani. Thank you for being here.

MS. STEWARD: Aloha.

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COUNCILMEMBER KING: So you just...the diversion that you described, the new boards that are going in, was there an understanding from the community that testified on that, whether that was a violation of inflow standards or whether that was in line with the standards?

MS. STEWARD: That was actually something that CWRM presented to the community, and we supported it. And so we weren't aware of it before we went into the public hearing...before we went into the meeting about that. And so that was something that was presented to everybody, even the Water Commission Board that day as well. But that is something that we definitely support.

COUNCILMEMBER KING: Okay. Great. Thank you. That's very helpful, thank you. Thank you, Chair.

CHAIR SINENCI: Okay. Mahalo, Ms. King, and mahalo, Ms. Steward. We'll...yeah, we'll take up...if you can hang on with us, we'll take up Lāhainā sector later on in the meeting. Mahalo for being here.

MS. STEWARD: Okay. Mahalo nui.

CHAIR SINENCI: Ms. Apo Takayama, can you call the next testifier?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Terrill James Kanealii Williams, to be followed by Staceydee Pohaikealoha Ramsey.

MR. WILLIAMS: Aloha kākou. Can you folks hear me?

CHAIR SINENCI: We can hear you, aloha.

MR. WILLIAMS: Okay. Great. Aloha, my name is Terrill James Kaneali'i Williams. I'm testifying as a kuleana landowner, a kalo farmer, and a kānaka maoli here in Kuiaha Ahupua'a in Ha'ikū Hamakualoa. I testified at the last meeting on the 29th, and after my testimony, the Council had requested me to provide my email for you folks to do a follow up with me. I haven't received any communication (*audio interference*). So I just wanted to start with that. I'm testifying from our (*audio interference*) our kuleana land, just to give you an idea of where we're located. If you look at the Tax Map Key numbers 27007012000, Tax Map Key number 27007032000, and Tax Map Key number 27008067000, all three of those fall under our kuleana land parcel. If you look into the County information on record and look at the section that says legal info --

COUNCILMEMBER PALTIN: We can't hear you so good after you said all of those...

COUNCILMEMBER LEE: We can't hear.

MR. WILLIAMS: Oh, you can't hear me?

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COUNCILMEMBER PALTIN: Now we can, but --

CHAIR SINENCI: Yeah, you're going in and out.

MR. WILLIAMS: Okay. Kala mai, you got all those numbers? You at least heard those ones?

CHAIR SINENCI: No, go ahead and repeat.

COUNCILMEMBER PALTIN: I couldn't hear after you said all of those fall under.

MR. WILLIAMS: Oh, okay. All of those fall under our Land Commission award 3336. And if you look into the County record and look at the legal information tab, it says item XIV as given Section C Map 2 Land Court application 960...if you go into that information, you'll see a map of this area, and you'll see our Land Commission award number, the royal patent number, Nalopi's name, as well as the Lowri ditch, which is right over there, and how our parcel extends mauka. So I'm just giving you an idea of where we're at. It's bounded by Tax Map Key 27008026000, which is correspondent to Land Commission award 3829, royal patent 2168 to Pa'ele. And that's consistent with our royal patent allodial title. And so one thing that might make it difficult for you folks is that in the County records, my ohana's Land Commission award is not directly written into the legal information. You have to go through that Land Court application and do more research just to see our information. So I don't know if that's creating a problem as far as working with us as the kuleana heirs of this parcel. So I just...that's...I just needed to state all that. So before the County's obligations to ensure any reasonable public benefit of water use, the County's first obligation is to ensure that the appurtenant rights of kuleana landowner kalo farmers to the water as outlined in HRS Code 174C101, that those rights aren't being infringed upon. We...as kuleana landowners and kalo farmers, we have specific rights that are outlined, and we have priority interest to the water use. Those are rights that the County, that the public, and that private companies and corporations like East Maui Irrigation and Mahi Pono don't have. We, as the kuleana landowners, have that right. And so, when our water is being diverted, we see the effects (*audio interference*) kalo, our lo'i kalo, our river, as I did last time (*audio interference*)

COUNCILMEMBER PALTIN: Oh, cannot hear you right now.

MR. WILLIAMS: Here's our river. There's Ha'ikū road, the bridge, Lowri ditch is back on the other side, that's also part of our property, the land I'm talking about. Here's our sign, so you can (*audio interference*) royal patent. . . (*audio interference*) . . .right next to the river. We have four lo'i over here that don't have water in them. We keep being told by Mahi Pono and East Maui Irrigation representatives that there's no water in our river because there's no rain, and we're supposedly in a drought. And that's the same claim that has been broadcasted on mainstream media the past few weeks as far as...by the County as far as the drought in Upcountry. We...my mom, and I, we live here in Kuiaha. We live on this parcel. We've had rain for the past week and a half, heavy rain, day and night. It rains all night long. However, we haven't seen an

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increase of water in our river. And so there's a problem with that. We keep being told we're in a drought, we see the rain, what we don't see is the volume of water returning to our river. And so *(audio interference)* our rights because we know...we're pretty sure there is a diversion. We've been told...besides this ditch, Lowri ditch right here, there is another ditch up mauka, and then there's a second ditch that I had found out about from an informant that we weren't told about by Mahi Pono or EMI. And we were just told that, you know, the water is flowing over the pipe, it's not going into the ditches, and whatever water is flowing is just because that's the amount of rain and that's why there's no volume in our river. However, we've seen how the rain has been the past week . . .*(timer sounds)*. . . and we still do not have water in our lo'i kalo, and our rights are not being protected.

CHAIR SINENCI: Mahalo, Kaneali'i. I've just been informed by Staff that they'll be contacting you for the next, I believe, if not the water for agriculture, the second part of this meeting on Appendix 10. Do you have the...you mentioned the name of this kahawai?

MR. WILLIAMS: Kuiaha. This is Kuiaha ahupua'a.

CHAIR SINENCI: And the kahawai ka inoa kahawai?

MR. WILLIAMS: Kuiaha.

CHAIR SINENCI: Kuiaha. Okay.

MR. WILLIAMS: Yeah, we're between West Kuiaha Road and East Kuiaha Road, and so that's the stream.

CHAIR SINENCI: Okay.

MR. WILLIAMS: And yeah, we're in between...right off of Ha'ikū Road also.

CHAIR SINENCI: Right, because I believe at the last meeting on Ha'ikū, Ms. Blumenstein asked for a list of names of the kahawais *[sic]*. So we can go ahead and put that as one of the kahawais *[sic]*. Members, any questions for Kanealii? Okay. Seeing none...and again, yeah, Staff said they'll contact you. Mahalo nui.

MR. WILLIAMS: Mahalo.

CHAIR SINENCI: Ms. Apo Takayama, the next testifier.

MS. APO TAKAYAMA: Chair, I believe Member Paltin had her hand up for a question.

CHAIR SINENCI: Oh, kala mai. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Williams. I just was wondering, you know, the TMK's that you gave and the Land Commission award, in

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the TMK County system is it under Williams, your name?

MR. WILLIAMS: No, I'm not a TMK owner. I'm a kuleana Land Commission award, a royal patent.

COUNCILMEMBER PALTIN: So it's under somebody else, somebody else's name the TMKs that you (*audio interference*) is under somebody else?

MR. WILLIAMS: Yes, the TMK's are under somebody else. However, the first three TMK numbers that I shared, those are overlapped with our kuleana Land Commission award, the royal patent allodial title.

COUNCILMEMBER PALTIN: And I guess I just was wondering, do you know the people who the TMK is under and have like a relationship with them where they acknowledge the kuleana rights?

MR. WILLIAMS: I believe that's our, the three that I mentioned, that they--

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, we can't hear.

CHAIR SINENCI: Kane, I don't know if you stay . . . yep

MR. WILLIAMS: Can you hear me now?

CHAIR SINENCI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know if you're blocking the mic. If you hold your phone...like the sides.

MR. WILLIAMS: How about now?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR SINENCI: Yeah, we can hear you now.

MR. WILLIAMS: Okay. I went turn 'em sideways. As far as the three TMKs that I mentioned that overlap our kuleana Land Commission award, I believe that East Maui Irrigation, they make claim to that TMK, and they claim that they bought it from Alexander and Baldwin, which means they bought it from themselves because Alexander and Baldwin owns EMI. However, our relationship with the TMK folks has been...I've been in communication with Mark Vaught from Mahi Pono and East Maui Irrigation. He represents both. And as I stated earlier, we've been told that there's no water in this river because of the rain...or the lack of rain up mauka. But we know it's been raining heavy because we live here.

COUNCILMEMBER PALTIN: And --

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MR. WILLIAMS: Did that answer your question?

COUNCILMEMBER PALTIN: Yeah, yeah. They don't...they don't have any way to get you more water?

MR. WILLIAMS: I believe that they've stopped diverting our water, that's the way. I mean, I'm not part of the kanawai that they're...the water shouldn't be leaving our ahupua'a. That's why our kalo, our lo'i kalo system is set up in a way that we take water from the river so it feeds our lo'i kalo and it flows right back into the river, which we have here set up already. It's just the water is not here.

COUNCILMEMBER PALTIN: Okay. Okay. Thank you.

MR. WILLIAMS: Yeah, mahalo.

CHAIR SINENCI: Mahalo, Member Paltin. Members, any other questions? I don't see Member Molina. Okay. Mahalo, Kanealii, for your testimony this morning.

MR. WILLIAMS: Mahalo.

CHAIR SINENCI: Aloha. Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Staceydee Pohaikealoha Ramsey, to be followed by Lucienne de Naie.

CHAIR SINENCI: Aloha, Ms. Ramsey.

MS. RAMSEY: Aloha, sir. As she stated, my name is Staceydee Pohaikealoha Ramsey. I go by Pohaikealoha. Just a little background about myself, raised on Maui, graduated from Baldwin High School, left to serve this country many years ago, Navy veteran, disabled. I was an explosive dog handler, which serviced the Secret Service for presidential missions. After I left the Navy--again, I'm a disabled veteran--I had a career with the Bureau of Prisons for 20 years, which I was a Special Investigative Unit that sat on a FBI gang task force. I have returned home after 31 years of government service to my kuleana lands. I am the mother of Terrill James Kaneali'i Williams, and we have established ourselves as 'ohana here on our kuleana lands, and to be back as kākāka maoli, and we deserve every right that we should be given. And to come back home and see what has been going on here on Maui is totally disgusting to me after I served this country. The water...we need our water, we need our water for our life now. And I served the country. I need our water back on our wai. We need it to service our lo'i, for families that we have established our lo'i as of now, and continue to establish more lo'i. And that's what we're asking. We're not here to make trouble for nobody. We're not here to make trouble for no corporations. I believe that it's hoarding, and that's misappropriation of our natural rights, our natural resources, and to continue our lives here as kākāka maoli first. And that's what I'm here to testify for. After 31 years government service, I have returned home as kākāka maoli to my 'āina Maui, and I'm asking that you folks help us. I will be calling on DLNR also

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to investigate up our stream. I have located on the maps that are provided online of our Kuiaha River all the way up to mauka. I see our stream. There is no way for us to be here for two weeks...almost two weeks with all this rainfall and no water for us. It's disgusting. Not enough water to even feed our 'ohana here. We are doing it traditionally, as our ancestors did. So I'm just asking, respectfully asking, we need direction, we need help. And I mahalo you folks for listening to us, and that's all I got to testify on for today.

