

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Council of the County of Maui

MINUTES

August 03, 2021

Online Only via BlueJeans

CONVENE: 1:32 p.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

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
James Forrest, Legislative Attorney
Keoni Shiota, Committee Secretary
David Raatz, Deputy Director of Council Services
Kristeena Locke, Council Services Assistant Clerk

Gina Young, Executive Assistant to Councilmember Shane M. Sinenci
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Autumn Ness, 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
Davideane Kama-Sickels, 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.:

JoAnn Inamasu, Director of Economic Development (APT-41)
Patrick Kaeo Ornellas, Agricultural Specialist, Office of Economic Development (APT-41)
Helene Kau, Deputy Director of Water Supply

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Eva Blumenstein, Water Resources & Planning Manager, Department of
Water Supply

Stephanie Chen, Deputy Corporation Counsel

OTHERS: Terrill James Kaneali'i Williams (Item APT-57)
Lucienne de Naie (Item APT-57)
Robert Street (Items APT-1(3), APT-41)
Rafael Merren (Item APT-57)
Kaniloa Kamaunu (Items APT-1(3), APT-57)
Others (4)

Kolja Rotzoll, Hydrologist, U.S. Geological Survey

Stephen Zahniser, Associate Center Director, U.S. Geological Survey

PRESS: Akakū: Maui Community Television, Inc.

CHAIR SINENCI: . . . *(gavel)* . . . Aloha kākou. Aloha and aluu kākou. Bonjour. Welcome to the Tuesday, August 3rd meeting of the Agriculture and Public Trust Committee Meeting. It is 1:32, I'm Shane Sinenci, Chair of the Committee. Joining us today we have Committee Vice-Chair, Mr. Gabe Johnson. Aloha and aluu.

VICE-CHAIR JOHNSON: Aloha, Chair, and aloha, Members, and aluu to all. Looking forward to fans...a great meeting. It's a...it was really a great agenda. I look forward to hearing some great stuff. Mahalo.

CHAIR SINENCI: Mahalo, Committee Vice-Chair. Next, we have Councilmember Kelly Takaya King. Aloha and aluu.

COUNCILMEMBER KING: Aloha, aluu, does that still qualify in the afternoon, Chair Lee?

CHAIR SINENCI: She nodded yes.

COUNCILMEMBER KING: And 'auinalā.

CHAIR SINENCI: Aloha 'auinalā. Next, we have Council Chair Alice Lee. Aloha and aluu.

COUNCILMEMBER LEE: Aloha and aluu to you, Mr. Chair. Bonjour.

CHAIR SINENCI: Bonjour. Next, we have Councilmember Michael Molina. Aloha and aluu.

COUNCILMEMBER MOLINA: Aloha and aluu, and everything else that goes with it for this wonderful Tuesday to you, Mr. Chair, my colleagues, and everyone else.

CHAIR SINENCI: Mahalo for being here. Next, we have Councilmember Tamara Paltin. Aloha and aluu.

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COUNCILMEMBER PALTIN: Aloha ‘auinalā, bonjour, and aluu to you, you, you, and you.

CHAIR SINENCI: And you as well, yes. Mahalo for that. Next, we have Council Vice-Chair Keani Rawlins-Fernandez. Aloha ‘auinalā, and aluu.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair, mai Moloka‘i nui Ahina, and bonjour and aluu kākou.

CHAIR SINENCI: ‘Ae, pololei, mahalo. And Members, as always, we have our Non-Voting Committee Members, Pro Tem Tasha Kama, also Member Yuki Lei...oh, I do believe she’s excused...and Councilmember Yuki Lei Sugimura if she’s...always...if she wants to join us, she can. Mai ka Administration, we have Ms. JoAnn Inamasu, OED Director; Director of Water Supply, Director Pearson; Deputy Director Helene Kau; Water Resource and Planning Manager, Ms. Eva Blumenstein; and Deputy Corporation Counsel Stephanie Chen. Aloha and aluu to everyone. I’m not sure if our resource people are on, but we did send an invite to Mr. Pellegrino, President of Hui O Nā Wai ‘Ehā, and so he’s always...if he jumps on, he’s always welcome. Staff today conducting the meeting, we have Ms. Kasie Apo Takayama, Mr. Keoni Shirota, David Raatz, Ms. Nicole Siegel, and Ms. Kristeena Locke. Aloha and aluu.

MS. APO TAKAYAMA: Aloha and aluu, Chair, and Members.

CHAIR SINENCI: Mahalo. So Members, 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. Today, Members, we have five items on the agenda: APT-1(3) Nā Wai ‘Ehā Streams, APT-41 Kula Agricultural Park, APT-57 the Water Use and Development Plan for Maui, APT-31 the Cooperative Water-Resource Monitoring Program, and APT-30 Study to Assess the Groundwater Availability...excuse me, Availability Under Scenario-Based Recharge Changes on the Island of Maui. Let’s begin with public testimony. Oral testimony via phone or teleconference will be accepted. Testifiers wanting to provide video testimony should’ve joined the online link via the BlueJeans meeting link at <https://bluejeans.com/411641115> as noted on today’s agenda. Testifiers wanting to provide audio testimony should’ve participated via phone conference by dialing 1-408-915-6290 and entering meeting code 411641115 as noted on today’s agenda. Written testimony is highly encouraged. Instructions on how to submit testimony can be found at mauicounty.us/testify. Oral testimony is limited to three items [sic]...three minutes per item. 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 if you are a paid lobbyist, please inform the Committee. 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, muting your microphone while waiting for your turn to testify. Once you are done testifying, you’ll be asked to disconnect from the call; however, you’re 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

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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?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. APO TAKAYAMA: Thank you, Chair. The first testifier is logged in as Scott and U'i, to be followed by Terrill James Kaneali'i Williams.

CHAIR SINENCI: U'i, aloha. You guys...Scott, you guys wanted to...we can see you. You guys wanted for provide testimony? Aloha nui.

UNIDENTIFIED SPEAKER: Aloha, no. You just caught me off guard. I was just trying to listen up, kalamai...listen up to this. I'm sorry.

CHAIR SINENCI: Oh, 'a'ole pilikia. It's nice to see you guys. Mahalo for joining us today. Okay. Next...Ms. Apo Takayama. Keali'i...or Kaneali'i.

MS. APO TAKAYAMA: Yeah.

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

CHAIR SINENCI: Yes, we can hear and see you, aloha.

MR. WILLIAMS: Okay. Aloha. I'm Terrill James Kaneali'i Williams, calling in from the ahupua'a Kuiaha, Ha'ikū Hamakualoa Maui. I'm testifying as a kuleana landowner, as an heir of Nalopi from Land Commission Award 3336 Royal Patent 2194, and also testifying as a mahi'ai, as a traditional farmer, in regards to the Water Use and Development Plan Chapter 15. As far as the plan that also...that involves Mahi Pono presenting their farming plan today, something that needs to be brought into question is where are they planning to do their work as far as commercial activity is concerned. The reason I bring this up is because...I'll use my family kuleana lands as an example.

CHAIR SINENCI: Kane, can you --

MR. WILLIAMS: Can you hear me? So I'll use my ohana's kuleana lands as an example. Alexander & Baldwin had been fraudulently claiming my ohanas [sic] kuleana land parcel, and then sold it to East Maui Irrigation. East Maui Irrigation is both owned by Alexander & Baldwin and Mahi Pono. So by default, Mahi Pono was fraudulently

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claiming my family's lands. So that itself...because Mahi Pono has said that it's purchased 41,000 acres from Alexander & Baldwin, knowing their history as far as these faulty and fraudulent land titles and claims and transfers themselves, those 41,000 acres, I think, need to be put into question first as to the legitimacy of them as far as ownership. Are those kuleana lands? And if so, who are the families that actually have ownership over those lands? Are those Hawaiian Kingdom Crown lands? And if so, where is the commercial contract between Mahi Pono, Alexander & Baldwin, and the Crown? So that's the first issue. The second issue is the water. For their farm plan, where are they planning to get water for these farms? We've experienced here in Kuiaha the diversions. We've seen the impacts in many ahupua'a in East Maui. As I've stated in previous meetings, as kuleana landowners, we have the priority interest to the water. The County does not have the right to manage it. The Mahi Pono and private organization...corporations like Mahi Pono, East Maui Irrigation, do not have the right to the water or to manage it. However, we continue to see extreme amounts of water be taken away from ahupua'a, East Maui streams all the way to Central Maui, which brings up a major concern. Have all the kuleana families that Mahi Pono plans to take water from, their ahupua'a, have all of them been contacted first? Because it's their right. Individually, it's the kuleana families and their heirship is the first right to the water, and they have to be brought into the discussion. As far as the Water Use and Development Plan, it also...there needs to be some adjustments because it's being based on the 2018 review, which did not fully give assessments to all streams in Ha'ikū and East Maui. I believe there's about...what is it, 12 streams between Honopou and Waikamoi that were not reviewed for restoration. So how can...I don't understand how there's any plans that can be put into place without these first assessments having to take place and investigations needing to be done . . .(timer sounds) . . .

CHAIR SINENCI: Okay. Mahalo, Kaneali'i. I had a question...oh, we have a question from Member Johnson. Go ahead, Member Johnson.

VICE-CHAIR JOHNSON: Thank you, Chair. Thank you for your testimony. So just a quick question for you. How has your experience with the EMI and their water management impacted your family land?

MR. WILLIAMS: Oh. Here, I can show you, visuals also, always great. Let me turn this around. I know I've showed you folks this river several times. This is East Maui, which gets the most rain on the island. However, the stream still has not returned to rising. As far as our kuleana lands, we grow many different things here. We have kalo growing, there's several patches down the way, we grow uala, we grow mai'a, we have a very diversified agriculture here. However, our ability to ask for our water that we have the rights to obviously impacts that ability for us to maintain and actually produce the capacity that we could if we had our water. Besides the agricultural side, there's also the aquaculture. My family and I, we still...we do depend on the river (*audio interference*) so the opae, the o'opu, all those marine water life that is in the river and supposed to be there. However, we've noticed the stream got even less this week, so we're seeing that some of our food is actually dying off. So that's the aquaculture side of it. As far as even the religious and spiritual side that we have rights to the water as well for our practices that's in the law. This particular area right here is where my family and I would practice our hi'uwai,

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which is our ceremonial bathing. However, you know, I'm not too sure how we're able to lunge and submerge ourselves in a river that does not have sufficient amount of water. And I know I've said this, I've mentioned this before, we're not the only family, kuleana family that has been impacted by this. There's many families that all need to be brought to the table and so that they can give their own 'ike and experience.

VICE-CHAIR JOHNSON: Yeah.

MR. WILLIAMS: But every single stream not only deserves to have flow in it, but deserves to have ample and great amounts of volume of water flowing through it.

VICE-CHAIR JOHNSON: Okay. All right. Thank you. Thank you, Mr. Williams, for your testimony. Thank you, Chair. I have no further questions.

MR. WILLIAMS: Mahalo.

CHAIR SINENCI: Mahalo, Member Johnson. And Kaneali'i, I had a question. I know you're practicing growing kalo at Kuiaha. There's about six streams between Honopou and Maliko. Are you aware of other kalo growers in those other streams?

MR. WILLIAMS: *(audio interference)* Can you hear me?

CHAIR SINENCI: Yeah, go ahead.

MR. WILLIAMS: I think the best ones to contact would...on that question would be Aha Moku. They are the entity and body that has more contact across this Moku to be able to identify that for you folks.

CHAIR SINENCI: Okay.

MR. WILLIAMS: I'm sure if there was water flowing in their streams, they would be able to...also be able to grow kalo and other foods as well.

CHAIR SINENCI: Okay. Mahalo, Kaneali'i, for your testimony today. Thank you for joining us.

MR. WILLIAMS: Mahalo nui.

CHAIR SINENCI: Next we have Ms. de Naie. Aloha, Ms. de Naie.

MS. DE NAIE: Aloha. Wow, if it's Tuesday, I must be at the APT Committee. Hello everybody. Thank you for coming out this afternoon. You know, I only signed up to speak to APT-57, but I would like to say a little something about 13, 30, and 31, but I will be brief if I may. Would that be okay?

CHAIR SINENCI: Go ahead.

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MS. DE NAIE: All right. Well, Item 13 [sic], Nā Wai 'Ehā, I hope that we do get a presentation about what is going on in this area because there's a tremendous interest among younger folks helping the kūpuna that have had patches there for years and years. And it's just wonderful, it's heartwarming to see, but it's not anything you read about in the newspaper, it's not anything you would know about. It's just, you know, ohana to ohana. But it is part of our future, and I just think that the WUDP should not look at the kalo numbers as just based on the instream flow standards. I think there's a tendency to say that we've set the instreams flow standards at this amount; therefore, there will be this much kalo growing because that's, you know, all that was allowed in the instream flow standards. I think that the standards do get changed as people have the need for more kalo growing. So I would hate to see that number just frozen in time. There should be an asterisk there that say that, you know, it is possible for more water to be used over time as kalo growing expands. And then I'll move on to APT number 30. I did testify briefly about this the other day at the Council, 30 and 31. You know, it's great that this Committee's going to move these forward to get funds in place to work with USGS, keep our monitoring programs going. I think those of us in the community...they haven't expanded as fast as we'd like. I mean, we've got one new monitor in East Maui, and I think one in West Maui, and then replacing some of the ones in Nā Wai 'Ehā is the current program I saw. So we really do need more ways to monitor in West and East Maui. Nā Wai 'Ehā has quite a few monitors and the agreement with the recent Water Commission decision has said that whoever is the diverter, if it's Wailuku Ag or whoever it is, needs to provide some more gauges and do some more monitoring, which is wholly appropriate. So thank you for moving these forward, and it will be interesting to see the USGS, the figures they come up with about, you know, how rainfall patterns and others are changing, and what we need to look at. And then moving on to Item number 57, the Water Use and Development Plan, the Central Maui section, you know, Kaneali'i makes some really good points there about...there are kuleana families in Ha'ikū. Several have contacted the Community Association, and there are plenty of kuleana families in the East Maui lease area with these streams that have never actually been included in all the decisions of the Water Commission, the 12 streams that were kind of forgotten over that 20-year process. So basically, it's kind of hard...we have all these numbers in the Water Use and Development Plan, and they're based on the EIS that A&B put out about what their water needs are going to be. But I think those needs need to be balanced against the reality that we don't know what these kuleana users are going to require in areas where it's never been examined. I think the Water Commission is trying to get at that data. I'm not sure if they'll have it available during the time of this process; but if they do, it would be great to get that integrated in, and hear from the community to make sure it's accurate. Because you have to ground troop these things. The Commission goes out, does the best they can, but they can't always run into, you know, everybody that really has sincere use of kuleana water rights. So I think it's premature to set some of these very, very high numbers. There are some other numbers of demand. I will send over a chart for you folks to consider about what the actual agricultural demand has been for the last two years, year and a half. It's way different than the 2020 numbers that are projected in your Water Use and Development Plan and in that original draft, nowhere near them. I mean . . .(timer sounds). . . by a long ways. So I think that should be kind of ground trooped as well. Mahalo.

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CHAIR SINENCI: Mahalo, Ms. de Naie, for your testimony today. Members, any questions for Ms. de Naie? And just to clarify, Ms. de Naie, those Ha'ikū streams, none of them have any IIFS data as --

MS. DE NAIE: No, no, none of them have had anything set. And I'm not really aware of any studies for IIFS on those streams at this point either.

CHAIR SINENCI: All right. Thank you. Next, we have a testifier listed as Guest Number 1. I'm not sure if you're here to provide testimony. Guest Number 1, would you like to provide testimony, go ahead and unmute yourself. Okay. We'll come back. Okay. Next, we have Mr. Robert Street. Aloha, Mr. Street. Go ahead and unmute yourself. Staff, have we got them unmuted?

MS. APO TAKAYAMA: Yes, Chair, he appears to be unmuted on our end, but is still muted on his end.

CHAIR SINENCI: Okay. We can come back to Mr. Street. Next, we have Mr. Rafael Merren. Aloha, Mr. Merren. Can you hear us?

MR. MERREN: Aloha, Shane.

CHAIR SINENCI: Aloha. Go ahead.

MR. MERREN: My name is Rafael Merren. I recently visited Maui for four weeks to study critical infrastructure projects, also looking to make Maui my home after visiting there a few years ago and falling in love with the island. And in researching the critical infrastructure, became aware of the challenges of surrounding water. And through the grace of Kumu Palani, have been made aware of this panel. I have a few findings related to this, and they are as follows. I noticed a highly chlorinated tap water from the public water supply in Hāna as well as other districts...I mean, other areas throughout East Maui, and was wondering if, within the 30-year Water Use Plan, there is usage for reclamation and remediation to be established for the way that warm water, ground water use, et cetera, is monitored, maintained, for the interest of reducing the need for chlorinated drinking water, as these have negative and detrimental effects to the health and well-being of the community. I also noticed East Maui has many signs of forced degradation and erosion along the Hāna Highway. As you know, water management plays a key role in that environmental degradation from U.S.--you know, the USGS has data which states that the land can sink as much as two feet per year based on depleted water banks because of the mass not being allowed to hold the ground around and above it. And then in regards to HC&S or A&B, for many years, from my understanding, plantations did monocropping on sugar cane, and this has a severe impact on soil nutrition...soil nutrition depletion, reduces the ground cover, reduces the topsoil, and increases levels of erosion. I'm assuming that they had used nonorganic pesticides and modified farming practices to increase their yields. I'm afraid that these nonorganic pesticides may have leached chemicals into the soil. And if there were a system in place perhaps to work with USGS and their monitoring capabilities to monitor the benzenes,

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chlorines, or other carcinogenic toxicological contaminants which could flow into ground water sources, especially in those areas which plan to be highly irrigated. And then in regard to water usage, A&B or Mahi Pono are the largest landowners in the sectors. They were originally allotted 45 million gallons . . .*(timer sounds)*. . . of water per day, and now have been reduced to 25 million gallons per day based on the ruling by Honorable Jeffery Crabtree, which was put out July 30, reducing their usage. But my curiosity is the difference, or the discrepancy --

CHAIR SINENCI: Mahalo, Mr. Merren. Go ahead and finish up your testimony.

MR. MERREN: This is the last one I have. The discrepancy between the 25 millions and the 45 million gallons, that's 20 million gallons of water per day. I am unaware of the underground reservoirs or aquifers that this water could have been reported to. Is there a way that you can establish a means to monitor this water to make sure that those...that water isn't used for a further commercial purpose other than what is being used or allocated for today? Thank you for your time.

CHAIR SINENCI: Mahalo, Mr. Merren, for your testimony. Members, any questions for the testifier? We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Merren, for your testimony today. I just was wondering, is this area your area of expertise, water management?

MR. MERREN: I have worked with my company, Sidewinder Solutions, we work on critical infrastructure and long-term sustainable water projects, specifically in the *(audio interference)* and civil governments. I have experience working on critical infrastructure and construction build back projects after disaster mitigated areas on Department of Defense sites, such as those in Nebraska and in Florida for the last two years.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. And then just for clarification, Mr. Merren, you mentioned commercial use of the water, noncommercial...or commercial use. We have water reserved for fire protection for noncommercial use, but you were speaking to commercial use of water, correct?

MR. MERREN: Correct, sir. A case in point, or an analogy would be the current...in California, they have what's known as the corn...a lot of these large agricultural...agricultural lands, they'll have, you know, aquifers or ground water reservoirs or as water banks, right, and they will take State public commodity, right. They will receive that State public commodity reduced rate, they will deposit that into a water bank or aquifer, and then they can then turn it into a ball of water or sell it for a commercial purpose. And that would be the intent, to make sure that those public water...if it's used for an agriculture purpose, that's one thing. But if it's bought at a low rate and then sold for a commercial purpose, that may not be within your water use plan of where the best needs of your community.

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CHAIR SINENCI: Okay. Mahalo for that clarification, Mr. Merren. Thank you for your testimony.

MR. MERREN: Thank you.

CHAIR SINENCI: Okay. Next, Members, we have Mr. Kaniloa Kamaunu. Aloha, Mr. Kamaunu, go ahead and unmute yourself.

MR. KAMAUNU: Aloha.

CHAIR SINENCI: Aloha.

MR. KAMAUNU: So my input for today, just a reminder, I know you have Na Wai...Hui Nā Wai 'Ehā making a presentation to your Committee. A couple reminders, we as Aha Moku haven't been able to do that. I, as kuleana heir, haven't been able to do that. And so, I still look forward to being scheduled on your panel, or to your Committee to actually make a presentation. The other thing is, I'm averse to anything that will imply that the Hui speaks for Waihe'e or Waiehu. They haven't sat down in consultation with us. They may have talked to others, but by right, because we're talking about one right, it's an individual thing. It's not collective. So that means any party that has a legitimate right, as I do, which I fought for all these years, has to be consulted [sic]. It's not whether or not you will, but you have to, okay. And I am recognized by this Council as being kuleana. Mr. Molina, Mr. Victorino was sitting on the Council when I came there during all this stuff with the permitting. I am also...and the State recognized as kuleana. So I am a legitimate party to be consulted [sic] with, okay. Not as an individual of the community, I do have vested rights. This was already discussed, Mr. Mawaki also solidified that we do have superior rights. So for me not to be...have any types of consultation...I've had consultation with Shane's office, but no consultation and no ability to present, I think, is actually taking away my right to defend my position or to present that. So again, I did not give any permission to Nā Wai 'Ehā, Hui Nā Wai 'Ehā to speak on my connection to Waihe'e or Waiehu, being lineal to those areas. Now, moving on to the Water Use, I think it's APT-57, again, I'm going to be adverse to what has been presented for all these years. I was adverse when it first came out. Things haven't changed. They are still regulating us in a box that we do not belong in. I am highly adverse to being called Native Hawaiian. That document only talks about Native Hawaiian. But again, I refer to the Federal codes which relate that a Native Hawaiian is an American unless there is some kind of document that there's a Treaty of Annexation with the Kingdom of Hawai'i, and that we were naturalized to Hawai'i, then I stand my grounds and validate that I am still kānaka maoli, I am still a subject of the Kingdom. Until documents are shown that can say otherwise, then the use of Native Hawaiian is a term that does not reply [sic] to me and those like me, especially when it comes to kuleana rights. Because according to your Article 23, Section 7, the State has rights to distinguish, or make comments on how we use our rights, which is illegal. They don't have that right. I fought for that right and the recognition. And so I expect that to be recognized in this document. This document calls us users. It's inappropriate. It's not users. We have a right, a right to use it. We have a right. So it doesn't claim that in your document anywhere, and it's only a small portion that it actually speaks about

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kuleana. But the rest of it is talking about American citizen with American rights, and is delegated by the County or State. It does not refer to who I am and my position which I have taken, and that's inappropriate. You have an obligation to do your due diligence. If you're not ma'a to what is the actual, what our actual status is, then you should go to your Admissions Act of 1959 Subsection 19. And it clearly states . . .*(timer sounds)*. . . what it is. So as far as I'm concerned, the document that you are presenting to pass to WUDP is...does not address the people who actually have rights, which is kuleana, as well as kānaka maoli. Thank you.

VICE-CHAIR JOHNSON: Okay. Thank you, Mr. Kamaunu. Members, do we have any questions? Our Chair is having internet service issues. So it looks like he's coming on right now. But Members, any questions for our testifier? Go ahead, Councilmember Paltin. And before we go on, Shane, you want to take it over from here? Okay. He's on. Go ahead, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Vice-Chair. Thank you, Mr. Kamaunu, for your testimony. I just wanted to clarify what I think I understand I heard, that you want the WUDP to recognize kānaka maoli, and you in particular, for the Waihe'e area as a user?

MR. KAMAUNU: Okay. Kuleana is because I have a Land Commission Award, I have several Land Commission Awards in Waihe'e. My wife has Land Commission Awards in Waiehu, so does my sister's husband. So they actually have claims in Waiehu. So as kuleana to the Land Commission Award Royal Patent, and as kānaka as by birthright that already comes to me because of our...because of our status and because of our bills of rights from 1839. And the word user, to me, doesn't really address what we have. It's actually a right that we have, a right to water. It's...because when you say...as you...if you read it correctly and you apply it the way that you have it, it puts me subject to the State and County's regulations, which I have fought not to be regulated by. I've never put into a permit because it states that I don't have to have a water use permit. So I don't consider myself a user, you know, I am blessed to have that right. I am blessed to...actually, unlike Wailuku and Waikapu, that I actually can engage physically with my river and my auwai the way that I do. So I don't consider myself a user. I am...I don't know...but user, the way that you have it, it implies that I'm subject to whatever WUDP has, or the way you're going to address me. So that's why I say --

COUNCILMEMBER PALTIN: Is it better to say that you have rights based on...in...the Land Commission awardees have rights based on the 1839 Constitution? I'm not...I mean, I'm not sure what you want us to say in the document is I guess the problem.

MR. KAMAUNU: And that's...yeah, that's a problem because there's no understanding of who we actually are, and what you're actually dealing with. And the words that are being put into there, such as Native Hawaiian, takes away...takes away my rights, right? You're recognizing it under a fictitious body of people that don't exist. LCA, Land Commission Award. is where I become kuleana, right? So as kuleana. I have a vested right for it to come to my lands. As kānaka maoli, I have a birthright...it is a birthright that I'm born to. So to use the word user the way...and to even phrase what your WUDP has...because if you read it, it really doesn't talk about me, and it doesn't talk about

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people like Kaneali'i. It does not address us correctly. It actually becomes intrusive of actually to the point where our rights are diminished and are being regulated by body that itself cannot prove its standing with water rights. So I mean, I don't know what the best use of it, but I think that's up to this Committee to educate itself as far as who we are, and what we claim, and what should be put on that document to be correct. All I can say the way it is written at this time does not address me.

COUNCILMEMBER PALTIN: Okay.

MR. KAMAUNU: I don't know if that helps you. That's the best I can say. Thank you.

COUNCILMEMBER PALTIN: Thank you, Mr. Kamaunu. Thank you, Vice-Chair, and Chair.

VICE-CHAIR JOHNSON: Chair, you're muted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, it looks like you're muted. Oh, okay.

CHAIR SINENCI: Can you hear me now? Oh, okay. Thank you. Mahalo. Yeah, ironically, I left Hāna because we didn't have any connectivity there. So I'm in the County Building and loss...but anyways, mahalo, Mr. Kamaunu, for your testimony. And Members, just to let you know, this was an issue that was brought up during our Aha Moku Council's meetings with our Committee because it does say Native Hawaiians throughout the document, and Aha Moku claiming that they are more kānaka maoli. However, I mean, it's a larger discussion because a lot of the State Constitutional has...Constitution has Native Hawaiians in it. So taking out the name...and we can have a larger discussion when we bring up the Appendix 10 again. So mahalo for that. I just wanted to preface that with that. Again, mahalo, Mr. Kamaunu.

MR. KAMAUNU: Aloha.

CHAIR SINENCI: Our next testifier is Stephen Zahniser. I don't know if he's here for item APT-30 and APT-31. Mr. Zahniser, is that correct?

MR. ZAHNISER: Yeah, that's correct. No, I'm just, I'm here to listen in for right now. So . . .(inaudible). . . Thank you.

CHAIR SINENCI: Okay. Thanks for joining us today. Next, Members, we'll go back to Guest Number 1. If Guest Number 1 is still here.