CHAIR SINENCI: Mahalo, Ms. Ramsey, for your testimony this morning. Members, any questions for Ms. Ramsey? Seeing none. Again, mahalo and yeah, we'll be contacting Kaneali'i. Mahalo.

MS. RAMSEY: Mahalo nui. Malama pono.

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Lucienne de Naie, to be followed by Fay McFarlane.

MS. dE NAIE: Aloha and good morning, bonjour to all. My name is Lucienne de Naie. I'm testifying today as a citizen of East Maui, not on behalf of any organization. I'd like to speak a little bit to what we've already heard from folks that are involved with our streams. You know, this Appendix 10 is about how our Plan is going to support and interact with traditional and customary rights that kānaka maoli have. And these are very important rights guaranteed under our Constitution. Right now, I think there's an assumption in the plan that we may want to tweak a little bit, and that is, it says that...it's assumed that if IIFS, or Interim Instream Flow Standards, are set for streams, that that pretty much covers all needs for kalo and other traditional and customary uses. And of course, it would be wonderful if that was true, but it isn't true. And so we need language that reflects the fact that the adequacy of water for kalo and for other traditional gathering and agricultural uses really needs to be tied more to a system of checking in on things, and monitoring the needs, and understanding like the folks in Honokohao. The solution there to bypass all low flows is a very, very important part of ensuring that there would be kalo flows available. Most systems...all of the EMI systems do not do this. And so that would be a very important thing, I think, to emphasize in this Appendix 10, that our goal is to manage water for traditional and customary use by making sure that any diversions that are permitted are adapted to take only the higher flows and not the lowest flows, and the lower flows are bypassed. There are some references to this as a possible strategy, but it really needs to be I think made clear that just having the Water Commission setting a number does not mean that there will be adequate water for kalo. We see this very clearly in our completely restored Hanehoi and Pualoa Streams here in Huelo where I live. In low rain flow, the dams block a lot of the water. The dams have been left, there are just openings made in the dams, and that's not enough. There's water above the highway, and there's no water below the highway. The stream is dry...even after it's had some rain, it's just wet rocks instead of completely dusty rocks. So I would urge you folks that have language that simply states that the adequacy of water for

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kalo . . . *(timer sounds)*. . . ongoing matter of monitoring and adjusting, and especially bypassing low flows. Mahalo for your consideration.

CHAIR SINENCI: Mahalo, Ms. de Naie, for your testimony this morning. Members, any questions for Ms. de Naie? Oh, we have one question from Chair Lee. Go ahead and unmute yourself, Chair.

COUNCILMEMBER LEE: Sorry. Good morning, Lucienne. I was just wondering, when you mentioned that CWRM, when they set a number, it's not always adequate. So can the County set a number that supersedes their number?

MS. dE NAIE: No, but the County can have a policy of working with CWRM to encourage those numbers to be adjusted in the proper direction, and that can only be done through monitoring. It's hard for CWRM to send people over all the time to monitor, so it would be great if the County could help participate, either through volunteers, trained volunteers, or Staff people at the Water Department in the monitoring effort so we understand what we really need to do better. I think CWRM would cooperate if they had the information.

COUNCILMEMBER LEE: Okay. Thank you. Thank you very much.

MS. dE NAIE: You're welcome.

CHAIR SINENCI: Mahalo, Chair Lee. Any more questions for Ms. de Naie? Seeing none...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SINENCI: Oh, sorry, Member Rawlins-Fernandez, I couldn't see you. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's okay. Mahalo, Chair. Aloha, Ms. de Naie, I just wanted to dovetail off of Council Chair Lee's question and then your response. Is another way a County could help with cost share of real-time monitors of streams, both further upstream and lower?

MS. dE NAIE: Yes, that is true. And any of you who've had a chance to read the Nā Wai 'Ehā decision, the diverter, Wailuku Water, is being asked to install a considerable number of monitors to get that real-time data. And if the County was to participate in that system, of course, they would be taking on that action. East Maui, we have very little monitoring. So anything the County could do to help there, or in the Ha'ikū area where we don't even have instream flow standards for the streams, the County really has a role, a positive role to play, in my opinion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. de Naie. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez.

MS. dE NAIE: Thank you all for listening.

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CHAIR SINENCI: Mahalo, Ms. de Naie, for your testimony. Ms. Apo Takayama, testifier?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Kaniloa Kamaunu, to be followed by Noelani Ahia.

CHAIR SINENCI: Aloha, Mr. Kamaunu. Go ahead and unmute yourself.

MR. KAMAUNU: Hello?

CHAIR SINENCI: Yeah, we can hear you.

MR. KAMAUNU: Okay. So we...mahalo, Chair, for allowing us to meet yesterday and go over to your office Staff. You know, I've been doing this for years. You know, 13 years ago we met at the Trask Building which the water development with Maui County's Water Department and, you know, we went over this thing before, and we're still going over the same things. Last year, as Aha Moku of Wailuku, we sent a letter answering Eva's letter to us, and we made a detailed letter to of our concerns, and we never got anything back, any response from that. And I think it clearly states what our position as far as Aha Moku is concerned, and what our concerns, and what the County's responsible for. Just a couple of things that I feel is disturbing in this whole workup of this plan, and that is to look at us, and I'm talking about kuleana and kānaka, as an afterthought. Why do I say that? Again, I go back...why we are an appendage, or Appendix 10. We have rights that come from our kingdom, rights that still are afforded to us, the law that still allows us our vested rights. Your government realizes we have rights, and are trying to say that they're upholding it; but basically what's happening here, you're trying to control what we can and cannot do, yeah, as it says in your Article 12, Section 7 on the very bottom, that disclaimer, that the State has a right to regulate our traditional rights. That only refers to our Native Hawaiian. I do not consider myself a Native Hawaiian, many of us do not, because the Native Hawaiian...as I said before, under Code...U.S. Code 20 and 45, or 42, declare that a Native Hawaiian is United States citizen. By adhering to that verbiage, or title, for us makes us now having to go to you, whether it be the County or State, for permission on our rights if we go under Native Hawaiian. I don't use Native Hawaiian, I use the kānaka maoli. I go back to the kumu kunawai [sic] kānāwai, and there is no such thing as a Native Hawaiian. And I'm not...I keep hearing to somebody else's law, and especially when it comes to this when, if you read through this whole thing that you guys have, it never mentions kuleana, and it never mentions kānaka to...I should say...I take it back, kuleana is mentioned in like one or two sentences, and it doesn't meet who we are. We have vested rights, rights that are already given us. . . .(timer sounds). . . (audio interference) and it's not being upheld. And also, the thing is, we as Aha Moku, as kuleana, haven't been brought to the table on anything. All these decisions are being made by people who don't have rights to the water at all. And that means the County and State. Until today, they still haven't shown to me the paperwork where it shows that you have, or are the successors to, direct water. I don't see it. And so Aha Moku again is requesting to be heard, and to have...to be put on the agenda as well as kuleana because we are the ones with the vested rights.

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Thank you.

CHAIR SINENCI: Mahalo, Mr. Kamaunu, for your testimony this morning. Members...and mahalo for meeting with Staff...very, very appreciated. Members, any questions for Mr. Kamaunu? Seeing none. Again, mahalo for your testimony this morning, and I will...I think this is still a process, so we're looking forward to continue to meet with the Aha Moku Councils as well. Thank you. Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. The last individual signed up to testify is Noelani Ahia.

CHAIR SINENCI: Aloha, Ms. Ahia.

MS. AHIA: Aloha kakahiaka. I'm Noelani Ahia, and I'm testifying on my own behalf. I just wanted to first thank Councilmember Sinenci's Office for taking the time to meet with us and to hear our concerns. If the concerns aren't adequately incorporated into this plan, it cannot be passed as it stands, as written. I do support the timeline extension so that the consultation and the recommendations of both Aha Moku and individual kānaka maoli cultural practitioners can be incorporated into the plan, particularly when it comes to things like...sorry, where are my words...enforcement. There's very little by means of enforcement. As Kaniloa said, there's very little by means of recognizing kuleana landowners and kānaka maoli as kānaka maoli because our rights do precede the State of Hawai'i. You know, obviously, water is such a huge issue right now, and the community is enraged by the limitations on water in certain areas of Maui when we have hotels like the Grand Wailea, who's the largest user of water on Maui, using exorbitant amounts. We're watching new developments on hotels, and even the Kahului Airport using sprinklers where the water is blowing off onto the side of the road at noon, and kānaka can't even, you know, water their mea kanu in their yards because of all these restrictions. Water is clearly a huge issue on Maui and has been for the last few hundred years. And I think it's really pertinent that we make sure that the voices of the people are included in every single decision as we go forward, and that we take this time to do this right. Because the impacts and the implications of passing something that is not pono are going to ripple, and then we're going to have to go do repair work, and it's going to cost time, energy, and money on both the community and the County if we don't do this in the most pono way possible. So mahalo for your time this morning, I thank you. A hui hou.

CHAIR SINENCI: Mahalo, Ms. Ahia, for your testimony. Members, any questions for Ms. Ahia? I don't see Member Rawlins-Fernandez. Again, aloha and mahalo for joining us today, Ms. Ahia.

MS. AHIA: Mahalo nui, much appreciated.

CHAIR SINENCI: Mahalo. Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, we had one more individual sign up to testify, it's Clare Apana.

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CHAIR SINENCI: Aloha, Ms. Apana.

MS. APANA: Aloha. I'm...am I --

CHAIR SINENCI: Yeah.

MS. APANA: Yeah? Okay.

CHAIR SINENCI: Yeah, we can hear you.

MS. APANA: Mahalo. Good morning, Council, Committee Members. Thank you for hearing this. We have had some very good discussions with your Committee on Water and the Water Use Development Plan as Aha Moku, and we are in no way finished with our discussions. I support the extension, and feel that it's absolutely necessary that we have an extension of time as we are really beginning to make some headway into an issue, which I myself have seen for over a decade trying to be at all recognized, let alone be properly placed in the WUDP. So I ask that you do extend it, and that you do make it possible for kānaka maoli, kuleana owners, descendants, and people who have those...these rights to be properly recognized not as an appendix, but as part of the Water Plan, as they should be. As Isaac Moriwaki says, they're number one, and I think that this plan should absolutely reflect that. Thank you very much.

CHAIR SINENCI: Mahalo, Ms. Apana, for your testimony this morning. Members, any questions for Ms. Apana? Okay. Seeing none. And again, mahalo for meeting with the Staff --

MS. APANA: Thank you.

CHAIR SINENCI: -- Ms. Apana. It was very helpful. Thank you.

MS. APANA: Thank you.

CHAIR SINENCI: Ms. Apo Takayama, I do see in the chat Ms. McFarlane had...is she still on the list...or she had to take another call, I believe?

MS. APO TAKAYAMA: Chair, I don't see her connected to the call.

CHAIR SINENCI: Okay. All right, Members. Is there anyone else to provide testimony? I don't see anybody. Go ahead and unmute yourself if you wanted to provide testimony this morning. Okay. Seeing none. Members, without objection, I'll now close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Okay. Any objections to accepting written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS

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CHAIR SINENCI: Okay. Mahalo nui. Thank you, and mahalo to all the testifiers that came out this morning.

. . . END PUBLIC TESTIMONY . . .