MR. STREET: Do you have a name?

CHAIR SINENCI: Yeah, go ahead and introduce yourself for the record.

MR. STREET: And Guest Number 1 is?

CHAIR SINENCI: Is that you?

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MR. STREET: Where are you looking?

CHAIR SINENCI: Are you listed as Guest Number 1?

MR. STREET: Yes, I am, I think. I'm at the top of the list, but you have to...e kala mai, brother, I'm just not into this...my first time using this system so...but I'm here --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, the person that's speaking is identified as Robert Street.

CHAIR SINENCI: Oh, okay. You're not...okay, Robert...but is Robert --

MR. STREET: Street.

CHAIR SINENCI: -- do we see Robert and Guest Number 1?

MR. STREET: Correct.

CHAIR SINENCI: Go ahead, Mr. Street, with your testimony.

MR. STREET: APT-1(3) and APT-41. So I'll use my...

CHAIR SINENCI: Go ahead. Go ahead, Mr. Street.

MR. STREET: I'm here to address other issues to Nā Wai 'Ehā stream flow and the Kula (*audio interference*) I'd rather not because I'd rather hear the presentation from Hokuao Pellegrino and President of the Hui Nā Wai 'Ehā.

CHAIR SINENCI: Okay. And then, Mr. Street, did you send in written testimony?

MR. STREET: I did not.

CHAIR SINENCI: Okay. Because we're not...we're having...I don't think Mr. Pellegrino will be joining us today.

MR. STREET: Okay.

CHAIR SINENCI: Did you have...did you want to testify? We also have APT-41 on the Kula Agricultural Park.

MR. STREET: Okay.

CHAIR SINENCI: Did you want to provide testimony for that? Yeah, go ahead.

MR. STREET: I'll do the Kula Ag Park first, that I sent the Council photographs of the proposed Kula Ag Park, which is below the present Kula Ag Park. And this is 246 acres that the County owns. And I've expressed my concerns about how it has become a rubbish

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dump. This future site that...my understanding that's supposed to be the extension of the Kula Ag Park is not being run properly by the County, and they are open and notoriously letting people dump their vehicles in there. And it is now become a public health problem, and it is a shame that the County would allow lands that are in their possessions to turn into a site like this. I sent...I think it was July 18th, the first video to the Council, to everyone. And then I sent one today, which was a follow up on the dump site. And it is growing...it's not going away. And this is part of the Kula Agricultural Park in the future. When I drove by there yesterday, there's another ingress and egress that has been opened up. And I'm wondering if the County is allowing this intentionally so people can dump their trash in there. And let me remind you that the County has a fiduciary responsibility to the taxpayers and the voters of this community to take care of the lands which are under their kuleana, and not let the public do whatever they want to do with the lands, and that is creating a dump site.

CHAIR SINENCI: Mahalo, Mr. Street, for your testimony. Members, any questions for the testifier?

MR. STREET: Would you like me to talk about APT-1(3) now, the Nā Wai 'Ehā?

CHAIR SINENCI: Yes, go...and we posted that just because today's discussions is water for agriculture. And so, Central district...sector.

MR. STREET: I will --

CHAIR SINENCI: Go ahead.

MR. STREET: *(audio interference)* kuleana landowner with kuleana water rights in the Nā Wai 'Ehā, and I want to bring to the Council, and your attention, and your Committee's attention, and ask you, why is the County intentionally polluting my auwai? And three times around I've had to change out the lo'i because the County refuses to correct the mistake. And I brought this to the attention of the Council, or the Public Works about three years ago, and they did nothing, and then the pandemic hit, and the problem is still there and exists right now. And it's not far from your building where you sit. All you have to do is go out to Kaohu Street and Kalua Road and take a look down, right by the Okazuya, and that is a road runoff by the County that goes into my kuleana, my auwai system that feeds my lo'i. And there are two of them I know of, and I don't know about a couple of others. So my question is, as part of the Nā Wai 'Ehā, as we go through this whole process with the State Commission on Water Resource and our allocations for water, why is the County a problem now with their pollution? And I can't seem to get an answer from anybody, and so life goes on. So my question to you is, why is the County negligent like this, and why is the County putting me in a position where I have to take them to Environmental Court? That's it.

CHAIR SINENCI: Okay. Mahalo, Mr. Street, for your testimony. Members, any questions for the testifier? We have a question from Member King.

COUNCILMEMBER KING: Aloha, Mr. Street. Thank you for your testimony and for bringing

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us into awareness of these two situations. For both of them, were you...have you by any chance filed a request for service on either of these two issues, Kula Ag Park, or the environmental pollution you're talking about?

MR. STREET: The Nā Wai 'Ehā, I sat down with the Public Works, and they showed me a nice aerial video of my street, and that was it. Mahalo, a hui hou, and left.

COUNCILMEMBER KING: Okay. On the Kula Ag Park one, I mean, we can make a referral. But it sometimes is very effective if the public files a request for service from the appropriate Department, especially if there's dumping going on. But if you can send us pictures, we can forward that on to the appropriate Department for enforcement.

MR. STREET: I think I've sent two videos of the --

COUNCILMEMBER KING: *(audio interference)*

MR. STREET: Yeah.

COUNCILMEMBER KING: Did you send it to the whole Council?

MR. STREET: One of them I did. The second one I think I just sent to this Committee, and I know Alice Lee and you because she's the...the Chair of the Council. But I think it's just more than that. I think it's the delinquency of the County to properly take care of the land. And when you want to talk about Malama I ka 'āina, don't talk with the County because this is an example of, they don't believe in that philosophy. My...and I would wonder, you know, when you got this land, why didn't you fence it in? Figure out how you're going to get the water to this potential ag site and work from there. Why do you have to be reactive instead of proactive? Why do you have to have people from the community --

COUNCILMEMBER KING: For the Council...you know, the Council is not enforcers, the Administration is the enforcement implementation. So we can try to relay that --

MR. STREET: I have --

COUNCILMEMBER KING: -- . . . *(inaudible)*. . . for these for you.

MR. STREET: I have done that. They're aware of it. They treat comments with indifference. They don't care. They're not environmentally sensitive. This Administration is just not into the environment, period. Here you want to put an exclamation point on that statement. Just go to the landfill, and see what it looks like. That is atrocious, that urban art is...it's amazing that the County hasn't been fined and cited by the State Health Department. *(Audio interference)* right across from the landfill, all that rubbish in their property. But this is not about the landfill and their situation. This is about Kula Ag Park, the extension of the Kula Ag Park, and how you treat your property and how you manage it.

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COUNCILMEMBER KING: Okay.

MR. STREET: And just last week, Thursday, I went down because there was more cars dumped in that section. And I blocked the entrance, and I went in. And I looked at the two guys, and they looked at me, and it was like what, what, what? I just told them to leave, man. Uncool what they did...stripping cars, you know. We shouldn't have to get frustrated with the Government here on Maui, as small as it is, but you put us in a position where we have to. And when you go to the appropriate people, and the appropriate Committees, and the appropriate government agencies, it doesn't register. It just doesn't register because this is not an Administration that believes that the environment runs the economy, period.

CHAIR SINENCI: Okay. Did he answer your question, Member King?

COUNCILMEMBER KING: Yes, and, you know, I'm going to follow up with the Environmental Protection and Sustainability. But thank you, Mr. Street, I appreciate your concern.

MR. STREET: Mahalo, and you have a pono day.

CHAIR SINENCI: Ae. Mahalo, Mr. Street, for your testimony today. Is there anyone else wishing to testify? Please go ahead and unmute yourselves to provide testimony. Was that the last testifier, Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, we have two other individuals signed on to the call under Anna and under Lala, but I'm not sure if they're wishing to provide testimony.

CHAIR SINENCI: Okay. Anna, are you here to provide testimony, or are you just listening in? Okay. Seeing or hearing none, Members, without objections, I will now close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Any objections to receiving written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Okay. Mahalo nui. And I just wanted to remind those that provided testimony via the BlueJeans audio or video to turn into...tune into *Akakū* Channel 53, Facebook Live, or mauicounty.us to view the remainder of today's meeting.

. . . END PUBLIC TESTIMONY . . .

ITEM 1(3): NĀ WAI 'EHĀ STREAMS

CHAIR SINENCI: Okay, Members, with that...Staff, did...we didn't receive any correspondence

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from...oh, let me just...for APT-1(3) Nā Wai 'Ehā Streams, in accordance with Rule 7(B) of the Rules of the Council, the Committee may receive a presentation and discuss matters relating to Nā Wai 'Ehā. We have not received...we might have had an outdated contact for Mr. Pellegrino, but I believe he's not able to join us today. And as you all know, with the recent CWRM order and decisions, there is an appeals period of 90 days. And so I know we wanted to give them some time to go ahead and make whatever necessary proposals that they could. So with that...Kasie, we don't see Mr. Pellegrino, yeah? I got a text that he was at work today. But we can always go ahead and invite him at another...on another one, hopefully when we have CWRM on as well. So with that, Members, if there are no objections, I'd like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay, great. Mahalo.

ITEM 41: KULA AGRICULTURAL PARK (CC 20-66)

CHAIR SINENCI: Okay. Next, Members, we have APT-41, the Kula Agricultural Park. And today we have Ms. JoAnn Inamasu, our Economic Development Director, to provide an update on the Kula Agricultural Park. We also have Director Pearson and Ms. Blumenstein in case there are any questions on how the Kula Ag Park or any expansion plans may affect the Water Use and Development Plan. So I'd like to designate Director Inamasu if she's here...or do we have a...

MS. INAMASU: I am, Chair.

CHAIR SINENCI: Oh, okay, great...as a resource, Director Pearson, and Ms. Blumenstein as resource persons under rule 18(A) of the Rules of the Council, if there are no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Okay. Great, thank you. Go ahead, Ms. Inamasu.

MS. INAMASU: Hi, good afternoon, Chair, and Members. Thank you for allowing me to be here with regards to talking about the Kula Ag Park and the expansion of the Upcountry Maui Agricultural Park. I've come before this body previously to talk about our Ag Park. There have been no changes since we last did the presentation. We continue to monitor...we recently did a visit, or I guess should say several visits, and doing site visits with the tenants to just check activity on all of that, and to provide our report to our Kula Ag Park Committee. Our meeting is coming up shortly. So in just looking at the productivity or the lack of productivity on the lots...and I believe Chair has recently been escorted with Patrick Ornellas from our office to at least visually see the Park itself. And recently it's been...some of the farmers have been featured...or their crops have been featured on Cooking Hawai'i, and you can see some visual. It actually looks really nice

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when they took care of that and shot that. There is a good amount going on. We just started with solidifying contracts for the new Upcountry Maui Ag Park on the booster pump for the water, and also the matter of the planning and design of the park. So those contracts are in the process of being signed and confirmed as we got the actual funding in hand, maybe about a couple months ago, and that's when we were able to move forward with all of these contracts in place. So we are slowly progressing. We are aware of the drought conditions that we are facing and trying to work through that. Patrick or Kaeo from our office has also been working with our farmers and seeing how...because the situation happens each year, and not only...it's not isolated to the Ag Park, it's...I mean, it's Countywide as far as the drought itself. So, you know, we need to look at possible maybe drought mitigation. It doesn't only affect our crop farmers, but it affects our ranchers and everyone within the Ag industry. So looking at different things, but Chair, I don't know if there's something in specific that you were looking for an update on that I can help you or try to help you with.

CHAIR SINENCI: Mahalo, Ms. Inamasu. Yeah, just because we were having a discussion on the WUDP today, I wanted to go ahead and have the Kula Ag folks report for discussion today.

MS. INAMASU: Okay. Thank you. And, you know, thank you to your previous testifier, Mr. Street. We did get his recent...and I think it was yesterday or today that he sent us a video through the Mayor's Office, and we're looking to do...we'll make some contacts and try to get some of that cleaned up. It is closer to a gulch area, as I understand it from my staff. So there's some little hesitation on that. We do have no trespassing signs throughout on the entrance area of that park, but I think we need to maybe make it more prevalent. We also have tried putting boulders at the entrance of that area. People will go around it. So we need to work on something else that may be a little more effective. So we are looking at some...I think we got some State funding to help us with the Kula Ag Park as far as fencing. I don't know how much it will cover for the new Ag Park, but we are continuing to work on that. So thank you, Chair.

CHAIR SINENCI: Mahalo, Ms. Inamasu. You mentioned contracts....water...did you mention water contracts for the new...

MS. INAMASU: For a booster pump to take from another reservoir to bring into the Kula Ag...I mean, excuse me, the Upcountry, the New Ag Park that's up there. Because right now it doesn't have a water source.

CHAIR SINENCI: Okay. Mahalo for that. And Members, before we go to any questions for Ms. Inamasu, we do have Ms. Eva Blumenstein. Eva, were you...did you want to say something prior?

MS. BLUMENSTEIN: Aloha, Chair. Thank you. There's an echo there. I just want to note that Director Pearson is not at this meeting, Deputy Director Helene Kau is here. And I also wanted to just clarify, there's two names there from USGS that are...that could be available as resource people if you have any technical questions on those agenda items later.

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CHAIR SINENCI: Okay. Mahalo for that, Ms. Blumenstein. Members, any questions for either Ms. Blumenstein or Director Inamasu? We have questions from Member Molina, Member King, and then Member Johnson. Go ahead, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chairman. I guess this is for Ms. Inamasu or the Water Department. With the declaration of the drought Upcountry, what kind of impact has that had on the tenants of the Kula Ag Park?

CHAIR SINENCI: Ms. Inamasu?

MS. INAMASU: I'm hoping...I don't know if the Water Department is on there to be able to address that. I know that our farmers have each year been, I guess, looked at and taught to conserve their water. It's very difficult for their crops in that way. So I think there's been some conservation, but yet they've had to actually cut back on some of their crops growing too. So Helene (*audio interference*) --

COUNCILMEMBER MOLINA: So this drought --

MS. INAMASU: -- that can be added to that.