ITEM 57: WATER USE AND DEVELOPMENT PLAN FOR MAUI
(CC 19-162)

CHAIR SINENCI: Okay. Members, moving on. So we have one item, APT-57 The Water Use and Development Plan for Maui. And Members, the Committee is in receipt of County Communication 19-162 from the Director of Water Supply, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI." The Committee may discuss the Maui Island Water Use and Development Plan draft with additional focus on Appendix 10 today, and Part II also, Water Resource Adequacy, Island Wide Strategies and Recommendations; the Lāhainā Aquifer Sector Area; and other related matters. So Members, today, again, we're revisiting Appendix 10 of the Water Use Development Plan, and as always, consultation with kānaka maoli, our lineal descendants, and our cultural practitioners, kalo farmers, has been a major part of the Water Use Development Plan, and it continues to be a process to navigate. One reason why we did defer the plan was to revisit those communities who felt that their voices weren't being heard in the plan. As requested by those communities and by Councilmembers, we went out to gather feedback from kānaka maoli groups, including four different meetings with the Aha Moku Council members. As you've heard from public testimony this morning, the kānaka maoli feel that their native tenant rights to water use is not reflected in the Plan, and oftentimes they have to pursue legal pathways to acquire water for use for their cultural practices. Members, we weren't able to post to Granicus in time for today's meeting because of a meeting we had yesterday. but we will post the changes and the comments after the meeting today. In the meantime, we'll just...we'll share screen the changes to Appendix 10 for you to consider today. I mean, if you did have a blank copy of Appendix 10, we'll go ahead and show you some of the additions through those meetings with Aha Moku in blue. So Staff, do you mind sharing screen the Appendix 10?

MS. APO TAKAYAMA: Yes, Chair. We're just getting connected. Thank you.

CHAIR SINENCI: And then while we're waiting, Members, Appendix 10 of the WUDP are generalized assessment of impacts of preliminary measures and strategies on traditional and customary practices of Native Hawaiians. And according to the Department, the preliminary strategies in Appendix 10 include all resource options that were considered in community workshops, such as desalination and the expanding of the Mahinahina Treatment Plant. But they were not necessarily selected, they were just options for the Department to consider. And so with that, they do not match the selected strategies for each regional plan. So some were accepted into the plan, and some were not. So from the meetings that we had with our Aha Moku

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Councils, and we have their comments that we're going to share at a later...after the meeting, but we wanted to add their comments within the...within Appendix 10. So now, with that said, we were planning on looking at maybe at a later date revisiting Parts 1 and 2 of the Water Use Development Plan, where we can better direct policy...address some of the policy changes or policy...policies that we want to pursue at a later date. But for now, these...for today's meeting, we just wanted to include some of those comments, some of those things brought up in those Aha Moku meetings, yeah. Okay.

COUNCILMEMBER PALTIN: Chair?

CHAIR SINENCI: Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Would we be able to give feedback and suggest additional amendments at this time?

CHAIR SINENCI: Yes.

COUNCILMEMBER PALTIN: You know, number 1 on the far-right corner under Feasible Action to be Taken --

CHAIR SINENCI: Go ahead.

COUNCILMEMBER PALTIN: -- I guess, you know, based on the testimony today, usually "should" is like the weakest form of legal language. Could we say per past court decision, Native Hawaiians must be allowed gathering and access rights in areas where cultural resources exist?

CHAIR SINENCI: Right, and that was...right, and that was the...one of the issues that the Committee came up with, like not all of these strategies one, were adopted; and two, they were just options to be considered in an appendix. So moving it more...instead of just keeping it in an appendix, we wanted to move it out. You know, this is just kind of...the Appendix 10 just seemed like strategies, more like platitudes and not actual policies. So we would have to move it out of Appendix 10 and put it into the document for it to have more teeth. So --

COUNCILMEMBER PALTIN: Okay.

CHAIR SINENCI: -- if this is something...and we do have...I don't know if we have Director Pearson, but we do have Eva on the call. So Eva, does the wording...

COUNCILMEMBER PALTIN: Can we swap out should with must on that number 1?

MS. BLUMENSTEIN: Aloha, Chair, Members. So those are proposed feasible actions that would relate to watershed protection. So the first...number 1 under feasible actions is really describing what PASH is. I don't think there's anything wrong with saying that providing gathering access rights is a shell because it is for the PASH position.

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COUNCILMEMBER PALTIN: So it's okay to put must instead of should?

MS. BLUMENSTEIN: I think so.

COUNCILMEMBER PALTIN: Okay. And then I just...my question was, can we be more specific in things? Like in the first column where it says implement via watershed partnership programs, like can we...we know all of the watersheds that the County works with and gives money to. So can we name them so that it's like something real and tangible, instead of like oh, the watersheds will do that...like Pu'u Kukui, or Mauna Kahālāwai.

MS. BLUMENSTEIN: Member Paltin, I would say there are specific strategies in the regional plans, in Chapter 14 through 19, that do name watershed partnerships and organizations that are now doing the work. But I think we are...the Department, you know, we're just one of the agencies that provide funding. But I think it would be good if it kept open so that there are other entities that are able to come in and apply for grant funds as long as they meet an RFP or whatever that agency is. So there are specific strategies in the regional plans that propose maintaining consistent funding for X, Y, Z watersheds, and other strategies that are calling for more ahupua'a based, mauka to makai type of watershed management that may not fit within the Department's funding, but may be another agency. So I guess it's, you know, pros and cons about naming the partners versus leaving that open as a policy to encourage other entities to apply and do the work.

COUNCILMEMBER PALTIN: Okay. I guess...and then I wonder if we, the County, could have a policy to proactively advocate with the State and private landowners for Hawaiian traditional access to watershed lands and kānaka voices being included in management decisions. Could that be a policy we add to this?

CHAIR SINENCI: Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, just a comment, I mean, that's obviously not up to me. But I would say that in our community outreach, we did hear from community members that they wanted more say in the development of the watershed management plans. They have more of these kind of strategic five year or longer plans that are the basis for the boots on the ground work that they do and, of course, they include strategies, such as fencing, that may bring issues with access for hunting from community members into those critical areas that are fenced off. So we thought it would be a good thing, and it is mentioned, the strategies, that there should be more local community input into developing those Watershed Management Plans, which is the basis then for the actual actions.

CHAIR SINENCI: Thank you.

COUNCILMEMBER PALTIN: Thank you. I just...you know, if we're not clear on who's taking the lead on it, how do we know it will get done? Like number 3 in the third...in the

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last column, it says, obtain input from individuals and groups familiar with area's fences...with the area's fences are to be constructed. Who is it that we intend to carry this action out, is it the County?

MS. BLUMENSTEIN: I would go to the actual...so again, as Chair Sinenci mentioned, this is...the Matrix 10 is really, you know, not the self-serving matrix. It's just a summary of Chapter 10, so just to be clear on that. But...and it also says a brief assessment of all the potential resource options that were considered through community meetings and workshops and then, you know, they were selected down to the recommended resource options or strategies that are in each chapter...each regional chapter, and also in those island-wide strategies. So if you look at the island-wide strategy for continuing financial support for watershed management and promote increased distribution of funding and considering more community input in the management plans, those strategies list the lead agency. So in this case, it would be Maui County and Maui Department of Water Supply, along with the individual watershed protection organizations.

COUNCILMEMBER PALTIN: Okay. And sorry, my last question for this page. if it's okay with you, Chair, is just can we add in a policy for the watershed programs to establish a point of contact for community members to contact if interested in hunting the feral ungulates in a particular area, since community members can help in the eradication of feral ungulates? Can that be a policy?

CHAIR SINENCI: Yes. Staff, can we...can we access this document and do those changes that Member Paltin is requesting? So...and Member Paltin, so that would be...okay, hold on, Staff. They're going to go ahead and add the comments within the margins. Okay. Thank you, Staff. So Member Paltin, how they access from private groups...would that be one of the strategies on the far right corner, feasible actions, number 10?

COUNCILMEMBER PALTIN: Yeah, I think so.

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: Policy for each watershed program to establish a point of contact for community members to contact if interested in hunting feral ungulates in a particular area so that community members can help in eradicating the feral ungulates. And then the other policy was to proactively advocate with State and private landowners for traditional Hawaiian access to watershed lands, and k  naka voices being included in management decision.

CHAIR SINENCI: Staff, did we get that?

MS. APO TAKAYAMA: We got that. Thank you.

CHAIR SINENCI: Okay. Then...okay, moving down to page...any other...on page 2, I believe we're on, of the Appendix 10. So under extent to which those resources and rights will

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be affected or impaired by the proposed measure...next page, Staff. Go to the changes that we wanted to add, I believe they're in blue, page 2.

MS. APO TAKAYAMA: Can you see page 2?

CHAIR SINENCI: Yes, we're...

MS. APO TAKAYAMA: Okay.

CHAIR SINENCI: First, the changes proposed by...there we go. So based on...after based on discussions with East Maui residents, we had at the end, efforts to create a healthier ecosystem through invasive species eradication benefit all water users and...the number 1...some of the comments from the Aha Moku was that each Moku is seen as its own ecosystem, that all aspects of the environment are connected. They also wanted to add that there is a need to consider a water flows to feed the earth, and the importance of connectivity from mauka to makai. So...and this was...they thought, you know, invasive species eradication was important to the entire watershed. So if this is something that Members agree with, this is...again, we kind of took all of their comments and put it into additions that they wanted to see in Appendix 10. So if there is a consensus to adopt this language, invasive species eradication to benefit all water users, we can have Ms. Blumenstein comment on the addition.

MS. BLUMENSTEIN: Yeah, I don't have an issue with the addition. I think it's good.

CHAIR SINENCI: Okay. Members, is this consensus?

MS. BLUMENSTEIN: The one you're mentioning in blue here, right?

CHAIR SINENCI: Yeah, the addition in blue.

MS. BLUMENSTEIN: Okay.

COUNCILMEMBERS: Consensus.

CHAIR SINENCI: Okay. We have a question from Committee Vice-Chair Johnson.

VICE-CHAIR JOHNSON: Thank you, Chair, for allowing me to ask this question in regard to this blue highlighted section. So I appreciate the idea of creating a healthier ecosystem through invasive species eradication. It's one thing to eradicate, say for example, strawberry guava. But what are we going to replace it with, you know? You want to bring the seed bank down, but you also want to reforest and, you know, reintroduce, and to create that healthier ecosystem. Would it help clarify that? Like not only are...the goal is to eradicate the invasives, but also to reforest or replant, to build up what is a healthier ecosystem, you know, the native plants. Does that help clarify what the intent is? Because if they just cut strawberry guava, they'll do that until time immemorial, it'll just keep going. You have to replace it with, you know, other plants that are native.

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CHAIR SINENCI: Thank you, Committee Vice-Chair. Did you want to add language that mentions that reforestation with native...with efforts to reforest with native indigenous plants?

VICE-CHAIR JOHNSON: I'm not the best wordsmith, but I do think that that is the intent is to have...you know, the healthier ecosystem is the idea of reforestation. So maybe efforts to reforest, to create...or you know, something like reforest native plants to create a healthier ecosystem?

CHAIR SINENCI: Exactly, yeah. Because this is the Water use Development Plan, and the watershed is part of the development of water. So I'd be open as a friendly amendment to add, with efforts to reforest with native plants. Is that something we want to add, Members? Member Paltin.

COUNCILMEMBER PALTIN: How about, invasive...like, efforts to create a healthier ecosystem through invasive species eradication and native forest...native plant reforestation benefit all water uses. So you're just adding in after eradication, native plant reforestation in there.

CHAIR SINENCI: Is that okay with you, Member Johnson?

VICE-CHAIR JOHNSON: It sounds great to me. Thank you, Councilmember Paltin.

CHAIR SINENCI: Okay. Members, consensus with that friendly amendment?

COUNCILMEMBERS: Consensus.

CHAIR SINENCI: Okay. great. Thank you. Okay. Moving on, any other...we're still in...I believe this...we're still in the watershed and aquifer protection. So moving on to the next page. Okay. Number 2, expand watershed protection to lower elevations. I did want to...I apologize. Going back to watershed...well, it's probably coming up. So expand watershed protection to lower elevations. Actually, this is the one where we did receive some comments about...looks in...under number 2, programs now focus on higher elevations at the 3,000 elevation level and above. And so we did have some comments about going lower than 3,000 elevation, to possibly 2,000, to include more protections, you know, at the lower levels. So again, this might be a policy that we revisit at another time. Wanted to add that.

MS. BLUMENSTEIN: Chair.

CHAIR SINENCI: Member Paltin. Or it was Ms. Blumenstein? Go ahead.

COUNCILMEMBER PALTIN: Ms. Blumenstein.

MS. BLUMENSTEIN: Just a comment on island-wide resource management strategies. So the final strategies for that. I mean, they're multiple, but its number...there's actually

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two of them. Number 2 is promote increased distributional funding for watershed protection and active reforestation to protect multiple values and ecosystem services. So that one speaks to what you were mentioning earlier. That, of course, is not just weed eradication and control, it's reforestation with native plants. Number 3 is expand watershed protection to incorporate the ahupua'a as a whole and utilize ahupua'a resource management practices. So that strategy is specifically to expand and focus on the makai lands. So not...to me, it's not...it's not changing...there's the active eradication and reforestation in those critical watersheds that are generally about 3,000 feet that are typically fenced off because they're really critical areas and the type of native species that are there, and this would...this is a second, an additional strategy that's more the ahupua'a approach, and the lead agencies proposed are both public-private partnerships: Aha Moku, DLNR, and Maui County.

CHAIR SINENCI: Thank you, Ms. Blumenstein, for that. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And I guess this would be a question for Ms. Blumenstein on Preliminary Measure and Strategy Number 2. Is there a...in the... Chapter 10, I guess, specific mention of funding for nonprofits or cultural groups to manage the lower elevation and become a part of the annual budget, or how was it that we expected that to happen if we don't partner and fund it?

CHAIR SINENCI: Blumenstein.

MS. BLUMENSTEIN: Yeah. In...on island-wide? So for the regional chapters, there are specific partnerships mentioned, and the...like they all...funding from all sources that are needed. For expanding watershed protection, just in terms of where they fall into stream restoration, increased use of kalo lands, which is kind of part of the same management framework, there's a mention just of costs of examples of lower restoration projects, starting from 50,000 and up. For expanding watershed protection, it's such a broad concept, we don't really have a known budget, or...you know, from...or we, the Department's not proposing where that should come from, but I think it should be identified by those public-private partnerships, Aha Moku, DLNR, and the County together. That's the...kind of like something that should be...this policy would be the starting point of developing those partnerships and funding sources.

COUNCILMEMBER PALTIN: Okay. So the policy...could the policy include developing partnerships and assisting in their funding needs, whether it be through an annual budget allotment or other means?

MS. BLUMENSTEIN: In my opinion, yes, it could.

COUNCILMEMBER PALTIN: Okay, great. I'd like to add it.

CHAIR SINENCI: Would that --

COUNCILMEMBER PALTIN: As a policy.

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CHAIR SINENCI: Would that be number 4 under the last...the far right column? This is still under number 3, Ahupua'a watershed-based planning and management approach. Yes, Miss...Member Paltin.

COUNCILMEMBER PALTIN: Yeah, yeah. That could be a feasible action taken as to be specific in the partnering and funding of non-profits and cultural groups to manage lower elevations annually, as...in addition to Strategy 1 mitigations applied to lower elevations.

CHAIR SINENCI: Staff, did you get Member Paltin's --

COUNCILMEMBER PALTIN: You want...you want me to say it again?

CHAIR SINENCI: Staff?

MS. APO TAKAYAMA: We got it. Thank you.

CHAIR SINENCI: We got it.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR SINENCI: Okay. And then we can...we can go ahead and share all the changes afterwards too. Under...did you have any more, Member Paltin? If not, we'll...we'll just --

COUNCILMEMBER PALTIN: Yeah, not on this page.

CHAIR SINENCI: Okay. So Members, under number 3, can we go ahead, Staff, and share number 3, Ahupua'a watershed-based planning and management? So some of the comments from Aha Moku...their extent to which traditional and customary and Native Hawaiian rights are exercised in the area which may be affected, they added the Public Trust Doctrine protections, State Water Code protections, and the verbiage, Native Hawaiian cultural rights also include protection under Hawai'i State Constitution Article 11, Section 1. For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources. They'll promote the development and utilization of these resources a...in a manner consistent with their conservation, and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people. It does say to cite recent Nā Wai 'Ehā case's most recent application of this principle. Ms. Blumenstein, do you have any comments about this verbiage?

MS. BLUMENSTEIN: No. They're good.

CHAIR SINENCI: Oh, okay. Great. Then Members, is this something that we could...a consensus? And it's...and this verbiage is also found in other areas in the Executive,

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and in parts...other parts of the WUDP. So again, it's just putting the same language in Appendix 10. Consensus?

COUNCILMEMBER PALTIN: Consensus.

CHAIR SINENCI: Okay. Thank you. Moving on. Then also in column 2, ahupua'a management creates more connectivity and ecosystem health. Again, the using of the same idea about the entire mauka to makai system and strategy supports past court decisions and the Public Trust Doctrine. Ms. Blumenstein, again, more of the same verbiage in other areas of the WUDP.

MS. BLUMENSTEIN: Yeah. No, I think that's consistent.

CHAIR SINENCI: Okay. Members, consensus?

COUNCILMEMBER PALTIN: Consensus.

CHAIR SINENCI: Okay, great. Thank you. Then...and then in the last column on the right, number 2, consult the Native Hawaiian groups, including Aha Moku Councils--I think we...Eva mentioned it...this--to better understand traditional land management practices, assist with integration of those policies and techniques to current Western management. I believe some of the comments from the Aha Moku is--and from Mr. Kamaunu--is that resource management is very important to the Native Hawaiian culture and kānāwai policies, where social laws were created around water use, including water development, water conservation, and waste. Their comments: the focus of cultural consultation should be on protecting rights and the Public Trust Doctrine. So if you read number 3 as well, prioritize ahupua'a management practice of ecosystem health, mauka to makai connectivity, water for cultural uses, including taro cultivation, conservation, and regional use of water to achieve sustainability. So I think this is what Eva was saying. So consensus, Members, to add that verbiage?

COUNCILMEMBERS: Consensus.

CHAIR SINENCI: Okay, great. Thank you. Any other additions before we move on to number 4? Okay. So on number 4, consultation with Native Hawaiian community, local experts on resource management. Again, the Aha Moku, one of their premises is based on generational knowledge, and not always Western science. So having generational knowledge, this was the discussion with the groups, that that also be considered in the data collection as well. So again, more...under number 4, more verbiage on just adding the Public Trust Doctrine and the State Water Code

COUNCILMEMBER PALTIN: Chair.

CHAIR SINENCI: I'm not sure...go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. On number 4, I was wondering, again, if we could get more specific on this. Like are these consultations going to be annually or

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biannually or quarterly, or are they talking about consulting only when something impacts resource management? Like is it a commitment to consult on a regularly-scheduled basis, or do they only want to consult when we're drafting this WUDP?

CHAIR SINENCI: Great question.

MS. BLUMENSTEIN: Chair.

CHAIR SINENCI: Okay. Ms. Blumenstein.

MS. BLUMENSTEIN: Yeah. Let me take a step back. So this is coming partially part of the Ka Pa‘akai analysis, which is what we're talking about them, they...this appendix is some of those potential mitigation strategies that may be impacted, or that may be carried out by whatever agency is implementing the strategy. So the way we went about this was, you know, we did this...this is a high-level water use development plan and a guidance document, where there's going to be a lot of strategies that are going to be implemented over this 20-year or longer period through, you know, capital improvement plans or regulatory changes or well developments and whatnot. And some of those may not fall on the Water Department, right. It could be policies that guide a land use decision. So whoever that implementing agency is, at that point, usually it's a site-specific development plan, a land use change or a well within a specific aquifer in a specific ahupua‘a on a specific parcel. Like at that that point, the responsible agency would consult, and the process or the protocol that we proposed would be through the Aha Moku regional use, just for that Moku that is affected by that land use change or policy or well construction or whatever it is. So that protocol, again, was described in...not in Appendix 10, but in Chapter 10 on the Ka Pa‘akai analysis. And it's...you know, we didn't have a lot of guidance from CWRM or others, specifically, how we should go about this, but we thought, you know, we'll do this. At least it can apply to those island-wide strategies that are not very site specific, and then recognizing that more site-specific analysis will be needed later, depending on what the...what the project is. So that's kind of a proposed process that can...I'm sure could be improved upon. And so...oh.

COUNCILMEMBER PALTIN: Yeah. I guess, you know, just from my point of view, it feels kind of like an extractive consultation. Like, you know, every time this Western society wants to write their plans, they have to consult. They don't have a choice because it's, you know, in the Constitution and whatnot that kuleana users or kanaka have these extra rights above and beyond the general public. But it's not...kind of like, I feel it's not acknowledging the relationship flows both ways. You know, they're not just there to consult on our plans to help us to achieve our goal. It needs to be both ways, where you know, we make a commitment to consult with them on a regular basis to hear their feedback on what is and is not working for them as well. I mean, on the one hand, whoever is making these plans are getting paid to make these plans, as well they should be, but it feels as though every time we make this huge plan, and we need kanaka consultation for it to be legitimate, but we expect them to just, you know, drop everything, review the entire plan, and make these suggestions for the betterment of the plan as a whole, with no commitment to check in and make

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sure that the plans are achieving these goals and doing these things on a regular basis, I guess is my comment. And so you know, a commitment to check in, whether it's quarterly or annually, and not just when we're making plans, so that we have an ongoing assessment of how things are working, is something I kind of would like to see us be able to do.

CHAIR SINENCI: Okay, Member Paltin. So somehow put on a regular basis or on an annual basis, something like that?

COUNCILMEMBER PALTIN: At...yeah. At least annually, if not sooner.

CHAIR SINENCI: Okay. And Members, just to kind of preface the discussion...so Member...Eva mentioned the Ka Pa'akai process. The Ka Pa'akai process analyses is when there is a project, whether it's, you know, more wells or those types of things. So projects will go through the Ka Pa'akai process analyses. And so what she's saying is that every time there's a project that comes up, it should be going through the traditional Native observations and input. However, Member Paltin is asking that this is beside the Pa'akai process. It's just on some kind of annual, regular basis that we should have a check-in with traditional Native Hawaiian knowledge, yeah? Okay. So Members, is...looking at some of these additions that were proposed by the Aha Moku, any concerns with adding on a regular basis or kind of wording annually, on an annual basis, to some of these additions? Okay, consensus?

COUNCILMEMBER PALTIN: Yeah. Consensus for me.

CHAIR SINENCI: Okay, great. Okay. Thank you. Okay, next. Was there any other additions to number 4 and number 5, this page, and number 6?

COUNCILMEMBER PALTIN: Number 5.

CHAIR SINENCI: Go ahead.