COUNCILMEMBER MOLINA: So this drought declaration had some economic ramifications on our farmers then?

MS. INAMASU: I think every year it does. It does have an impact. But, you know, going through what we did with COVID, many of them had already cut back on their crops, or not able to sell or market some of their crops. So they may be hurting even more if they're now having to cut back even more so based on water usage previously.

COUNCILMEMBER MOLINA: Okay. Thanks, Ms. Inamasu. And Director Kau, sorry, go ahead.

MS. KAU: No, I was just going to...I apologize, I have a really bad cold. But just as JoAnn had mentioned, as we had requested the farmers and everybody Upcountry to conserve, of course, they were affected by that as well. Unfortunately, it is something that has occurred frequently. Last year we were able to hold off until September; but this year, unfortunately we did declare Stage 1 in July. So it's actually worse than it has been historically. And we appreciate the farmers' efforts to conserve where possible. It has certainly helped. But we're still in very, very severe drought.

COUNCILMEMBER MOLINA: All right. Thank you for your responses. Thank you, Mr. Chairman.

CHAIR SINENCI: Mahalo, Member Molina. Next, we have questions from Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, this...I have a question for JoAnn, I actually have a couple questions. Thank you for being here, JoAnn. Whoops, we just

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lost her. Think she's coming back.

MS. INAMASU: No, I'm still here.

COUNCILMEMBER KING: Oh, you...are you there? Okay.

MS. INAMASU: I'm here, but I see a lot of poor connection going right across the board.

COUNCILMEMBER KING: Yeah, you're back. I can see you now. So, you know, when we first purchased that, the new Ag Park, part of the reason why it was such a great deal I thought was--and my memory could be fuzzy--but I thought there was a reservoir on it, and that the State was giving us some money for...to put in access to the, you know, water pumps and stuff. So is that...is my...am I off in my memory or did...was that one of the reasons we...

MS. INAMASU: On the parcel, that 262-acre parcel, there is no reservoir. There is a big gulch in the middle of everything, but no reservoir. So that's part of the money. And you are correct with the State money. Representative Yamashita put on the side some dollars, and that will help with the water, and that's the booster pump that they're...we're soon to enter into contract with.

COUNCILMEMBER KING: Okay. But where is the booster pump getting the water from then if there's no reservoir.

MS. INAMASU: The water is actually coming from...and I'm sorry, I'm looking at my map, I don't mean to not look at you.

COUNCILMEMBER KING: It's okay.

MS. INAMASU: Actually above on Ōma'opio Road, there is another reservoir there. They...I think Water Department calls it Reservoir A, and that is on other land not affecting its agriculture land. But that's the area where the booster pump will get the water from...to --

COUNCILMEMBER KING: Okay. So that's the water for the Ag...the new Ag Park?

MS. INAMASU: Yes.

COUNCILMEMBER KING: Okay. And then the other question I had, you know, the...you heard the testifier talking about all the dumping there, and I just took a look at the video. But when those kinds of reports are made, who is responsible for that kind of cleanup? Is it Department of Public Works? I mean, when you say we're going to try to clean it up, I'm assuming it's not you and Daniel [sic].

MS. INAMASU: No. And Patrick, you mean. No, we actually --

COUNCILMEMBER KING: Patrick, yeah.

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MS. INAMASU: -- work together with other Departments. So we've done it before. Kaeo has done and had some cleanup done there. And so this is a lot bigger than what we normally would deal with. So we will reach out to other Departments and see what kind of kokua we can get to clean it up. But the big thing is, is that once you clean--and Kaeo can testify to this as well--once you clean, it just comes back. So that's where we talk about the barriers or the fencing, trying to keep people out because the signage can only do so much. And it's such in a remote area, no lighting, no anything, that people are more apt to do things, unfortunately.

COUNCILMEMBER KING: Okay. And is there a fine for that kind of dumping? Is there...like if you did catch somebody, is there a fine?

MS. INAMASU: I am not sure. That's where we have to check. I...we don't manage all of the fines or anything. So I'll check with Environmental Management.

COUNCILMEMBER KING: Okay. Yeah, I think it would be good to check and see what that is because I know a lot...years ago, like 25 years ago when they first made it illegal to dump cooking oil...when the biodiesel plant opened and they made it illegal to dump cooking oil in the landfill, they caught one of the pump truck companies dumping into a ditch. And they could've...they levied a huge fine and nobody else ever did that again that we know of. They all started bringing it into the landfill. So fines can be very effective if someone...if you're willing to spend the time to enforce...you know, I just wanted to share that with you.

MS. INAMASU: Thank you, Member. I appreciate that.

COUNCILMEMBER KING: Thank you for your responses. Thank you, Chair.

CHAIR SINENCI: Member King, mahalo. Next, we have Councilmember Johnson, go ahead.

VICE-CHAIR JOHNSON: Thank you, Chair. My first question is for Director Inamasu. I am super curious about the pumps that you're talking about because in...if you noticed my background, that's Lānaʻi, and there's a Lānaʻi Ag Park, and we're trying to get water to the Ag Park. So can you explain a little bit about the boost pumps. Like how much water can they do per day, and how much do they cost, and how far is that booster pump from the actual farm?

MS. INAMASU: Thank you, Member. I don't have all of those answers for you, but I can definitely get them from you...I mean, for you, from our contractor and the expert within the Water Department that has been working on that project for us.

VICE-CHAIR JOHNSON: Okay.

MS. INAMASU: If you don't mind, I can defer that and get that for you.

VICE-CHAIR JOHNSON: That would be great. If I could just follow up real quick. In regards

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to...is...was I hearing you correctly, you're looking for farmers to fill some of those spots, or are all the plots filled?

MS. INAMASU: We have not started any search for the new Ag Park.

VICE-CHAIR JOHNSON: Okay.

MS. INAMASU: It has not even...all of the planning and design has not been done yet to know exactly how many parcels and how that will be separated out.

VICE-CHAIR JOHNSON: Okay. Because, you know, we on Lānaʻi struggle with the same thing. It's like a permanent drought. We don't have any running rivers or streams on Lānaʻi. So I'm really curious to see how the Kula Ag Park deals with it. Like one suggestion a farmer was talking to me about was having a plot for drought-resistant crops, okay. So that's just a curiosity I had, and maybe you can follow up to me as that goes on.

MS. INAMASU: Sure.

VICE-CHAIR JOHNSON: My...thank you. My next question is for the Water Department. So we have a drought, right, and we're saying to the farmers first that, you know, conserve water. Does the large water users ever have any kind of limitations on their water use? Do I...you know, I'm a former farmer. Why do we go to our farmers first? That's my concern.

MS. KAU: Thank you, Member Johnson. And we did not go to the farmers first. They received the same notification that the Upcountry residents received.

VICE-CHAIR JOHNSON: So it's just a location-based thing? It's just if you're Upcountry, no matter who you are? Because in my mind...oh, go ahead.

MS. KAU: We also recently requested Central Maui users to conserve as well. You know, as we had mentioned, the entire County is in some degree of drought, moderate to severe.

VICE-CHAIR JOHNSON: Okay. So then if I could follow up on that point is, why not go for the largest water users, i.e., the hotels or the resorts?

MS. KAU: So we've recently requested that they conserve water as well, that applies to our Central and South Maui area.

VICE-CHAIR JOHNSON: Okay. So if I'm hearing you correctly, it's just based off location then, not usage?

MS. KAU: And it's because we had requested...or as we had described earlier, you know, the water comes from different sources. So when we request...excuse me, when we request some degree of conservation, it's based on the available supply.

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VICE-CHAIR JOHNSON: Um-hum, sure. And I understand that. Okay. And those are...okay. Thank you. Thank you so much. Those are my questions. Thank you, Chair, I have no further questions.

CHAIR SINENCI: Mahalo, Member Johnson. Any other questions for Ms. Inamasu? If not, I had a couple questions, Ms. Inamasu, and mahalo for allowing Mr. Ornellas to take me and Staff on a tour of the Kula Agricultural Park. So while we were there, we noticed that some of the farms were kind of in fallow, or there were some trees on them, but they didn't look like they were actively being farmed. So my questions were, is there a...I know...what's the, what's the length of the lease for the Ag Park lots, and if there are people that either want to get out of their lease or maybe some farmers have already aged out or...and not doing as much farming, is there a process to get new farmers out there? And I believe Member Johnson said, are there any available lots in the current Kula Ag Park?

MS. INAMASU: Thank you very much, Chair. To address those questions, there will be...we have to do some cleanup on a couple lots that are up there in the current Kula Ag Park. And once those become available, we do need to publicly advertise that the lots are available, and applications become available as well for people to apply for them. With regard to some of the lots that you may have viewed, that was the reason that Kaeo had gone up to do site visits. They are required to...by based on their lease, which is, and has been, a 50-year term lease. So yeah, it's a long...I saw your face, but it is a 50-year lease, and they are required to...I believe it's 50 percent of their lot to be actively farming at all times. So that is why we...with Kaeo's agreeance, we had him go out just to meet with the farmers and see how things are going. COVID affected many of them as well, but trying to see where they're at, what their plans are, and if, in fact...if they were wanting to give up their lots. No one at this time has said and come out front to say that they're wanting to give it up, but we have yet to have all of that discussion and the reports being pulled together. I think he just finished his last visit maybe not quite a month ago. So trying to pull all of that together with all of the farmers and just see where things are at. But I think visually, as you drove through the park with Kaeo, you did see that many of them are actively being farmed, and they actually look like really nice crops that are up there, so...and trying to help them and just seeing, you know, are they marketing, are they doing things? And we're trying to help, through the Farm Purchase Program again, through the matter of trying to get their produce and...so they don't have to plow it under. But many of them have markets already or have communities that they actually either donate or sell to. So they have some smaller outlets for them to take care of business. But definitely trying to support them and offer technical assistance as we can.

CHAIR SINENCI: Mahalo, Ms. Inamasu. Yes, we did see some farms that were more involved in farming and some that was affected by the drought.

MS. INAMASU: Right. And, you know, we still have the issue with the deer, with the axis deer still coming on property, and as well as the feral pigs...and we have some humans too. It's hard to...how to deter all of that so, you know. And I know COVID has had an impact on some of that activity, not all of the animal wildlife is affected by COVID, but

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by drought more so.

CHAIR SINENCI: Yeah, and some farms also needed additional cleanup too. They're...you can see some abandoned vehicles on some of the farms as well.

MS. INAMASU: Right, and Kaeo has been working with them. He started, I think, about couple weeks ago, if not a month ago, starting to reach out to them and having them clear their property.

CHAIR SINENCI: Okay. Great. Member Molina, did you have a follow-up question?

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. And, you know, the first item, oh, very good, I was looking forward to that and unfortunately, you've had to cancel. But it's kind of a blessing because this item has really spurred some very interesting discussion. So thank you for giving us some leeway and flexibility with the Q&A. First for the...for Ms. Inamasu, and I guess Ms. Kau can chime in as well. The Water Use Development Plan mentioned concerns about pesticides potentially contaminating the water source for this Kula Ag Park, and I just say cautiously, potentially. Has the Administration looked into what types of regulations to consider to, you know, offset any pesticide concerns?

MS. INAMASU: We haven't looked at regulations, per se, short of what, you know, will be coming up in front of Council this week. But I do want to share with you that we are trying...our Department is working with the Farm Bureau to do a pilot project for our farmers there at the Ag Park. It is optional for them if they'd like to take advantage of it, but it will be actually soil sampling for them. I don't think many of them had that done to see what the chemistry is within their soil, the composition there, and they may just be putting down chemicals each time not thinking of, you know, what would be best for the soil. So we are soon to start that with the Farm Bureau. We have...we have someone on island that is licensed to do that, and so we have...are working again through the Farm Bureau to have all of the lots...well, it's offered to all of the lots if they'd like to take advantage of it, but also, some farmers outside of the Park, and some ranchers as well. So...and we're just trying this to see if this will help them as they move forward. So I hope that somewhat answers your question, Councilmember.

COUNCILMEMBER MOLINA: Okay.

MS. INAMASU: But it's not the matter of us looking at regulation for certain chemicals within the Park for the farmers to utilize. I know they're well aware on some of the usage, but yeah, we don't have that. We have not pursued that angle yet.

COUNCILMEMBER MOLINA: Okay. Thank you for the response. And Chair, just one last quick question with regards to expansion that was talked about potentially for the Ag Park down the road. Certainly there's going to be a need for more water, and in light of the challenges with the drought, I don't know if Director Kau can provide an answer at this point. But how much more water potentially would be needed as we add more tenants, and is the Department looking at drilling for more sources, or is the intent to

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get water from other areas to fulfill the need for more water for future tenants? I don't know if Director Kau can comment...would like to comment on that. If not, maybe we can get a response in writing, a more detailed response.

MS. KAU: Yeah, unfortunately I don't have an answer to that right now. I don't know that we've specifically addressed additional source for that expansion. I know we've discussed the pump that JoAnn had mentioned. But we could get back to you in writing.

COUNCILMEMBER MOLINA: Okay. Great. Thank you, Director. So yeah, Mr. Chair, I'd just make that request under your signature if we can get a response to those questions. Thank you.

CHAIR SINENCI: Will do. Thank you, Member Molina. Member Paltin.

COUNCILMEMBER PALTIN: Oh, I'll yield to Chair Lee because she looked like she was really excited. And I'm excited, but not as excited as her.

CHAIR SINENCI: My apologies. I cannot see Chair Lee. Go ahead, Chair Lee.

COUNCILMEMBER LEE: Actually, the word wasn't excited, it was more like irritated. But thank you for being so generous, Member Paltin. Yeah, I finally drew the conclusion that you couldn't see me. Otherwise...otherwise you would be ignoring me, right, and I knew you --

CHAIR SINENCI: Yeah.

COUNCILMEMBER LEE: -- wouldn't do that. I would know...I just know you wouldn't do that, Mr. Chair. Question for Ms. Inamasu. You mentioned that the water that will be transferred or transmitted to the new Park is coming from a reservoir outside of the park.

MS. INAMASU: Yes.

COUNCILMEMBER LEE: So I'm assuming that's untreated water. Is it untreated water?

MS. INAMASU: It would be non-potable water, again, coming into the Park, the same type of water that would be in the Kula Ag park.

COUNCILMEMBER LEE: Yeah. Okay. So is that part of the total amount of water that we request from the CWRM? Because I read we are requesting 7 million gallons a day, but that's ditch water that comes to our treatment plants. So do we have part of that 7 million goes to irrigation purposes, let's say to the Ag Park or anywhere else, for irrigation purposes?

MS. INAMASU: I'm sorry, yeah, I am not sure about that. I don't know if Helene may have an answer for that because we're working with Wendy Taomoto in her Department.

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COUNCILMEMBER LEE: Okay. Well, maybe the Chair won't mind asking that question in writing of the Department. And one last --

MS. INAMASU: We can find that.

COUNCILMEMBER LEE: -- one last matter, Ms. Inamasu. That complaint that you received from Mr. Street regarding, you know, people dumping trash up at the new Ag Park, a lot of times I will forward those kinds of complaints not to you, but to the Chief of Staff, Tyson, and sometimes I will CC, let's say, DEM and Public Works, because one of the two normally handles those kinds of issues. But I didn't realize that it goes to you.

MS. INAMASU: Well, it did come to the Mayor's Office --

COUNCILMEMBER LEE: So how do you deal with, you know, removing trash and stuff?

MS. INAMASU: It's a little different, but we...you know, we take it seriously as well. We don't want the area to be contaminated. And Kaeo goes up there at least once a week, drives through the Ag Park. He'll pick up whatever rubbish he can, but he has seen these things, these bigger pieces there, requested help, and it was helped, but not at the...what you saw with Mr. Street's video. And so also, to know that there is a group, a volunteer group, that goes up and down Pulehu Road maybe...I think it's once a month, and I think --

COUNCILMEMBER LEE: I heard. The Pulehu Posse, right?

MS. INAMASU: -- that's correct. And Councilmember Sugimura's involved with them as well. So, you know, we mahalo them to help us with that area. But what we saw in the video from Mr. Street was a little bit more. But I would appreciate you sharing with us if you get things like that and, you know, we can do maybe a collaborative effort. I'll let Tyson know as well because he was also CC'd on that email that we got this afternoon.

COUNCILMEMBER LEE: Okay. Thank you very much. Thank you, Mr. Chair.

CHAIR SINENCI: Mahalo, Chair Lee. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I got two kind of main questions. I guess the first one I'll go with, if any of the new Ag Park is going to be for organic because organic ag uses less water because the soil holds more water. And that might make it a more valuable product locally, and the County could help with organic certification. That could get rid of that chemical problem.

MS. INAMASU: Thank you. It is under consideration. We have not...like I said, we haven't designated how big the lots will be. We did ask that some of the lots be a little smaller and not start from...I think initially the plan was ten acres and above, each parcel. But I think what we're looking to do is maybe take some down a little smaller, and the intention is for the organic farmer. We haven't set any parameters yet, but definitely having them in mind. It's just a matter on the applications as well, how they come in.

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We haven't even discussed that. I was not around in government when they did the first assignments for the Kula Ag Park, so this will be something new and trying to think and be sensitive to not only organic farmers, but also your traditional, your conventional farmers too, and have them happily coexist in an area, so...but thank you for bringing that up.

COUNCILMEMBER PALTIN: Thank you. And then my second question was, you know, there was a stretch of time there were...Honokōhau was without water a lot, and then the County would bring out the water buffalo for those folks to fill up water. And I just was wondering, I'm not sure if Kahului Treatment Plant or the Pukalani Packing Plant, if they treat to R-1 standards, but would that be an option for those farmers, like to fill the water buffalo up with the R-1 water so they can go crazy so we're not injecting it, or...and then they can just, you know, water for all kind of thing?

MS. INAMASU: You know, I think that might be an option. But it depends on their times of watering and there's...I think there's a lot of factors. We've not explored that as an option, using the water truck. So, you know, that is always under...we can always consider that and see on what types of crops and what they need for. But I do...I think it was Councilmember Johnson that mentioned also the drought-resistant crops. I think that's something to explore, and maybe some of the farmers to look at as well. So that all goes into evaluation once the applications come through, when we do...and when we're able to issue applications for the properties. Because that will also be reviewed, the type of crops and their crop plan.

COUNCILMEMBER PALTIN: Okay. I just was thinking, I thought we had like five million gallons extra a day here in West Maui, and you're welcome to it.

MS. INAMASU: Look at Helene's face. I mean, Upcountry, I think they take it. I live in South Maui, we have been put on restriction as well. So I think everybody needs that, so we need to figure out something.

COUNCILMEMBER PALTIN: Yeah. My house has been raining every morning and I just feel very blessed.

MS. KAU: If I may, Member Paltin. Your suggestion might actually be a good one with regards to the water buffalos, but we'd have to acquire water buffalos in order to transport that water. We're not allowed to use non-potable water in our potable water buffalos.

COUNCILMEMBER PALTIN: And does the County have...you know, some of the farmers in the valley and the off-grid areas, they have those big, plastic containers that is reinforced with the metal. Would that be an option as well, or that's just too manini amounts to transport?

MS. KAU: I would imagine that they would be too small. Those containers would be too small.

COUNCILMEMBER PALTIN: Okay. All right. I was just trying to think outside of the. . . *(audio interference)*

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MS. INAMASU: Good ideas though. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. Any other questions for our resource persons? Okay. Seeing none. With that we just wanted to mahalo Ms. Inamasu and Ms. Kau for their answering all our questions on the Kula Ag Park.

MS. INAMASU: Thank you, everybody.

CHAIR SINENCI: Mahalo. With that, Members, if there are no objections, I would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay, mahalo. And then it looks like we've reached our mid-meeting mark. So before we get into the Water Use Development Plan, let's take a quick recess and come back at 3:10. Is that...if that's okay?

COUNCILMEMBER MOLINA: 3:15?

CHAIR SINENCI: 3:12?

COUNCILMEMBER LEE: ...*(laughter)*...

CHAIR SINENCI: Okay, we'll be back at 3:12. The APT Committee of Tuesday, August 3rd is now in recess. ... *(gavel)* ...

RECESS: 3:02 p.m.

RECONVENE: 3:12 p.m.

CHAIR SINENCI: ... *(gavel)* ... Aloha kākou. Will the APT Committee of Tuesday, August 3rd please come back to order. Mahalo to Chair Lee for the massive gavel. I don't feel like I'm trying to call to order the British Commons anymore. Mahalo. Okay, with that, Members...

COUNCILMEMBER LEE: You're very welcome. At least it's better than a meat cleaver. ... *(laughter)* ...

CHAIR SINENCI: Yeah. That would be a little aggro. But, yeah. Thank you again.

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

CHAIR SINENCI: Okay, Members. We're on to our next item, the Water Use Development Plan

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for Maui, APT-57. The Committee is in receipt of the following: 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." Members, my intention for today's meeting is just to discuss the Central Aquifer Sector area of the plan and the water resources for diversified agriculture. As you remember, an overwhelming sentiment with the Water Use and Development Plan was how scientific it was, and sometimes above layman's terminology, me included. So today I also wanted to take some time to kind of explain the plan in the Central Aquifer Section, and then maybe look at some of the strategies that we could possibly...with help from Ms. Blumenstein and with you all that we can kind of discuss...more for a discussion. And again, we did extend the WUDP, so we do have some extra time if we need to take. I know we've got two other items at the end of the calendar, okay? So Members, I asked Staff to transmit relevant sections of the plan for our discussion today, and we'll also screenshare as we go through each item. And so I...Staff did do some addendum changes in Chapter 15, so we can speak to them as we go through the list. So Staff, can you go ahead and share Figure 15.1?

MS. SIEGEL: Yes, Chair. I'll pull it up now.

CHAIR SINENCI: Mahalo, Ms. Siegel. Okay, great. Thank you. Okay, Members, this is page two of the Central Aquifer Sector, and we put this map up just for some general reference. Central Sector makes up about 228 square miles. And I'm just paraphrasing and summarizing the information that is in Sector 15. It anticipates a 30 percent population increase from current 103,000 about to 133,000. There is 37,000 acres owned by Mahi Pono that is planned for diversified agriculture. Water resources are from different areas, like East Maui, Nā Wai 'Ehā, and the central groundwater. The central sector encompasses four community plans: the Ha'ikū-Pā'ia, the Kihei Makena Community Plan, the Makawao-Kula Community Plan, and also the Kahului-Wailuku Community Plan. And so some of the key issues that we...I took out from the...from Section 15 was that as you know, for Ha'ikū-Pā'ia, some of the issues and concerns with them is the transport of water from Ha'ikū and the Ko'olau areas, also the increase in stream flows to facilitate increase in kalo cultivation, as you've heard from Kaneali'i. Environmental protections and aquifer recharge, the EMI system efficiency, the development of new groundwater sources in Ha'ikū to service Central Maui raises concerns for the community over the allocation of water resources to this region and future needs...and their concern about their own future needs. Also to ensure adequate supply of groundwater to residents of the region before water is transported elsewhere. And so looking at...Staff, can you go ahead and share Appendix 15(a)? Thank you. So Members, we heard extensive testimony in our last meetings--there we go--about some of the streams. And I believe there's, at the top of Appendix 15A East Maui Streams Assessment. One, two, three, four, five, six, seven...there's seven streams, I believe, that does not have any monitors in there, any data IIFS data. And this starts at Maliko Gulch, and then we also heard from Kuiaha from Kaneali'i at Kuiaha Stream, Kaupakalua Stream, Manawaiiao Stream, Uaoa Stream, Keali'i Stream, and Kakiipi Streams. So these streams, it looks like Honopou, those in orange, has IIFS data out of Honopou, Hanehoi, Puolua out in Huelo. Then again, there's more East Maui streams

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that do not have any IIFS data. So we just wanted to show that this is some of the things that our testifiers, our residents out there, our cultural practitioners, are looking to at least try and see if we can get some kind of data for those streams, particularly if there are culture users that want to go ahead and cultivate kalo. Ms. Blumenstein, is there any other discussion? I know we're having later on the USGS, but I don't think any of these streams are listed in the USGS contract, yeah?

MS. BLUMENSTEIN: In terms of the streams in Ko'olau Aquifer Sector that were non...not part of the petitioned streams in the East Maui contested case decision and order, yeah, those would not be listed in Appendix 15(a) because that appendix is just the stream assessment based on the 2018 findings of facts, conditional law and decision order. Those non-petition streams that are in the Ko'olau Aquifer Sector are listed in the Ko'olau Aquifer Sector Chapter 16. And in terms of getting better data from those streams, those users...uses in the ahupua'a and investigation of the stream flow itself, I know that Commission on Water Resource Management Staff is starting to look at those, and I think there's even some draft instream flow standard assessment reports available now. But at the time, this draft in the addendum, there wasn't available data on recorded uses, such as surface water diverters or even individual users in that for those streams, or investigations on stream flow that CWRM would do in the assessment before they established IFS. So we expect that is forthcoming, and as I mentioned, I think in the last meeting, if there is additional information from practitioners users in the area that would be in the Ko'olau Aquifer Sector, that always helps informing both the strategies and updates of the plan as well.

CHAIR SINENCI: Oh, okay. So you're saying that there are IIFS data for these streams, it was just not part of the...this...

MS. BLUMENSTEIN: No. I'm saying that CWRM is starting to do...when the timing in establishing IFS, what they start doing is the actual assessment, the scientific analysis, looking at the flora and fauna and . . . *(inaudible)* . . . in the stream, looking at the uses within off stream needs. So I know that CWRM staff is starting to look at those for some of those non-petition streams. And that's sort of consistent --

CHAIR SINENCI: Okay.

MS. BLUMENSTEIN: -- with the overall strategy in the WUDP to prioritize establishing IFS for all diverted streams because we know that those in the non-petition areas, they're all diverted. So I don't think we have the data. There's...I don't know when those IFS will be established, but it's in the works, and I think that's kind of consistent with moving forward, knowing that there will probably be less surface water available for off stream needs as more the diverted streams have IFS established.

CHAIR SINENCI: Okay. Mahalo for that. Members, any clarifying questions for Ms. Blumenstein on this section? Okay. I don't see Member Paltin, but go ahead, just unmute yourselves if you need to ask a question. Okay. Next, Members, moving on to the Makawao and Kula Community Plan areas of this section. Upcountry priorities include water for agriculture and for the Department of Hawaiian Home Lands. They

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cite those water for agriculture and for Department of Hawaiian Home Lands as one of their priorities. Again, we did talk about drought, the reliance on surface water, and how it makes the Upcountry system vulnerable to...vulnerable during drought conditions. Water restrictions negatively impact the productivity of farmers, as we've heard. The allocation of water resources is central to preserve agriculture and economic activity, and to develop the DHHL parcels. Staff, can you go ahead and share Table 15-16 of the Central Aquifer Sector? We just wanted to share this...okay. Thank you, Ms. Siegel. And so I know that Member Rawlins-Fernandez had ordinance or resolution pertaining to water for DHHL. Is that the one you...at the last meeting, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. So the bill that I introduced and has been referred to your Committee is regarding Title 14 in our Code, the water availability policy.