COUNCILMEMBER PALTIN: I just...I guess a question for Ms. Blumenstein. If this is a measure or a strategy, could we write it as, implement hydrogeologic research, or increase ecological monitoring, like more of an action item? Because...and I totally agree with the generational knowledge portion that Member Sinenci added on, but just the study in itself doesn't do anything if we don't implement it. Or...so I just was wondering if we can reword it as a action, or is that --

MS. BLUMENSTEIN: Yeah. So again, I mean, this is a preliminary measure that can fit into more...into the final regional strategy. So this is reflected in couple strategies, hydrogeological studies needed for groundwater development or additional stream gauge installed in order to get better data on stream flow and establish IIFS. So it's pretty...kind of generic the way it's stated here, and of course, the idea is that whatever those scientific studies are should be the basis and guide whatever the strategy is, groundwater development or IIFS or whatnot.

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COUNCILMEMBER PALTIN: Okay. And I guess the follow-up question to that would be, who is doing the hydrogeologic and ecologic studies and the monitoring. Like do we have a idea who it is?

MS. BLUMENSTEIN: Well, so it depends, again, what resource we're talking about. There are couple of recommendations in the plan, and just generally, as you know, that Department of Water Supply, we do fund and support resource monitoring and studies where we are either pumping water from a specific aquifer, we are the diverter from that particular stream, or some of them are just because there's a good long-term record of stream flow data or rainfall and whatnot, and you know, we've been supporting, just maintaining long-term records to know impact on climate change and stream flow and whatnot. Other areas, it's either the private purveyor, Commission on Water Resource Management, who are annually reviewing their resource monitoring network to see where there are gaps. And in fact, they came out with a recommendation and a study in 2019 of their kind of strategic 20-year plan, where there are needs to improve upon the resource monitoring network. So that's both deep monitor wells, rainfall gauges, stream flow gauges. And then there's this other, sort of not resource monitoring, but more hydrogeological studies that are region specific. The Department has funded a couple throughout West Maui and Central Maui. We're updating them as new, better data has become available on recharge, climate change, or whatnot. So those are kind of happening all...you know, on multiple levels. This specific preliminary study is just saying that it's important to use those scientific studies as a basis in decision making, because sometimes that doesn't happen.

COUNCILMEMBER PALTIN: Okay. I guess in relation to that question and Member Sinenci's additions, which I fully support, I guess, what would be the direction when these scientific data and the historical traditional knowledge are not in alignment? Does it...which one would supersede the other, I guess? Is it clear, the way that it's written out now, to you?

CHAIR SINENCI: . . .*(inaudible)*. . . Blumenstein, you're muted.

MS. BLUMENSTEIN: Well, that's not very useful, right? I was saying that I don't...I don't have the answer to that question, but I think the two needs to merge and inform each other. And I see, you know, more of that happening. For example, it may be you need the hydrologist or the hydrogeologist to do the scientific analysis and collect the data for what's going on in an...in an aquifer part of a groundwater model. You may need...you have better traditional knowledge to inform you, well, what does it look like in the near shore environment, or you know, what's the impact on those specific ecosystems that are used. So hopefully, you know, that two sets of knowledge can come together. But I don't have an answer exactly how that should be done. I think that's sort of a evolving field where we are right now, how to figure that out.

COUNCILMEMBER PALTIN: Okay. But...so the way that it's written, your interpretation would be that the two sets of knowledge should be merged for the...for the purpose of decision making?

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MS. BLUMENSTEIN: I think there are couple of strategies that reflect that. I mean, the one that we were just talking about, consultation with the Native Hawaiian community and local experts on resource management...I mean, that is one that's helped to inform this. And the other one, the ahupua'a watershed-based planning and management approach. So like through those actions or strategies, I think that is kind of how the...how that could happen.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Chair.

CHAIR SINENCI: Okay. So Member Paltin, did you want to move study hydrogeologic and ecological conditions and increase monitoring towards the action table? Maybe add, including hydrogeologic and ecological condition studies and increase monitoring?

COUNCILMEMBER PALTIN: You mean for the last column?

CHAIR SINENCI: Yeah.

COUNCILMEMBER PALTIN: Maybe the last column, we could add in, implement hydrogeological research and increase ecological monitoring, in that last column.

CHAIR SINENCI: Members, is that something we can have consensus on? We're on Number 5, the last column. Consensus? Okay, great. And then...and then, of course, those additions in the columns where there is no mitigation necessary. Members, is it okay that we strike no mitigation necessary in those areas where we've added language? Consensus? So Staff, we'll go ahead and strike through all the no mitigation necessary. Okay. Thank you. Members, it is 10:37. Are you guys ready for a break? We've got maybe a couple more...okay. I see yes. So let's take a ten-minute break and come back with...oh, well, we'll just round it up. I know some Members wanted to provide testimony on the estate appointments, as well. So we'll come back at 10:50, 12 minutes.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Okay. With that, the APT Committee of Tuesday, July 27th is now in...now in recess. . . .(gavel). . .

RECESS: 10:38 a.m.

RECONVENE: 10:51 a.m.

CHAIR SINENCI: . . .(gavel). . . Aloha nui kākou, and welcome back to the APT Committee meeting of Tuesday, July 27th. It is 10:51 a.m., and we're continuing with Appendix 10. And Members, I was reminded that we're kind of moving along, but we...this is a special meeting we're at today. So the work is much appreciated. So moving on, we're on page...if we can go ahead and share screen, Staff. We finished number 5, 6, going on to 7 and 8. If Members have any additions to 7 and 8 for the...oh, go ahead.

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COUNCILMEMBER PALTIN: Oh, did we skip number 6?

CHAIR SINENCI: Oh, let's go back to number 6. Okay. Number 6, use drought conditions as a baseline to evaluate water supply and effects of water use. Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. I had a couple questions on Eva Blumenstein on this strategy. Just seeing is the drought information readily available, and who carries out the resource, who analyzes the drought conditions, and is there a report that comes out of it for recommendations? And you know, as we heard in public testimony, because streams are extremely variable, drought research needs to be place based for specific results that can be utilized. So I just had those questions in terms of just the statement, use drought conditions as baseline to evaluate water supply and effects of water use. It seems like we don't know very much about the drought information available, or how it will be analyzed, and how it will be ultimately used.

MS. BLUMENSTEIN: Okay. So for the purpose of the Water Use Development Plan, this is considering that we're assessing water resources, available water supply, to meet future demand. So what we're saying is consider those peak demand drought conditions when demand is the highest to assess whether that water resource or water supply is sufficient. Don't consider, you know, winter months as the basis for assuming there's going to be sufficient surface water, or whatever that source is. Also, in terms of recommending water supply strategies, for example, surface water, we're saying look at the drought conditions to evaluate whether this is a good long-term supply option. And hence, some of the strategies are transition away from surface water for various uses because it's not as reliable, as we know, during drought conditions. I mean, that's why where Upcountry's at right now. We are so dependent on surface water that's much more vulnerable to long-term droughts than groundwater or other resources. So that...that's the basis behind this, which was a preliminary measure, again, but it's reflected in many other strategies. You know, why are we shifting away from surface water, why do we need this much groundwater? Well, because we know that peak demand, or change based on climate change and longer droughts should be factored in.

COUNCILMEMBER PALTIN: Okay. So being that the testifier wasn't receiving water and they were seeing drought conditions, that emphasizes the point that they shouldn't be using surface water, because now the user who has the priority isn't even having any water. Is that kind of how it...how this strategy plays out by your explanation?

MS. BLUMENSTEIN: Well, so in terms of the testifier with the dry lo'i kalo and the Ha'ikū stream, that plays out in several ways, I guess, in the plan, but one of them is agricultural needs that are current...agricultural uses that are currently using...depend 100 percent on surface water will need to diversify into other alternative water resource supply, such as recycled water, brackish wells, adapting crops, because we assume that in-stream flow standards will be established for all diverted streams, which tend to mean that less surface water is available for off-stream uses, such as ag. And that's just one example of a --

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COUNCILMEMBER PALTIN: Okay. And then moving on to the last column, in my consultation with cultural practices...practitioners within my community, they just made the statement that the County Department of Water Supply knows very little about the extent that any cultural practices take place in our communities. And the usual assumption seems to be that there aren't any. Because of this, they feel that this sort of assessment is not too meaningful in terms of actual plans to address cultural impacts. And I'm not sure if we can put that in the...in place of the no mitigation necessary.

CHAIR SINENCI: Eva, is this some . . . language?

MS. BLUMENSTEIN: For this specific...this is for Preliminary Measure Number --

COUNCILMEMBER PALTIN: 6.

MS. BLUMENSTEIN: -- 6? So using drought conditions as a baseline to evaluate...for the plan, any information that's forthcoming, of course, to inform potential impact should be added to the matrix. I mean, that's whole...the point of it. And like I said, you know, we, of course, hope for more information on traditional or customary practice and other info, that that would be forthcoming in that draft plan. And instead, you know, missing a lot of that information, we suggested a consultation process to continue, because many of these actions are not...they're not happening now. They're going to be developed over, you know a 20-year or longer period. So if there are mitigation...I mean, this column, to really list the reasonable protections that are proposed. So if there are actions proposed, then I think that's fine to expand upon it from any information that was forthcoming through you consulting with practitioners.

COUNCILMEMBER PALTIN: Thank you, Ms. Blumenstein. I guess the mitigation necessary in that case would be the type of action that CWRM is suggesting, or West Maui Honokōhau, where only the flow above a certain amount gets diverted and everything gets left in the stream otherwise. That same sort of mitigation, I think, would address drought conditions as baseline to evaluate water supply and effects of all...of water use.

MS. BLUMENSTEIN: Yeah.

COUNCILMEMBER PALTIN: That way, like how the testifier, the kuleana testifier was testifying, if there's excess water that is beyond what our lo'i kalo needs, then they can...it has a possibility to be diverted. Whereas, you know, if there's not even any water to sustain the lo'i kalo, which is the priority user, I think that would be the mitigation necessary is to develop that same sort of strategy in all the streams. And I'm grateful it's at Honokōhau, but if it works in one area, it should work in all areas to address that problem that the testifier was encountering.

MS. BLUMENSTEIN: Yeah. Yeah, I think...I mean, that is part of the enforcement of the IFS and, I mean, I do know that CWRM is reviewing or approving all those different

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permits from EMI, Mahi Pono, how to close and modify and adjust those diversions so that they would comply with those IFS. So again, I mean, yeah, that's sort of an enforcement mechanism by CWRM, who really has the authority to do that. And yeah, like you said, that makes sure...ensures that the stream flow in dry conditions are favored for the in-stream uses, rather than being diverted.

COUNCILMEMBER PALTIN: So then it would strike no mitigation necessary and say, modify diversions for...or modify diversions so that in-stream users have the resource, and the excess can possibly be diverted. Would that be the correct terminologies? Or --

MS. BLUMENSTEIN: I think it should probably stay...because this is really CWRM's jurisdiction. So it could be, you know, encourage or recommend what CWRM should do to enforce or ensure that IFS are met. But it shouldn't be put generally because this really...that doesn't fall under the County . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Recommend CWRM modify diversions so in-stream users have adequate water before diverting to other users.

CHAIR SINENCI: Okay. Is that...Members, are...is...you okay with that additional language under feasible action for number 6? Consensus?

COUNCILMEMBER PALTIN: Yes.

CHAIR SINENCI: Okay, great. Okay. Mahalo. Okay, moving on. Was that the only one...oh, for number 6, yeah, Member Paltin?

COUNCILMEMBER PALTIN: Yeah, that's --

CHAIR SINENCI: Okay. Thank you. So moving on to number 7, quantify the impact of watershed management on groundwater recharge and distribute funding proportionally. Aha Moku didn't have any comments. Did Members have any comments on number 7? Member Paltin.