CHAIR SINENCI: Okay, great. Thank you. And again, right, we can visit...we can visit those policies...what potential policies that can come out of the WUDP discussions. And so for this one, Members, we just wanted to show DHHL land use in the Central Aquifer Area. Acreage for residential, there is 1,286 acres, 386 units up in Kēōkea, agriculture lots, Waioholi [sic], 768 acres. Then further down in the...we have the community use acreage, 100...well, for general ag, they have 546 acres in Pu'unēnē, and then another 109 acres for community use, Kēōkea and Waiohuli. And you can see just some of the numbers and the acreage. And the reason why we're bringing up the acreage is because when it comes to water usage, it's gallons per day per acre. And so we're looking at how much water to...should we reserve for DHHL, then looking at their land, their residential and their agriculture, as well as their industrial needs at Pulehunui possibly, and those are future projects that we may have to consider. But again, DHHL is within the Makawao-Kula Community Plan. Okay? Thank you, Staff. Okay. Next we have the Wailuku-Kahului Community Plan areas. And of course, we do have...we've heard...that's why we had Nā Wai 'Ehā. We're hoping to hear from Nā Wai 'Ehā and some of the kuleana users. Their priorities is to preserve their lo'i patches, preserve agricultural lands, to have not just diversified agriculture, but agriculture...water for agriculture and for lo'i kalo. And Staff, can you share Table 15.5, water for ag. And it does show for kalo uses. 15.5. Keep scrolling.

MS. SIEGEL: Chair, I don't believe we have 15.5 on this memo.

CHAIR SINENCI: Oh, okay. All right. And we have...sorry, 15-32?

MS. SIEGEL: We have 33-1 and 33.

CHAIR SINENCI: Okay. Not 15-32? Okay, because...all right. Because in the plan...and this was a question for Ms. Blumenstein...in the plan, it has this huge numbers for kalo production, upwards of 100,000 to 300,000 gallons a day. But I know that a lot of the...for kalo production, the water returns back into the streams, but they did list that there are times of evaporation...what is that one. For taro water use rate, for...it's...the acreage for taro is 0.23 acre, 100,000 to 300 [sic] gallons per day per acre, but it does

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say that there's, like, water loss through evaporation. Can you comment on that, Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah. So...I'm not sure if you're referring to Table 15-32 or...so the one Table 15-32, that one lists the current and predicted agriculture water demand for the Central Aquifer Sector. And for most crops that is not wetland taro, or lo'i kalo, it's the consumptive use. Where...when we look at taro, wetland taro, we look at the streamflow needs because...what you just said, most of that water is returned to the stream. There's a very small consumptive portion of it. So we look for guidance in the Agriculture Water Use Development Plan or Other Water Duties, usually they talk about the consumptive use. So in Table 15-32, we list water use rates or needs for taro as the range 100,000 to 300,000 gallons per day per acre based on CWRM's decision orders for Nā Wai 'Ehā and East Maui streams. So it can be site specific. But as you see, that acreage in Central Aquifer Sector is very small, compared to Wailuku and Nā Wai 'Ehā or Ko'olau.

CHAIR SINENCI: Mahalo, Ms. Blumenstein. And then I believe it's in the Nā Wai 'Ehā decision, CWRM decision, that came out of the 2017 order...decision and order. Was there a change in the Water Use Development Plan from the 2017 decision and order...CWRM? I believe it was from 3,500 gallons per day per acre down to 2,400 gallons --

MS. BLUMENSTEIN: Oh --

CHAIR SINENCI: -- per acre.

MS. BLUMENSTEIN: -- okay. So the Nā Wai 'Ehā, that's actually the...yeah, those stayed the...the current 2021 decision and they negotiated a settlement for diversified ag crops that are served by Nā Wai 'Ehā water resources. There was an adjusted water rate or water duty for diversified ag. That is, I believe, 2,500 gallons per day per acre. So again, I mean, it can be site specific or averaged out if it's a very large area. So when you're looking at Table 15-32, it's not region specific, it's the water duty from the Department of Ag for 3,400 gallons per day per acre that could apply for Kula Ag Park and other commercial ag in the Central Aquifer Sector.

CHAIR SINENCI: Oh, okay. Thank you. And those changes has been made? Was that an addendum change?

MS. BLUMENSTEIN: I think the Water...I don't think there was a change in water duty per se in the addendum, but there was a negotiated lesser amount in the surface water use permit for Mahi Pono for...based on Nā Wai 'Ehā decision. So we adjusted that agriculture demand. It was decreased based on the total amount for Mahi Pono.

CHAIR SINENCI: Okay, great. Thank you. Okay. Moving on, Members, so those were some of the priorities for the Wailuku-Kahului...or more Wailuku Community Plan. For Kahului, Staff, can we share Table 15-31, 15-25? I believe they're all on one page. Members, we haven't been able to contact, let alone invite Mahi Pono to come and do their farm plan with us, but I know that they did present at a CWRM meeting, and so that information is part of CWRM's documents. But in 15-25, it just shows the EMI

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ditches. The purple line towards the lower elevation is the Ha'ikū Ditch. The pink line, or the more kind of brownish...brown-orange line is the Lowrie Ditch. And then the light blue line is the new Hāmākua Ditch, the...up at the higher elevation. So these are some of the ditch systems that are coming from the Ha'ikū Ko'olau East Maui sectors and transporting well water into the Central Aquifer District. Again, the former 27, 37,000 acres...if you're looking at Table 15-31, it shows the timeline where currently the low growth irrigated acres, 6,823 acres mid-growth, 13,647 acres, and then high growth at 100 percent is 26,996 acres. So these projections are...and again, the acreage is important because water is...the water is granted per gallon per day per acre. So these...that's why looking at the acreage from...I believe, from 2017 all the way to 2035 is a concern for some. My notes say it's based on acreage of water allocation, so making long-term projections to 100 percent to almost plantation days...day levels is a concern for some of the communities, especially if they're not in the same situation that we were in 125 years ago. So those are some of the...that's why we wanted to show this one, 3,900 acres for unirrigated pasture lands, and 200 acres of unirrigated forest lands. Those were some of the Mahi Pono diversified farm plan. So also, 850 acres to the County. And so those were some of...again, if we can get a copy of the Mahi Pono's farm plan, then we can look at more...we just haven't seen one, yeah? Ms. Blumenstein.

MS. BLUMENSTEIN: Chair. Yes, so the addendum...last summer's addendum revised Table 15-31, and it included the Mahi Pono Farm Plan as of 2019...with their 2019 through 2020 projections. And it also added a new table called 15-30(b), so those projections in 15-31 low to high are different now --

CHAIR SINENCI: Oh, okay.

MS. BLUMENSTEIN: -- with low growth 2020 to 2035 with the irrigation demand totaling 82.3 mgd for 2035 in the revised table.

CHAIR SINENCI: Okay. Staff, do we have the revised addendum numbers, or this is the one?

MS. SIEGEL: We'll pull it up. Thank you, Chair.

CHAIR SINENCI: Okay, great. Okay. Thank you.

MS. SIEGEL: Okay.

CHAIR SINENCI: And we have questions from Member Rawlins-Fernandez and Member Paltin. Can you...can we go ahead and share screen again?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My apologies if I missed this, but with the decision from Judge Crabtree on Friday that reduced the amount of diversion...diverted water from 45 million to 25 million, does that affect this table?

CHAIR SINENCI: Ms. Blumenstein?

MS. BLUMENSTEIN: So I think the revisions in the addendum really represent sort of the

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uncertainty over the next 20 years. The WUDP really just addresses the 20-year time frame, and there's some really broad assumptions about low to high ag demand on Mahi Pono fields, depending on will there be sufficient water source and what type of water source. So the projections in the addendum is their 2019 farm plan with what was assumed to be available for off stream uses, and other Kula Ag Park and Department of Water Supply, based on the 2018 decision and order. And that that would be adjusted as the crop plan evolved and as, we're hoping, alternative water resources to supply that demand is available. And so that 82.3 total by 2035 is presented as a high growth scenario at 100 percent farm plan. So depending on the decisions between now and 2035, I'm sure that will change quite a bit.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So this wasn't based on the assumption or the 45 million gallons that they were allowed.

MS. BLUMENSTEIN: No, this addendum was done...we reviewed this with you...Council last July. So the addendum that I did in June and July 2020 was based upon the information up until that date. We're kind of reviewing this for a second time, but there were no other...or the Department didn't do any other revisions since last summer.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the low growth is 15; the high...mid-growth is 40, 41; and then the high growth, 82. Okay. Okay, mahalo. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just had a question, putting it out there. You know how you said that water is allotted by acreage, and then we seen, I guess...I think that was commercial crops being grown in this aquifer sector area. So it's kind of allotted by acreage and that type of usage, but I guess, you know, based on the testifiers today, would it also be able to have, like, an overlay of who is the entity using it? Not specifically by name, but like maybe by category, as in kuleana, or commercial business, or appurtenant rights, or whatever like that. Is that a possibility, or are we not allowed to do that?

CHAIR SINENCI: And...yeah, that's where we're trying to find in the plan...you know, with the Appendix 10, a lot of the kuleana users felt that they were kind of in an appendix and not necessarily within the plan. I guess the overall sentiment is that if there's extra water in the streams, then that will go to kuleana users. But kuleana users want that water...want to make sure that in drought times, that they still have enough water to grow their kalo. That was the overall sentiment. Ms. Blumenstein, you have a comment to Member Paltin?

MS. BLUMENSTEIN: Well, yeah, I guess so. I mean, I...you probably already know there's the State Agriculture Water Use and Development Plan also, that was just adopted a little over a year ago, that a lot of the data and the policies related to commercial ag should really come from that and be integrated into the County's Water Use Development Plan. So we have reviewed that but, you know, in terms of water duties for various crops and, you know, allocating water for ag uses, not that much guidance or data we thought that

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could be, you know, applied to kind of substitute. So we took a crack at trying to allocate water for ag uses too, just based on data needs or irrigation needs as they were presented. So, you know, there's no modifications done to the actual uses for Kula Ag Park, and there's no modifications done to the Mahi Pono Farm Plan, but there are...the plan has island-wide recommendations how to make more efficient use of surface water for ag, or looking at more climate appropriate regional type of crops, things like that. That's in Chapter 12, I'm summarizing that Table 13. So...but overall because the...we have the IFS for certain streams, and we have the guidance of CWRM based their decision and order for what's available for off stream needs, but there isn't...as you know, this is not a designated surface water management area, so there's not an allocation from CWRM by water use permit, who gets what. So that's sort of what is available now based on IIFS for off stream needs or, I guess, up for discussion. I mean, that could be set through agreements between the different water purveyors, Water Departments, which includes needs for Kula Ag Park and EMI/Mahi Pono for their needs. So you know, the plan is a guidance document, it's not supposed to be an enforced per se, it's supposed to give guidance for when there are whatever land use decisions or infrastructure CIP, that this should be okay, this is the policies that should guide water use for this specific use. So I don't know that I have an answer to Member Paltin's question of can you allocate based on the different entities. I think as a guidance document, you can.

COUNCILMEMBER PALTIN: So then could we do what they were saying about kuleana rights to water take precedence for their sustenance?

CHAIR SINENCI: Ms. Blumenstein?

MS. BLUMENSTEIN: Well, I think the document does...the plan states the priority of kuleana needs and the...establishing IIFS for individual streams have...by law, obviously, have to recognize and establish those standards so that kuleana needs are met. So...but...so I'm not sure if you're saying beyond IFS that there should be an additional allocation to reduce other off stream needs. I'm not really clear what the recommended strategy...

COUNCILMEMBER PALTIN: I mean, for me, I would recommend the strategy that...seeing as what they're proposing for West Maui, where the water stays in their streams, and it's the excess...when there's too much, then it gets taken out. That was the intent of water as a public trust as a law that, you know, kuleana and appurtenant rights and things like that take precedence. Is that not how it was meant?

MS. BLUMENSTEIN: So that was an enforcement mechanism of the IIFS, yeah.

CHAIR SINENCI: . . .*(inaudible)*. . .

MS. BLUMENSTEIN: For West Maui.

CHAIR SINENCI: Okay. Thank you, Member Paltin. And again, we did have a testifier, Mr. Merren, talk about a water banking for non-commercial uses. So if water is being transported out of the streams and kept in reservoirs, you know, I get in times of fire

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protection, those types of things. But again, those are some of the issues we're looking at in the...but we can talk about it more when we get to the strategies, yeah? Thank you, Member Paltin.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Okay. Staff, can...moving on, can we go ahead and share, I believe, the addendum item Table 15-33. That's one of the addendum...Ms. Siegel?

MS. APO TAKAYAMA: We're working on putting it up. Thank you, Chair.

CHAIR SINENCI: Okay. Thank you. Ms. Blumenstein, can you...this is one of the addendum items. Can you point out the changes that were done in 15-33?

MS. BLUMENSTEIN: Sure. So, yeah, that July 2020 addendum...well, we just talked about the decrease in predicted irrigation needs for Mahi Pono that decreased overall agriculture demand for the Central Aquifer Sector. So that was the only change to this and following demand tables, overall...let me see if I can find it in this table. I wouldn't get to much into these weeds here because they're a lot of alternative demand scenarios that get confusing. So like the scenario towards the bottom in green, population based mid-growth, DWS Upcountry system, 100 percent meter priority list and DHHL, 2035 predicted demand is 122 million gallons a day now, and that's down from 128 mgd.

CHAIR SINENCI: That's in the 2035 projections?

MS. BLUMENSTEIN: Yeah. And that change was just because the reduction ag demand went down from 101 mgd to 95 by 2035 --

CHAIR SINENCI: From Table --

MS. BLUMENSTEIN: -- just based on that.

CHAIR SINENCI: From Table 15-30?

MS. BLUMENSTEIN: Was that the table number? I have to go back and look. Yeah, 15-31 and 15-30.

CHAIR SINENCI: Okay.

MS. BLUMENSTEIN: Actually, it's the new...in the addendum we did a new table, yeah, called 15-30(b) that was the Mahi Pono Farm Plan.

CHAIR SINENCI: Okay, there was a reduction...Members, there was a reduction there by --

MS. BLUMENSTEIN: . . .(inaudible). . .

CHAIR SINENCI: Okay, any questions? Any questions? And this would include the Nā Wai

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‘Ehā report 2.7 million gallons a day of use?

MS. BLUMENSTEIN: So this is just for the Central Aquifer Sector. And I know there’s a lot of data on this particular table, and one reason is, you know, the State Water Code, we have to present demand and supply by hydrologic unit for CWRM purposes. But for your purposes looking at, okay, demand for the Upcountry system versus the Central Aquifer system versus source from Nā Wai ‘Ehā. So this table is not ag for Nā Wai ‘Ehā. This is just agriculture within the Central Aquifer Sector for the map that Chair was showing in the beginning. So it’s not agriculture needs from...that are used in the Nā Wai ‘Ehā water resources.

CHAIR SINENCI: Oh, okay. Thank you for that clarification. Members, any questions on this table? Okay. Thank you, Staff. And then lastly, in community plan Kihei and Makena, the Table 15-14, Wastewater Reclamation. So as you know, Members, some of our South Maui hotels are one of the largest users of our well water, and so reuse is an important strategy for us to consider. We’re expanding the wastewater reclamation system. So we wanted to share 15.14 here. The bottom, it says the Makena area is predominantly served by cesspools. There is no publicly owned treatment works operating in the area. Makena is ultimately served by privately owned (*audio interference*) water system. And so again, as a policy, you know, we’ve heard all of the restrictions Upcountry, as well as down in South Maui, more restrictions. We were looking at what types of policies will come out from conservation. We’ve been looking at more conservation efforts. I know Member King has been looking at expanding alternatives using the vetiver grass as an option to injecting additional into the ground. So as a policy, definitely expanding our R-1 usage to those hotels that are not on the system or not within that system, and then...and then conservation. I think we want to show that we’re being, you know, responsible with our water usage, especially in those dry areas, whether it be using drought tolerant plants, trying to limit the infinity pools or water park like at hotels. They have this huge ocean right in front of them, and if we’re not using the ocean and...but yet, we’re using a lot of our water for pools and for water parks within the area. So these are...you know, Member King has been working diligently in her district, her community plan to increase conservation R-1 usage. Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I think it would be really a good idea to send this page...I don’t know how many pages are attached to this one that we’re looking at right now, but...to the Planning Department, to Kate Blystone, who’s heading up the South Maui Community Plan Review...just to be proactive.

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: And then the other comment I had is, you know, when you look at the table that’s at the top of this page and you look at Kihei, I hope that’s not a priority order because golf courses are listed as number one...you know, it says golf course, agriculture, dust control, landscape, fire protection. I hope that’s not our priority order.

CHAIR SINENCI: That’s a good point. We don’t have housing in there as a priority.

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COUNCILMEMBER KING: Well, housing --

CHAIR SINENCI: . . .*(inaudible)*. . .

COUNCILMEMBER KING: -- I mean --

CHAIR SINENCI: . . .*(inaudible)*. . .

COUNCILMEMBER KING: -- you know, agriculture and fire protection, you know, all those things to me are more important than watering golf courses.

CHAIR SINENCI: Yeah. Ms. Blumenstein, go ahead.

MS. BLUMENSTEIN: Chair, yeah. Just to clarify, no, that's not our priority, that's just listed types of applications for R-1 water.

COUNCILMEMBER KING: Okay, you...

MS. BLUMENSTEIN: . . .*(inaudible)*. . .

COUNCILMEMBER KING: It's not in order of how much water they use --

MS. BLUMENSTEIN: No.

COUNCILMEMBER KING: -- for these different locations? Okay.

CHAIR SINENCI: Any other questions for...and again...go ahead, Chair Lee. You're muted.

COUNCILMEMBER LEE: As the resident expert on golf courses, we generally don't like R-1 on the golf courses, that's why most of the golf courses use brackish water, except for maybe Pukalani and Maui Nui. But nobody, nobody would go in those ponds because it's like if you stick your leg in there, you're not sure if it's coming out. That's true. So it's good for plants, maybe...some plants and stuff. Good for grass, some grass. But it's...you know, it's a little sketchy when it comes to the human person touching that water. Just for your information.

COUNCILMEMBER PALTIN: They don't like R-1 for the ponds? Or...or...because it's nitrogen rich? Is it going to grow a lot of limu or something?

COUNCILMEMBER LEE: Yes, it's...you should go down to the Maui Nui sometime and take a look at that pond. I mean, if your ball went in there, you'd never go get it. I don't care how much that ball costs, you know.

COUNCILMEMBER PALTIN: It's kind of like the ocean. It's too nitrogen rich for the ocean, and plenty people don't get their balls when it goes in the ocean.

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COUNCILMEMBER LEE: Yeah, so...

COUNCILMEMBER KING: Are you talking about R-1 or brackish water?

COUNCILMEMBER PALTIN: R-1.

COUNCILMEMBER LEE: I'm talking about R-1.

COUNCILMEMBER KING: Okay, because --

COUNCILMEMBER LEE: I'm talking about R-1.

COUNCILMEMBER KING: -- that's...

COUNCILMEMBER LEE: Because the golf course is right next to the treatment plant, so they get the water from the treatment plant.

CHAIR SINENCI: Member King.

COUNCILMEMBER KING: Yeah, there's a law...I don't know, maybe golf courses are exempted, but there's a law that requires usage of R-1 if the R-1 comes by your...in your...to your property. And we just had a huge battle a few years ago with one of the condos, like, the Maui Sunset area that had their own brackish water that they wanted to use, and the County was forcing them to get on the R-1 water, and saying how safe it is for their parks and the playground area. So if there's a reason why that shouldn't be put on those kinds of areas where kids are playing, then we need to know about it because, you know, that law is forcing us to use it wherever it is.

COUNCILMEMBER LEE: Yeah, depends who you talk to, the people who work probably at the wastewater treatment plant and others. Years ago there was a picture of somebody swimming in it, and the...at the wastewater treatment plant. But...

COUNCILMEMBER KING: I mean, if it's...if the golf courses are allowed to use brackish water instead of R-1, then are they exempt from that law?

COUNCILMEMBER LEE: No, no. Not every...most golf courses are not even close to the wastewater treatment plant. So the one that uses it is Maui Nui, who's located right next to the treatment plant. So it uses R-1 water.

COUNCILMEMBER KING: Okay. Because it's not necessarily that that condo was next to the treatment plant, but it's got the pipe...they put the pipes in. They put the, you know, access in in the ground, and they told those condos they all had to be on R-1.

COUNCILMEMBER LEE: Yes.

CHAIR SINENCI: Okay.

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COUNCILMEMBER KING: Not necessarily proximity to the wastewater treatment, its proximity to access to R-1.

CHAIR SINENCI: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to clarify with Chair Lee if she's exclusively talking about the water traps, and that's what the golfers don't want R-1 water for, or if it's both for water traps and for irrigating the golf course grass.

COUNCILMEMBER LEE: Water trap? What's a water trap?

COUNCILMEMBER RAWLINS-FERNANDEZ: The ponds.

COUNCILMEMBER LEE: Oh, the ponds.

COUNCILMEMBER RAWLINS-FERNANDEZ: Water trap. Yeah.

COUNCILMEMBER LEE: Okay, so the --

COUNCILMEMBER KING: We don't golf.

COUNCILMEMBER LEE: -- ponds are used to hold the water for irrigation. It's not always used as a...as a...as a hurdle, or whatever you call it, to get past, you know, to the green. It's not always...you don't have to always go over a pond. But...so a lot of times when you see the ponds, it's a holding...it's to hold water. But what I'm saying is there are two schools of thought on...with regard to R-1, and it's okay to be used, safe to be used for parks, et cetera. But I'm just saying from a practical point of view, those of us who do golf at Maui Nui every now and then are very careful about touching that water. Now, it's fine for the grass because you don't normally eat the grass, or put it on your face; but if your ball goes in that pond, nine times out of ten, nobody's going to go after it.

UNIDENTIFIED SPEAKER: Oh.

COUNCILMEMBER LEE: That's all I'm saying.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, okay. Okay, mahalo, Chair. So *(audio interference)* irrigating the grass.

CHAIR SINENCI: And yeah, there's a lot of...you can always see all the deer feces and the diggings from the pigs too, on the golf course. Okay, Members, mahalo for this discussion. Moving on, Staff, can we go ahead and share Table 15-39 of Central Aquifer Sector on strategies. Members, mahalo for that discussion. And so...and looks like we'll probably revisit the strategies section. So this is where we were looking at putting in some of those strategies, and there's Resource Management, there's Conventional Water Source Strategies. Then on page 2...there's just two pages. The second page, there's Alternative Water Source Strategies. So when we come back, we're looking at maybe adding to some of these strategies. And per our discussion today...Staff, can we share

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the Committee's potential amendments for the Members to consider at the next meeting? These are just some things for us to consider the next time. Sorry, we're all in the County Building.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? What are we doing, Chair?

CHAIR SINENCI: Staff will share some of the strategy amendments to consider at our next meeting because we've got two more...so we'll just go over it and we'll post it for you guys' review. We've got a couple other strategies in the other sectors that we're going to come back to at a later date. So we just wanted to...and these will probably be uploaded to Granicus after this meeting for your review. Do we have those...oh, here we go. Okay. Enlarge little bit. Just some of the resource managements for the body to consider. Conduct a study of private well use, including brackish water in Kamaole ASEA. Then use data to determine the effect on aquifer sustainability. Prioritize stream restoration, kalo cultivation, and cultural uses, then affordable housing uses and allocation of East Maui water, assuring that East Maui needs are met first. Prioritize stream restoration, kalo cultivation, cultural uses of water for Īao Watershed, then affordable housing developments. So we're kind of prioritizing our...you know, our main goals. Set instream flow standards for the following Ha'ikū streams: Maliko, Kuiaha, Kaupakalua, Manawai, Īao, Uwawa, Keali'i, and Kakipi Streams that currently do not have any IIFS monitors. Moving on, Conventional Water Source Strategy, explore Upcountry well developments. Alternative Water Source Strategies, maximize R-1 South Maui reclaimed wastewater system capacity and use, limit supply, relatively high cost, less reliable, minimize underground injection...we discussed that. Explore mixing well brine water with R-1 for irrigation use. Expand requirement for commercial properties within 100 feet of reclaimed water system to connect and use R-1 water for landscape irrigation. Policy...possible policy to amend Maui County Code Chapter 20.30 to require connection within 100 feet. Did we have more, Staff? Couple more. Expand R-2, Kahului Wastewater Treatment Facility distribution and upgrade to R-1. Expand R-1 system from Kihei Wastewater Treatment Facility, committed service connections in dry season use leaves 0.7 mgd unused capacity restricted non-potable uses. Low impact project design for onsite water retention. Permeable surfaces, amend County Code, cost effective. Maintain managed plantation ditch systems for continued potable and non-potable water conveyance. Invest in existing systems. Resolve ownership management issues. Water efficiency standards and programs for new developments and existing retrofits. Lāna'i has some of those efficient meters. Outdoor water wasting and use controls and incentives, such as turf removal. Require climate-adaptive plants and conservation plants for new development, and pursue a policy of aggressive water conservation at all times, not just during drought. Oh, couple more. Explore a policy of prohibiting/limiting pool and water features. Water conservation for resorts, golf courses, public facilities, and County Code adjust rates and fees. I believe Budget Chair was also doing...working at those policy. Use water rates as means to encourage conservation. Tiered pricing. Hotel tiered pricing can have this effect. Reduce water loss. Surface water efficiency programs, include storage. Require system owners...surface water delivery system upgrades, and develop efficiency. So these are just some of the...for you to consider at our...when we address the strategies. Member Molina.

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COUNCILMEMBER MOLINA: Yeah. Thank you, Chair. Just a question on strategies. I think on the one...if you could go back, where it was require new developments to implement, I guess, climate change friendly types of vegetation or plants. I'm trying to recall what...specially what that was. But can that be administered by a Department, or would the County Council have to initiate legislation for that requirement? I'm sure with any new development that's being proposed, the Council, I guess, could put a condition in there. But as I see this strategy, is it something more that...I guess, carry more weight that we'd have to put in an ordinance and legislate. I don't know if maybe Corp. Counsel can maybe chime in on that, or Ms. Blumenstein?

CHAIR SINENCI: Go ahead, Eva.

MS. BLUMENSTEIN: Oh, thank you, Member Molina. Yes. So most of these strategies listed here now are in Chapter 12. Those are island-wide strategies that apply everywhere, yeah? They're not...they're in the plan, but they're not specifically for Central Aquifer Sector, they apply island wide. And --

CHAIR SINENCI: Oh.

MS. BLUMENSTEIN -- yeah. So they relate to water resource management and conservation and expanding alternative resource, such as recycled water. So these are super important strategies because they apply to every region we've been talking about, but they're...you know, they're not region specific. And conservation is one of those main strategies. We're hoping to offset more than 9 million gallons a day island-wide by aggressive conservation. And it has to include beyond what incentives and education, you know, outreach that we've done. It has to be aggressive conservation rates and some requirements in upfront design of new development. And one of the most prone...based on our research, one of the most effective ways to do that is to require certain restrictions on landscaping. So you have, maybe, certain ratio of allowed turf, climate-appropriate plants, water-efficient technology, and irrigation, and such. So it would have to be through an ordinance that would regulate. Not necessarily in Title 14 because the Water Department is not...you know, we're not the water police and we don't set land use restrictions, it may be in Title 19. So anyway, we are working inhouse and with Planning Department, trying to come up with something. We're super happy that, you know, this conversation is happening with...this has been on the table, and something that needs to move forward. But I think that the start is this document, the guidance saying like, yeah, these policies make sense. So go ahead, the project will be to develop that bill, or that program.