COUNCILMEMBER PALTIN: I just...in the no mitigation necessary category, if we could just add, science-only evaluation methods could overlook important cultural benefits.

CHAIR SINENCI: Science-only evaluation methods --

COUNCILMEMBER PALTIN: Could overlook important cultural benefits.

CHAIR SINENCI: Okay. Any objections to adding that in feasible actions for number 7? This --

COUNCILMEMBER PALTIN: Sorry. People keep coming here for a marriage license. I don't know why.

CHAIR SINENCI: Okay. Consensus, Members?

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MS. BLUMENSTEIN: Just a comment.

CHAIR SINENCI: Go ahead, Ms. Blumenstein.

MS. BLUMENSTEIN: I'll just say, if this was relating to the impact, then maybe that should be in the column, extend to resources and rights are affected, or if this worded as an action, then should be in the fourth column.

COUNCILMEMBER PALTIN: Thank you. Friendly amendment.

CHAIR SINENCI: Staff, did we get that?

MS. APO TAKAYAMA: Got it. Thank you.

CHAIR SINENCI: Okay. Okay, moving on to number 8, improve ground and surface water resource and diversion monitoring by CWRM. Aha Moku had additional language under feasible action; permit conditions to require system owner to install stream monitors and allow access to the property to facilitate monitoring and enforcement. Again, more of the monitorizations of the individual streams. Eva, did you have any comments on this addition?

MS. BLUMENSTEIN: Not sure what the permit, the pertinent permit, refers to. What permit would that be that --

CHAIR SINENCI: You're okay with the language put in here, and then --

MS. BLUMENSTEIN: Yeah, I don't know. I mean, it depends what that permit conditions...what kind of permit that refers to. The action is improve ground and surface water resources and diversion monitoring by CWRM. So CWRM doesn't necessarily...I mean, it's not diversion licenses. Is this the...I'm not sure what permit it's referring to.

CHAIR SINENCI: Right. And the comments from Aha Moku; stream monitors need to understand the stream flow and enforce stream flow standards. No enforcement now of the diversions and of returning water. Those were some of the additional comments from the Aha Moku. So I guess they were looking at more stream monitors, and I do...and I do believe the Nā Wai 'Ehā case required some stream monitoring. Okay. So Member Paltin.

COUNCILMEMBER PALTIN: Thank you. And you know, this was also a big issue in my community as well. You know, if monitoring programs are not community based, the data could be incomplete and lead to lack of needed flows, as we're seeing kind of island-wide. You know, they set these IFS standards, and it's the community or the users that have to continually make complaint or send email, or you know, get frustrated, because they went through, you know, 17 to 20 years to get these IFS standards set, and now there's no enforcement. So you know, in improved ground

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and surface water resources and diversion monitoring for the surface water at least, can we put in something about community-based monitoring programs and, you know, finding funding to support training programs, and/or contract researchers for community monitoring? Since it seems obvious that CWRM has the lack of capacity, and our residents are asking the County for help, can that be a preliminary measure or strategy to support community-based monitoring programs, find funding to support training, and/or contract researchers for community monitoring?

CHAIR SINENCI: I think with this additional language in Appendix 10, we can...in our next round of policy-making, then we can...we can follow up in . . . with this language input into the section, we can look at strategies in Part II of the WUDP plan. So Members, consensus? And then with the friendly amendment to include community-based monitoring programs. Member Paltin.

COUNCILMEMBER PALTIN: Sounds great. Thank you.

CHAIR SINENCI: Consensus, Members? Okay. Okay, moving on. Number 9, restrict land uses with high risk of well contamination near drinking water wells. I don't see any comments from Aha Moku. Any...Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I guess another question for Ms. Blumenstein, would it be...for number 10, strategy, would it be possible to --

CHAIR SINENCI: Okay...number 10, go ahead.

COUNCILMEMBER PALTIN: Would it be possible to switch the measure and strategy so that it should be to reduce pumping so that groundwater can be protected and recharged. And I guess the question is, who will be spearheading this and continually checking so that pumping is reduced?

MS. BLUMENSTEIN: Okay. So we're on Preliminary Strategy number 10, protect recharge groundwater during non-drought.

COUNCILMEMBER PALTIN: Yeah.

MS. BLUMENSTEIN: I think that it's reflected in the promoting the well pumpage and distribution strategies. So it will be...so the policy would guide each water purveyor. So it would be not just the Water Department, but private purveyors as well, if they're alternative resource available. So for example, if there are...you have a long non-drought winter with lots of recharge, you know, and you're able to switch to surface water to rely on that, then you have the opportunity to recharge groundwater. And you know, vice versa in the dry. So those are really operational protocols that shouldn't necessarily be, you know, defined or enforced. But it...again, I mean, the plan is a guidance document saying that this is a good thing. We want to protect and recharge groundwater when it's available. So it should be reflected in every water purveyor's operations, on us, the Department, and other purveyors.

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COUNCILMEMBER PALTIN: So you know how we get those monthly reports on pumpage, well pumpage, and things like that? If we were to look at them and see, like it's not a drought time and pumpage is going up and up and up, would we reach out to those folks and say, hey you know, our policy is that pumping should be reduced when there's...it's periods of heavy rain, and we noticed yours go...went up? Or do we just say like, oh, these guys aren't listening to the policy?

MS. BLUMENSTEIN: Well, yeah, I don't know that it's necessarily, you know, an enforcement mechanism needed on Council level. Like I see this as more...and in the proposed like implementation criteria, like how do we know if this is successful? Well, we would see that groundwater levels are stable, chloride levels are not going up, they're going down. You know, so there's a good operational protocol over the year. But if you see in those reports that yeah, there's increased pumpage and there's increased chlorides, and we have the different deep monitor wells that are monitoring water levels as well; like if those effects are not looking good, that means that this strategy is not working well. And ultimately, CWRM are looking at these things too. So it's...you know, it's more of a resource use function.

COUNCILMEMBER PALTIN: So we would never reach out to the user and say, hey, you're not in alignment with this policy because we see your pumpage going up?

MS. BLUMENSTEIN: I'm not saying that you can't, I'm just saying this is...I mean, CWRM should be looking at this in terms of responsible use of individual wells that are the Department's and private purveyors'.

COUNCILMEMBER PALTIN: Okay. So then I guess, in the feasible action, could we add in, in addition to improved CWRM monitoring, reaching out to those well users who don't seem to be following the policy and educating them, recommendation to CWRM?

MS. BLUMENSTEIN: I think that's fine.

COUNCILMEMBER PALTIN: Okay, cool. Thanks.

CHAIR SINENCI: Oh, Member Paltin, did you wanted to add that language in feasible actions?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: Recommend...do you need me to repeat it?

CHAIR SINENCI: Yeah, just for the Staff.

COUNCILMEMBER PALTIN: Okay. So recommend CWRM, in addition to improved monitoring, reach out to the well users who have increased pumpage during nondrought times and let them know of the policy.

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CHAIR SINENCI: Okay. Members, consensus on the additional wording in feasible action? Okay. I see thumbs, consensus. Okay, great. Thank you. I don't see any more Aha Moku comments until number 14. But Member Paltin, did you have any more for the next couple strategies?

COUNCILMEMBER PALTIN: Just a question on number 11.

CHAIR SINENCI: Okay. Go ahead.

COUNCILMEMBER PALTIN: For Ms. Blumenstein, does this strategy mean the Department of Water Supply will oppose new diversions or increase diversions?

MS. BLUMENSTEIN: No new stream diversions for non-interim use until IFS are adopted. While it doesn't really say that it would support or oppose, I think those should be evaluated once IFS have been adopted for diverted streams. And we don't...we don't really have that. So there's no strategy in the plan that proposes new or expanded surface water diversions. The opposite, yeah, transitioning away from surface water to rely more on other sources.

COUNCILMEMBER PALTIN: So you don't feel strongly enough to put that you folks will oppose new diversion...new or increased diversions until --

MS. BLUMENSTEIN: Well, I don't want to put a Department of Water Supply opinion on this. That's really up to the Director. I mean, the...I'm looking at this plan as an island plan, yeah. It's not the Department's position on things. What is...what is beneficial for each region? Are there going to be surface water available in the future to serve another area? Maybe. I don't know. There are also policies in the community plans to say that we should prioritize the most affordable source. And if the most affordable source is surface water, and IFS are meeting all the other needs, I don't think the strategy should say, you know, don't go there. I think it should be assessed over time, as the plan is updated, to see if that is a feasible strategy or not. At this...in this plan, there are no new surface water diversions proposed or expanded.

CHAIR SINENCI: Member Paltin.

COUNCILMEMBER PALTIN: Okay. All right. I accept that answer. I did have number 12 if nobody else has 11.

CHAIR SINENCI: Okay. Go ahead.

COUNCILMEMBER PALTIN: Okay. For stream restoration, municipal and agricultural water return to stream, who decides when and what stream is restored and how much water is put back? Is it the CWRM?

MS. BLUMENSTEIN: For stream restoration, yeah, it's done through establishing IFS, how much water should be restored, because that's what we're talking about when those

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streams are diverted by somebody. They are...I'm sorry.

COUNCILMEMBER PALTIN: Could the strategy mention converting existing diversions to avoid capture of low flows from streams. Could that be a...can we restate the strategy in that way since it's already, I guess, something that they're looking into at Honokōhau, recommend that...recommend converting existing diversions to avoid capture of low flows from streams? Or would that be the --

MS. BLUMENSTEIN: I think it should be left for...to CWRM hydrologists to determine. I mean, I would not be comfortable in saying how an IFS should be met. I mean, there...I think there's a different method and protocol for each stream and each diversion because they all look different.

COUNCILMEMBER PALTIN: If we just make the recommendation in the last column, then they have the opportunity to take it or leave it, right, if we're recommending to CWRM?

MS. BLUMENSTEIN: Yeah, I think as you stated for the earlier one, you know, recommend or encourage CWRM to consider that, because that's really their kuleana.

COUNCILMEMBER PALTIN: So can we add that one for number 12 as well? Recommend --

CHAIR SINENCI: For feasible action, recommend CWRM to capture low flows --

COUNCILMEMBER PALTIN: Convert existing diversions to avoid capture of low flows from streams.

CHAIR SINENCI: Okay. Members, is this something that we can add to feasible actions in Column...the last column? Consensus?

COUNCILMEMBER PALTIN: Consensus.

CHAIR SINENCI: Okay. Okay, moving on. We did have...number...that was number 12. Anything for number 13?

COUNCILMEMBER PALTIN: I just had a comment that --

CHAIR SINENCI: Go ahead, Member Paltin. Yeah.

COUNCILMEMBER PALTIN: I think that this strategy could be improved by substituting existing stream water uses that are nonpotable for uses that are potable with no net gain in diversion of stream water. This may happen more quickly than only using high flows, which will require construction of infrastructure.

CHAIR SINENCI: Blumenstein?

MS. BLUMENSTEIN: Okay. So you're...I'm sorry, Member Paltin. What is the...this is for 13? And you're saying to amend the strategy?

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COUNCILMEMBER PALTIN: Yeah, by substituting existing stream water uses that are nonpotable for uses that are potable with no net gain in diversion of stream water, because it might happen more quickly than only using high flows, which will require construction of infrastructure; is that plausible?