COUNCILMEMBER MOLINA: Okay. Thank you for that. And I agree with you, we need to take a real aggressive approach towards conservation for all users, especially on those who use a lot of water, yeah? Thank you. Thank you, Mr. Chair.

CHAIR SINENCI: Okay, mahalo, Member Molina. All right. So yeah. And normally Staff would look at similar language that is stated in other areas of the document. So if everybody's okay with this, we can...well, next time, when we address strategies, we can

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put it right into the...and we'll post it prior so that you can see them in the strategy table.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Go ahead, Member King.

COUNCILMEMBER KING: Yeah, just because there's more...there seems to be some confusion about R-1 and the safety, could we add to these strategies to research and advise on the health and safety issues regarding R-1 water?

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: Because we're going to have to message that to the general public too.

CHAIR SINENCI: Okay. And we can reach out to our Departments. Maybe they can come on and do a 7B for us.

COUNCILMEMBER KING: That would be good. And then just to...you know, not just for our sake, but for the general public's sake, to make sure that we're using it in the correct capacity.

CHAIR SINENCI: We'll send everyone a sample for everyone to drink.

COUNCILMEMBER KING: ...*(laughter)*...

CHAIR SINENCI: ...*(laughter)*... Okay.

COUNCILMEMBER KING: If Chair Lee doesn't want to put her hand into it, I don't want to drink it.

COUNCILMEMBER LEE: You first.

CHAIR SINENCI: Okay. Thank you. Staff, we'll go ahead and take that into consideration, yeah? Okay, Members. Thank you for that discussion. Mahalo. And we'll work with the Department and Ms. Blumenstein. Oh, Member Paltin. Sorry, I couldn't see you on the gallery.

COUNCILMEMBER PALTIN: Oh, no problem. I just was wondering, at the top of your list of strategies when it was saying, like, cultural uses, and hearing like the testifier's, I guess, aversion to the word uses. Would it be okay to write cultural rights to water there?

CHAIR SINENCI: Okay. We can...I see that, practitioners. The usage of the word practitioners. We can consider that from Kaneali'i.

COUNCILMEMBER PALTIN: Yeah. And then they didn't like us using the word uses, uses of

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water, users; but if we put right to water, I think they said was the preferred term.

CHAIR SINENCI: Okay. We can go ahead and consider that. We'll probably be taken up the second half of Appendix 10. So with all of the discussion and the comments from...that we acquired from Appendix 10, we'll go ahead and put them into the strategies in Part II. So that will probably be our August 17th meeting. We'll send you guys that prior to the meeting so you can take a look at it.

COUNCILMEMBER PALTIN: And if...from the last time we met on Section 10, I think last Tuesday, if we have our things written out, did you want us to send it to you, or just do it same like how last time?

CHAIR SINENCI: You can send it to the Committee.

COUNCILMEMBER PALTIN: Okay.

CHAIR SINENCI: Yeah. Thank you. Okay, Members. So with that, if there are no objections, Chair would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay. Thank you. Mahalo for the discussion.

ITEM 31: COOPERATIVE WATER-RESOURCE MONITORING PROGRAM (CC 21-346)

CHAIR SINENCI: Okay. And next moving on to...we've got two more items. Hopefully we can do it quickly. APT-31 Cooperative Water-Resource Monitoring Program. The Committee is in receipt of the following County Communication 21-346 from the Director of Water Supply, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)." And we have...I think we still have Deputy Director Kau available for this item. I did designate her as a resource person under Rule 18(A) of the Council. Okay. No objections? Ms. Kau.

MS. KAU: Yes.

CHAIR SINENCI: We have the Cooperative Water-Resource Monitoring Program.

MS. KAU: And Chair, I'm going to defer to Eva on that.

CHAIR SINENCI: Oh, okay.

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MS. KAU: She's most familiar with that agreement.

CHAIR SINENCI: Okay, great. Thank you.

MS. BLUMENSTEIN: No problem. Thank you, Chair. Yeah, also want to remind you we have two representatives from USGS on this call if there's any technical questions or clarifications from either of these two items that we're proposing. So we have Kolja Rotzoll and Stephen Zahniser from USGS. But we are requesting to continue our joint funding agreement with USGS for water-resource monitoring throughout Maui County. There is not a change because last year we added Kawela Stream Fiscal Year '21. So the monitoring stations include groundwater monitoring in 'Iao and Waihe'e Aquifer, Kualapu'u Aquifer on Moloka'i, stream in East Maui and Moloka'i as well. Waiting to install stream gauges in Kanahā Stream on the West side and a rainfall gauge eventually. So we have included the requested amount in our Fiscal Year '22 Budget.

CHAIR SINENCI: Thank you, Ms. Blumenstein. It looks like the...possibly agreement is 224,000, of which 116,000 will be contributed by the Department and 56,000 would be contributed by USGS. Members, any questions for either of our resource persons?

COUNCILMEMBER MOLINA: Recommendation, Chair?

CHAIR SINENCI: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I recently hiked up Kawela Stream last week, and I got to check out the stream gauge downstream. And I understand that there's one that's being installed upstream, and it was super interesting to see. There's the old rain gauge in the area. And here's the flow, the intake, and this is what it looks like. And it also measures turbidity, if the stream goes high enough to take on...to take in some of the water. And then that's what the little monitoring for real time monitoring. The...yeah, for real time monitoring. That's where the equipment is stored, in this little hale on the side of the stream. And then USGS installed first staged gauge...stage gauge, and it measures the height of the stream by taking in some of the water at the bottom of the pipe. There's, like, little holes. I don't know if you see it.

CHAIR SINENCI: Wow, we got some first-hand --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR SINENCI: -- research.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so the...I mean, it's really simple, but it's really effective. And then there's cork shavings inside, and so they would take off the top to take out the monitor so that you can see how high the cork shavings was pushed up during a large water event. So...

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CHAIR SINENCI: Members, for your information, the Moloka'i Water Use and Development Plan is also on its way too. So they're also working to do their water use development plan. So mahalo, Member Rawlins-Fernandez. So with that, the Chair would make a recommendation, passage of the proposed bill on first reading without revisions, and the filing of County Communication 21-346.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Moved by Chair Lee, seconded by Councilmember Rawlins-Fernandez. Discussion? Okay, all in favor, raise your hand and say aye.

COUNCILMEMBERS: Aye.

CHAIR SINENCI: I see seven ayes, zero noes. The motion passes.

**VOTE: AYES: Chair Sinenci, Vice-Chair Johnson, and
 Councilmembers King, Lee, Molina, Paltin, and
 Rawlins-Fernandez.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of proposed bill, and FILING of
 communication.**

**ITEM 30: STUDY TO ASSESS GROUNDWATER AVAILABILITY UNDER
 SCENARIO-BASED RECHARGE CHANGES ON THE ISLAND
 OF MAUI (CC 21-347)**

CHAIR SINENCI: Okay. Thank you, Members. On to the second...or our last item. APT-30 the Study to Assess Groundwater Availability Under Scenario-Based Recharge Changes on the Island of Maui. The Committee is in receipt of the following: County Communication 21-347 from the Director of Water Supply, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED

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STATES DEPARTMENT OF THE INTERIOR (STUDY TO ASSESS GROUNDWATER AVAILABILITY UNDER SCENARIO-BASED RECHARGE CHANGES ON THE ISLAND OF MAUI)." Ms. Blumenstein.

MS. BLUMENSTEIN: Thank you, Chair. Yeah, this...we're proposing a new study, groundwater model, hopefully to start this fall in October. It's a joint funded agreement again with USGS. And what we're hoping is to inform not us, but other water managers, because this is not for Department wells exclusively, so that we would know how to optimize groundwater withdrawals and sites over time, considering climate change impacts on groundwater recharge, future land covers, like how land will change over, you know, through the end of the century. So that would help inform us just how appropriately site manage and pump wells, how that impacts both the...to make sure that we maintain steady, safe water levels in each aquifer, the chloride levels are acceptable, and how that change recharge to nearshore waters as well. So we're working...real excited about doing this. If there's any technical questions, I definitely want to refer to the gentlemen from USGS.

CHAIR SINENCI: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Where would the study take place? Is this for Maui County or Maui Island?

MS. BLUMENSTEIN: For Maui Island, in priority aquifers where there are either...already have heavy or moderate groundwater withdrawals, or where there are new development wells planned that would be most impacted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you have those areas planned? Like, would you be able to tell me the locations?

MS. BLUMENSTEIN: We have identified, I believe, it's nine priority aquifers. I don't have them on the top of my head.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I support this, and we just had a USGS water availability modeling done on Moloka'i by Delwyn (*audio interference*). I support this. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. It does say Kanoa Ridge Test Hole, Waikapū II, Waiehu Gate Monitor Well, Kualapu'u Gate Monitor Well, Halawa, Waikamoi --

MS. BLUMENSTEIN: Oh, Chair.

CHAIR SINENCI: Is that the one?

MS. BLUMENSTEIN: No. That would be the sites for the resource monitoring program --

CHAIR SINENCI: Okay.

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MS. BLUMENSTEIN: -- in the previous item.

CHAIR SINENCI: All right. Okay. Thank you. Yeah, it looks like it's just got a chart for them to take to monitor. Okay, any other questions? I see we have Mr. Rotzoll with USGS. Did you want to go ahead and provide us with some pertinent information?

MR. ROTZOLL: Do you have any specific questions? I'm happy to provide you any information. I'm not quite sure what you...information you're looking for. Maybe a broad overview of what we're supposing to do? I mean, Eva gave a good overview already of what we're trying to do. So I can give you more details, of course, but that could take a while. So I would need to have a little guidance of what you guys want to know.

CHAIR SINENCI: No, just where that accent's from.

MR. ROTZOLL: Oh, that's from Germany. . . .(laughter). . .

CHAIR SINENCI: Thank you. Okay, a question from Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick question. So this is a contract until March 31, 2023. Do you think you'll be able to get this report done by that time?

MR. ROTZOLL: Hopefully, yes. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you have the information on the locations in front of you?

MR. ROTZOLL: No, I don't.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MR. ROTZOLL: Because we're still working with Eva together to narrow it down which aquifer systems we're focusing on. And so this will be mostly directed by Eva, which ones we're going to use.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Okay, Members. With that, the Chair will entertain *(audio interference)* okay, a motion to...passage of the proposed bill on the first reading without reservations, and filing of County Communication 21-347.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR SINENCI: Moved by Council Vice-Chair Rawlins-Fernandez, and seconded by Councilmember Paltin. Discussion? Chair Lee.

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COUNCILMEMBER LEE: I support without reservations.

CHAIR SINENCI: . . .*(laughter)*. . . Okay, thank you for that. Any other comments? Oh, okay, hurry up. All in favor, raise your hand and say aye.

VICE-CHAIR JOHNSON: Chair, one sec.

CHAIR SINENCI: Oh, Member Johnson.

VICE-CHAIR JOHNSON: I'm sorry, I have a question.

CHAIR SINENCI: Go ahead, Member Johnson.

VICE-CHAIR JOHNSON: You know, I also support this. Unfortunately, you know, on Lānaʻi everything's private, and this is such a pertinent thing, and I just...I feel like...ah, I wish we could do something like this for Lānaʻi because these are very important issues that I'm reading on this that are pertinent to the island that I represent. So I support this one, so hopefully someday down the future we could get something for Lānaʻi. That's all.

CHAIR SINENCI: Okay, sounds good, Member Johnson. We can go ahead and bring up your water issues at a future meeting. Thank you. Okay. With that, Members, all in favor, raise your hand and say aye.

COUNCILMEMBERS: Aye.

CHAIR SINENCI: I don't see Member Johnson. Is that a yes?

VICE-CHAIR JOHNSON: It's a aye, I'm sorry.

CHAIR SINENCI: Okay, yeah. You're frozen on mines. Okay. Seven ayes, zero noes. Motion passes. Thank you, Members.

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VOTE: **AYES:** **Chair Sinenci, Vice-Chair Johnson, and
Councilmembers King, Lee, Molina, Paltin, and
Rawlins-Fernandez.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of proposed bill, and
FILING of communication.**

CHAIR SINENCI: All right. And mahalo to Ms. Blumenstein and to our resource personnel from USGS. Thank you for being here and hanging in there with us. Okay, Members, that brings us to the end of calendar. We wanted to mahalo everybody...to you, Administration, and resource persons today. We ask...we please ask Ms. Kau to take a lot of liquids and get well real soon.

MS. KAU: Thank you, I shall. And I passed my COVID test, so I'm good.

CHAIR SINENCI: Okay, good. That's good news. Okay. With that, Members, the APT Committee meeting of Tuesday, August 3rd is...Member...real quick, Ms. Apo Takayama. Anything else?

MS. APO TAKAYAMA: No, Chair. That's all.

CHAIR SINENCI: Okay, great. APT Committee meeting of August 3rd is now adjourned. It's 4:32. . . . *(gavel)* . . .

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ADJOURN: 4:32 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read 'Shane M. Sinenci', is written over a horizontal line.

SHANE M. SINENCI, Chair
Agriculture and Public Trust Committee

apt:min:210803

Transcribed by: Marie Tesoro & Crystal Sakai

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CERTIFICATIONS

I, Marie Tesoro, hereby certify that pages 1 through 27 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.

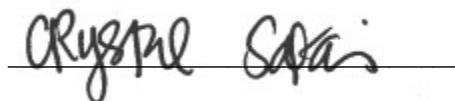
DATED the 7th day of September 2021, in Wailuku, Hawai'i



Marie Tesoro

I, Crystal Sakai, hereby certify that pages 28 through 51 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 7th day of September 2021, in Wailuku, Hawai'i



Crystal Sakai