MS. BLUMENSTEIN: Well, I mean, it's a different policy. And I...and I think that what Chair Sinenci was saying is some of these are island-wide strategies or guidance for region-specific. So the way...the way this one was worded was a preliminary strategy that doesn't translate exactly to each individual region. So maybe it's better to look at that in the review of all those island-wide strategies in Part 2. Or if it's specifically for West Maui, looking at it in Chapter 19.

COUNCILMEMBER PALTIN: Okay. And then, when we're talking about ensuring that diversions are able to capture the overflow during the wet season, that kuleana belongs to CWRM?

MS. BLUMENSTEIN: Yeah. I mean, each IFS is going to be a little different, right. I mean, they're going to consider first...for example, I mean, Mahinahina Water Treatment Facility or some other treatment plant may not be able to capture really high flow because of the turbidity of the water and whatnot, and it really just producing optimally in low-flow conditions. So CWRM needs to look at that, you know, balance between...for this specific stream, what are those low-flow drought conditions? Are they sufficient for the in-stream needs? What does that mean for the other off-stream users? So I'm not very comfortable putting some general statement. I think they should be assessed for each individual IFS by CWRM rather than, you know...I don't really want to say that that is a generic good policy.

COUNCILMEMBER PALTIN: Okay. And then I just wanted to clarify on that...in parentheses, that...is it the County that is expected to expand treatment facilities and obtain reservoirs?

MS. BLUMENSTEIN: So that was a preliminary strategy that we're all vetted, right, in this. And it was not the recommended final strategy for West Maui, for example. I mean, those were alternative options that were considered, expanding Mahinahina Treatment Facility, additional use of reservoirs, and et cetera. So there's only one strategy for Central Aquifer Sector, where one of the alternative strategies is looking at expanding Kamole Water Treatment Facility, or that was dependent on...we don't have to get in...go into all the details, but it was an option there.

COUNCILMEMBER PALTIN: Okay. Okay. Thank you, Ms. Blumenstein. Thank you, Chair.

MS. BLUMENSTEIN: Sure.

CHAIR SINENCI: Mahalo, Member Paltin. Okay. Moving on to item...Strategy number 14. This one, I see that the Aha Moku had provided some comments. Under...when IFS adopted protecting kuleana and in-stream uses, then support water transport for

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diversified sustainable agriculture, and they added the language in column number 2; Native Hawaiian rights include gathering, State Water Code, Public Trust Doctrine...again, more of the same language. Diversified sustainable agriculture farming is non-commercial cultural agriculture, kalo, and other nourishing food cultivation, limu picking, fishing, and related activities. Other uses of water remove it from ecosystem and result in less water for protected rights. Then they also added...this is a policy statement indicating a priority...oh, I don't know if that one was already there. Kanaka maoli rights are negatively affected when water is used for activities other than stream restoration, eco system recharge. Cultural practices responsibility require an abundant stream connectivity and ocean near-shore water environments. In feasible actions, they requested the language, require full stream restoration prior to any new permits or uses allowed. Monitor water uses, survey kuleana users, require stream monitors and systems upgrades, access for enforcement and other policies. Kuleana input: establish a system for kuleana and local resident notification of well or diversion permits. These were some of the additions the Aha Moku felt...again, some of the same language. Ms. Blumenstein, any comments?

MS. BLUMENSTEIN: I think...I mean, I concur with some of these...the statements and the concerns. I just think this specific preliminary measure or policy is just what it says there. This is a policy statement indicating a priority for water transfer for diversified ag over other...over other nonpublic trust uses, not non-ag. Because...it was important to put in there because diversified ag is not a public trust use, right. But there's still CWRM, and when they're establishing IFS, are considering off-stream needs for agriculture. And what we heard from, you know...in community meetings, was that yeah, there is support for prioritizing diversified ag compared to other non-public trust uses, commercial irrigation and whatnot. So this strategy is not specifically speaking to diverting surface water from one area to the another, but that policy prioritizing diversified ag or other nonpublic trust uses.

CHAIR SINENCI: Any --

COUNCILMEMBER KING: Chair.

CHAIR SINENCI: Go ahead, Member King.

COUNCILMEMBER KING: Thank you. It's really hard to see the faces...the tiny faces on my screen. I just wondered about the...I...the statement that diversified sustainable agriculture farming is non-commercial. Does that mean that if local folks are farming kalo and other foods, that they can't sell it, they have to do trade? What does that word non-commercial mean?

CHAIR SINENCI: Right. I think that's what they meant, non-commercial cultural agriculture for...more for just, you know, sustenance. That's what --

COUNCILMEMBER KING: So would that...but what does that mean in the context of this? Does that preclude folks, like...I'm thinking of people like Bobby Pahia, who are farming kalo and, you know, they're selling it and they're distributing it

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in...throughout the community.

CHAIR SINENCI: Right.

COUNCILMEMBER KING: But would that not be considered diversified ag for this water use?

CHAIR SINENCI: Eva, did you have any --

MS. BLUMENSTEIN: This would be a good...maybe not in this specific Appendix 10, but in the island-wide strategies, that this is an important discussion to have to kind of define what...I mean, we're relaying here...this is what we heard from the community, that priority for diversified farming, for sustainable ag, but I don't know, specifically, you know, what does that include or exclude, but I think it's an important policy decision...discussion to have that should guide CWRM, again, when they're doing these, you know, cost-benefit reasonable use --

COUNCILMEMBER KING: Yeah. I'm just asking that question because I don't know if that affects, you know, local people and indigenous people who are farming, but then, you know, selling some of their produce. Would that keep them out of this category?

CHAIR SINENCI: Go ahead...okay. Member Paltin...excuse me, Member King. We can go ahead and get clarification. In the meantime, we can mark this as a revisit.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: Yeah.

COUNCILMEMBER KING: Yeah. Thank you.

CHAIR SINENCI: And we'll follow up on your questions. Let's go ahead and mark this as a revisit, Staff, so we can get clarification. I'm looking...I know we've got a couple more, but I'm just aware of the time. We've got a couple things still on the...on the agenda that we want to get to, Members. And so I think at this time I'm going to table Appendix 10 and come back at another meeting. We can do...we can finish up a bit of it in the next meeting if that's okay with you guys. We...I know we have several more, and this is a great conversation, again, but we're taking...it's in my notes. Okay. So I did want to share our plan for continuing with Appendix 10. Prior to next week's meeting, we will post a summary of all the Aha Moku meetings with all of their comments--we have 57 comments--and a request to implement their perspective into the document's background and into the strategies. As Ms. Blumenstein had stated, the strategies in Appendix 10 are relevant to Part 2 of the plan, island-wide strategies and then the local region chapters. So the Staff will identify the specific areas and integrate the comments, and come back to you with all of the comments within Part 2. And in Part 2 is where a lot of these statements can have more teeth within...I believe it's Table 13-1. So we can come back and integrate it into Part 2 of the plan. Before we take up Part 2 in Committee, we'll post suggested amendments and the ones...and

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also the ones adopted today at a later meeting for discussion and adoption, possibly mid-August, August 17th meeting, possibly. So if that's okay, that's the...I know it's a process, but I did want to take up a couple things before we end today. Consensus? Okay. Thank you. Staff, did I miss anything for Appendix 10?

MS. APO TAKAYAMA: Not that I'm aware of. Thank you, Chair.

CHAIR SINENCI: Okay, great. Okay. So Members, we heard testimony today, and I'd like to discuss the second item on the agenda, the proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN." The proposed resolution would extend the deadline for the Council to adopt the Maui Island Water Use and Development Plan from the September 30th, 2021, to a day...October 1st, 2021. And the reason was...the reason to propose this date was because the Council meeting is scheduled for October 1st, and that the deadline would allow me one more Committee meeting before posting on the Council meeting agenda. We still need two meetings before...for...at Council to...before sending it to CWRM. And so the current deadline is Thursday, September 30th. The proposed deadline is...on the resolution is October 1st. However, I'm thinking, from our proceedings, we might need two...a couple more meetings just to get everybody's input in. We're not going through the entire document, we're just focusing on those areas that people requested to revisit during this...the WUDP process. So --

COUNCILMEMBER KING: Chair.

CHAIR SINENCI: Go ahead, Member King.

COUNCILMEMBER KING: Just out of an abundance of caution, why don't we just push the deadline to the end of the year, and that way we won't have to keep pushing it back?

CHAIR SINENCI: Okay. Any --

COUNCILMEMBER KING: There's nothing...there's nothing wrong with getting it done earlier, but if we don't get it done, then we have to keep revisiting this deadline extension.

CHAIR SINENCI: Okay. Member King, you would like at the end of the year, December --

COUNCILMEMBER KING: Put it to December 31st. I mean, that's what we've done before when we were extending deadlines is we try to...try to make it so that it covers any more potential extensions.

CHAIR SINENCI: Right. And you're right. I can always send it...send it out of Committee earlier and then do the two readings, right. That just gives up a...gives us a buffer in case we want to go...we need that extra time.

COUNCILMEMBER KING: Right. Doesn't mean we have to take all that time.

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CHAIR SINENCI: Okay. Members...well, let me do this. The Chair will entertain a motion to adopt the proposed resolution.

COUNCILMEMBER KING: So move.

COUNCILMEMBER MOLINA: So move.

CHAIR SINENCI: Okay. It's been moved by Member King, and I believe seconded by Member Molina. Then Member King.

COUNCILMEMBER KING: I guess I'll move to amend the date to December 31st.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Okay. It's been moved to amend the resolution deadline date to December 31, 2021, seconded by Member Molina. Any discussion? Okay. I'll call for the question. All in favor of the resolution as amended, please raise your hand and say "aye."

MS. APO TAKAYAMA: Chair, can I just clarify that this motion is on the amendment?

CHAIR SINENCI: Yes.

MS. APO TAKAYAMA: Thank you.

CHAIR SINENCI: Oh, I'm sorry. Yeah, on the amendment. My apologies. Okay. I see one, two, three, five hands. I don't see Member Lee or --

COUNCILMEMBER KING: Yeah. Alice has her hand up. I don't see Keani. Keani's not in the meeting any more. I don't see her.

CHAIR SINENCI: Yeah. I know Keani is providing testimony. So I have six ayes, one excused, zero noes. So the amendment passes.

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CHAIR SINENCI: Okay, great. Thank you. Members, we also have Ms. Kanoelani Steward. I don't know if she's still on the call, but we asked her to remain online as a--yeah, I see her--as a resource. Okay, great. Okay. Thank you. So on...these are some of the changes made during the 2019 Water...State Water Resource Protection Plan. And maybe I'll have Eva speak to this. I know that there were some outdated information that were changed. And I see that there is some of the Lāhainā streams. So this is --

MS. BLUMENSTEIN: Okay. So this is the table from...in the 2019 Water Resource Protection Plan that you're showing, and you're asking how that applies to --

CHAIR SINENCI: Lāhainā.

MS. BLUMENSTEIN: -- the addendum?

CHAIR SINENCI: Yes.

MS. BLUMENSTEIN: So the addendum...or we did two addenda. So the latest is the August 2020. And it both incorporated changes in the 2019 Water Resource Protection Plan, but more importantly, the IIFS decisions that were done up through the time with the addendum. So the number of gauges as base flow, available stream flow in individual streams, didn't really change, but the different IIFS, some of those have occurred after the 2019 Water Resources Protection Plan, right. So the addendum includes all the IIFS that were established for Kahoma Stream, Kanahā, Ukumehame, Olowalu, Launiupoko, and Kauaula. So those are probably...they should be included in the Water Resource Protection Plan, yeah, because those were 2018.

CHAIR SINENCI: Okay.

MS. BLUMENSTEIN: Then at the time of the Water Resource Protection Plan...at the time of the WUDP addendum, we still didn't have the IIFS established for Honolua and Honokōhau Streams and Ditch. So the addendum does add some of that, though, because we did...A, we assumed that IIFS were going to establish for those streams similar to the method and the assessment for the other streams. So we incorporated a potential IIFS to restore 64 percent of median base flow. And that is actually what CWRM ended up doing this year. So that's included in the addendum. That's not reflected in the table from the Water Resource Protection Plan that you show.

CHAIR SINENCI: It's not reflected in here. Would it --

MS. BLUMENSTEIN: No.

CHAIR SINENCI: Would it go to...which table would it be...would it go to 19.9?

MS. BLUMENSTEIN: So in the WUDP, Chapter 19, Table 19-3 shows streams, diversions, gauges, and IIFS by watershed unit. So --

CHAIR SINENCI: Nicole, share 19-3.

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MS. BLUMENSTEIN: Yeah. Table 19-3 in Chapter 19. That one incorporates the same IFS that you saw in the Water Resource Protection Plan. If you wanted to update it with the Honolua, Honokōhau IIFS that were just established this year, they could be added in there too. However, it doesn't really change the strategies, right, because we assumed that those IFS were going to be established, and they were. They matched what CWRM ended up adopting this year. So in terms of, you know, allocating water to land use, those assumptions were incorporated in the plan already.

CHAIR SINENCI: Okay. So they're not reflected in...or this is the addendum.

MS. BLUMENSTEIN: Yeah.

CHAIR SINENCI: Are they reflected...the changes reflected in Table 19-3?

MS. BLUMENSTEIN: So it...so we don't have the Honolua, Honokōhau in here because they had not happened at the time of the addendum. But we had the --

CHAIR SINENCI: Okay. So just the...so those two were changed, but the other ones, the changes are --

MS. BLUMENSTEIN: The other ones are already in there, yeah, the Ukumehame, Olowalu, et cetera, they're in there.

CHAIR SINENCI: Okay. We did have Kanoe Steward on. Kanoe, the Honokōhau and the Honolua one, was that the ones that you were mentioning, yeah, in your testimony?

MS. STEWARD: Yes. Those were...just like how she was saying, those were just recently published in...and approved in May of this year.

CHAIR SINENCI: Okay. So we can make those changes to 19-3, under Honolua and Honokōhau Streams. And then were there any changes made to 19-5? Eva?

MS. BLUMENSTEIN: So 19-5 has...yeah. Stream flow didn't change. The assessment number diversions were the reported. So we have...well, in comparison to the Water Resources Protection Plan, there isn't really a different...because they...the Water Resource Protection Plan does not include water reported and diverted by stream like this table does. This one has...it doesn't have IFS, so that doesn't really apply. I mean, this summarizes sort of everything else but IFS here. So you have...in absence of IFS, you have information about whether there were inventoried kuleana parcels, what they declared, 1989 declaration of water use were, reported water diversions over various years. So I don't think there's anything here that needs to be updated because of the Water Resources Protection Plan update.

CHAIR SINENCI: Okay. Okay. And then finally, we had Table 19.9, if Staff can share. I know there were concerns about the...for the Lāhainā sector, but without commitment to actively monitoring the stream flows to provide for expanded kalo growing

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opportunities. And they were...their input was that the IIFS cannot be assumed to meet the need. Eva, can you explain this one?

MS. BLUMENSTEIN: Well, so this...the Table 19-9 is actually the predicted ag demand just based on the 2015 ag baseline that was done for State-wide. And although it includes...it does include taro there, it seemed that it was more for commercial crops. So we did not...we illustrate this, that this is, you know, based on available State-wide data and water use duties from Department of Ag's Water Use Development...Agricultural Water Use Development Plan. And those water duties were shown here because we're supposed to be consistent with that plan as well. However, we didn't choose...or we didn't select this as a basis for projecting future ag demand. So I mean, we will probably get to that table later, but I don't think there's...there's nothing in here that's sort of a...this is not a basis for projecting future demand for commercial crops or taro. So it's just illustrating what the water use is at a snapshot in time and based on the 2015 ag baseline.

CHAIR SINENCI: So it looks like it has taro, Honokōhau, and taro for Launiupoko.

MS. BLUMENSTEIN: Yeah, and it...for sure, it didn't include...we...what we got after this. Based on the IFS assessment reports, there were more detailed information on acreage and lo'i kalo, right. So we incorporated the data for lo'i kalo from the IFS assessment reports, all of them that were completed by...at the time of the addendum, as a basis for current ag needs. So I have to find which table that is, but this is not it. This doesn't talk about the IFSAR. This is just the 2015 ag baseline. And again, I don't think...even though they accounted for taro, based on the GIS acreages, they probably didn't include smaller parcels. It seemed to be more commercial crops.

CHAIR SINENCI: Okay. Thank you. Members, any questions for Eva or for Ms. Steward, our resource person on the Lāhainā Aquifer Sector? We did want her share some of the changes and where...and we'll be going ahead and adding the recent changes from CWRM to the Water Use Development Plan.

COUNCILMEMBER MOLINA: Chair.

CHAIR SINENCI: Mr. Molina, go ahead.

COUNCILMEMBER MOLINA: Yeah, yeah. Thank you, Chair. The questions, is it just strictly to what we're looking at right now, Table 19-9, or can I ask other questions related to the Lāhainā Aquifer section?

CHAIR SINENCI: You can...you can ask other questions.

COUNCILMEMBER MOLINA: Oh, okay. On Table 19-37, it lists option summaries of R1 water use and potable water displacement. The cost for the CIPs were conducted by, I guess, DEM in 2012. Ms. Blumenstein, would you have basically a rough estimate of what those costs would be under today's dollars, the costs for construction? Any guess?

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MS. BLUMENSTEIN: DEM's...no. We've asked for updates on R1 expansions through...well, that's 2019, yeah, when we put out the draft plan. So the available studies and the cost estimates is as of that time. I don't have today's dollar, no.

COUNCILMEMBER MOLINA: Okay. And then, Chair, if I could ask like just a couple more quick questions of Ms. Blumenstein. The irrigation of the intensive areas were identified with the resort and visitor industry for non-potable water needs and features. Which of the listed alternative water source strategies in 19.84 [sic] do you think is the most efficient...maybe, I guess, the most efficient CIP project?

MS. BLUMENSTEIN: Sorry, Member Molina. The last table number you said was what? Table --

COUNCILMEMBER MOLINA: 19.8.4.

MS. BLUMENSTEIN: 19.8. Okay. I have to find this now.

COUNCILMEMBER MOLINA: Yeah.

MS. BLUMENSTEIN: 19.8. Sorry. Let me find that. 19-84, as in 84?

COUNCILMEMBER MOLINA: Yeah. Or 8.4. Is that 84? Oh, sorry. Did I miss...maybe 84, yeah.

MS. BLUMENSTEIN: I don't think the tables go that far.

COUNCILMEMBER MOLINA: Well, must be eight then. Must be eight then, I assume.

MS. BLUMENSTEIN: 19...there's a Table 19.8. That's the MLP primary mill system. That's not it.

COUNCILMEMBER MOLINA: Okay. Maybe I have the wrong section that was given to me, but --

MS. BLUMENSTEIN: Yeah. Chapter 19 goes...the last table should like 19-39 or 40, something like that.

COUNCILMEMBER MOLINA: Okay. Well, I had my Staff come up with this question. So I'll go verify what section that is, and I can get back to you on that.

MS. BLUMENSTEIN: Thank you.

CHAIR SINENCI: Okay. Thank you, Member Molina. And one thing we didn't get to in Appendix 10 was R1 use. I think those were in like the later strategies. So we'll be bringing it up again under Appendix 10 on R1 use. Okay...Ms. Steward, did you have any other additions to Lāhainā sector?

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MS. STEWARD: Yeah. I have a few comments on a few different pages, but just like thinking about time and everything, I'm more than happy to like meet separately so that it could be a little bit more condensed, because I think we're running out of time. I don't know how long this meeting goes. But yeah, I have a lot of comments.

CHAIR SINENCI: Yeah. We've got a couple minutes, but we can take those comments. But if you...if...yeah. We have six minutes if you wanted to provide some comments. And then later on, we can meet with you too. You don't have to take up the whole six minutes.

MS. STEWARD: Okay. Yeah. I think it would...because I don't know if it's...yeah. I don't know if it's going to be worth everybody's time, or if it's just...I just wanted to like ask questions and focus in on certain sections with whoever is kind of in charge of the section.

CHAIR SINENCI: Okay. Okay. So we can bring up Lāhainā section again with...when we continue the Appendix 10 because it's all related with Appendix 10, yeah?

MS. STEWARD: Okay. Thank you. Mahalo.

CHAIR SINENCI: Mahalo for...yeah. Mahalo for joining us today. And then Staff, can we share our calendar before we...before we adjourn our meeting today? Before we do that, I will go ahead and ask to defer Item APT-57 if there are no objections, Members.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Okay. Thank you. Then just for preparation for our August 3rd meeting...again, mahalo for joining us in this special meeting. We have planned Water for Agriculture, and we're still trying to reach out to Mahi Pono to...for them to present their Farm Plan. We'll...we're reaching out to the Kula Agriculture Park to give us a presentation. We also have the Central Maui Aquifer Sector, and then in our memo, we'll go ahead and give you the sections that we wanted to discuss when we post the memo for the Central Maui Aquifer Sector. So that is the plan for August 3rd's meeting. And I know October...right, October was...we had one meeting. Are there questions?

COUNCILMEMBER MOLINA: Chair.

CHAIR SINENCI: Go ahead, Member Molina.

COUNCILMEMBER MOLINA: Yeah, Chair, thank you. I know we're about to close, and I did mention earlier to Ms. Blumenstein that I'd get some questions to her or get that appropriate section. What I'll do...I'll just submit some questions to you or the Committee Staff, and get a response, a written response from the Department for our next meeting.

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CHAIR SINENCI: Okay. Mahalo, Member Molina. Yes, please do. And any Members, if you guys have additional questions, please go ahead and forward that to the Committee, and then we can forward it to the Department. Mahalo, Member Molina. Staff, anything else before we adjourn the meeting? Did we defer everything?

MS. APO TAKAYAMA: Chair, I think we're okay. And I just wanted to make a note that this timeline doesn't reflect any changes to our schedule now that, you know, the proposed amendment to our due date for the plan.

CHAIR SINENCI: Thank you, Ms. Apo Takayama. Okay. Members, again, mahalo for joining us today on our off week. And mahalo to Ms. Blumenstein from the Department of Water Supply, Kanoe Steward for serving as a resource today. With that, that brings us to the end of our agenda. We know that there is an afternoon meeting with the Affordable Housing, with Councilmember Gabe Johnson. So we want to be...give you a lunch break before that meeting. So with that, the Agriculture and Public Trust Committee meeting of Tuesday, July 27th is now adjourned. It is...oh, early, 11:58. . . . (gavel) . . .

ADJOURN: 11:58 a.m.

APPROVED:



SHANE M. SINENCI, Chair
Agriculture and Public Trust Committee

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Transcribed by: Marie Tesoro & Brenda Clark

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CERTIFICATION

I, Marie Tesoro, hereby certify that pages 1 through 20 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of August 2021, in Wailuku, Hawai'i



Marie Tesoro

I, Brenda Clark, hereby certify that pages 20 through 48 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of August 2021, in Wailuku, Hawai'i



Brenda Clark