

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Council of the County of Maui

MINUTES

August 31, 2021

Online Only via BlueJeans

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Gabe Johnson, Vice-Chair
Councilmember Kelly Takaya King, Member (Out 4:29 p.m.)
Councilmember Alice L. Lee, Member (Out 4:01 p.m.)
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member

EXCUSED: VOTING MEMBERS:

Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
James Forrest, Legislative Attorney
Richard Mitchell, Legislative Attorney
Keoni Shirota, Committee Secretary
Kristeena Locke, Council Services Assistant Clerk

Gina Young, Executive Assistant to Councilmember Shane M. Sinenci
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Davideane Kama-Sickels, Executive Assistant to Councilmember
Tasha Kama
Lois Whitney, 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.:

Jeffrey Pearson, Director, Department of Water Supply
Eva Blumenstein, Water Resources and Planning Manager
Johann Lall, GIS Analyst V, Department of Planning
Keola Whittaker, Deputy Corporation Counsel
Stephanie Chen, Deputy Corporation Counsel

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OTHERS: Shay Chan Hodges, Board of Water Supply Temporary Investigative Group
Norman Franco, Board of Water Supply Temporary Investigative Group
Toni Eaton, Board of Water Supply Temporary Investigative Group
David Kimo Frankel, Attorney, Sierra Club of Hawai'i

Terrill James Kaneali'i Williams (Item APT-40)
Stacey Pohaikealoha Ramsey (Item APT-40)
Aja Eyre (Item APT-40)
Lucienne de Naie, Sierra Club Maui (Items APT-40, APT-57)
Donna Sterling (Items APT-40, APT-57)
Noe Lecker (Items APT-40)
Faith Chase (Items APT-40, APT-57)
Dick Mayer (Items APT-40, APT-57)
Others-2

PRESS: *Akakū: Maui Community Television, Inc.*
Kehau Cerizo, The Maui News

CHAIR SINENCI: . . .*(gavel)*. . . Aloha 'auinalā, bonjour, and comment allez-vous, contente de te voir. Welcome to the Agriculture and Public Trust Committee Meeting of Tuesday, August 31st, 2021. It is 1:31 p.m. Mahalo, Members, for coming back after our long lunch break. Mahalo, Member Molina. I'm Shane Sinenci, Chair of the Committee. But before we begin, this online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. Members, in accordance with the Governor's most recent emergency proclamation, if you're at a nonpublic workspace, when your name is called, please identify by name who's present with you in the room, the vehicle, or at the workspace. So with that, joining us today we have Committee Vice-Chair, Councilmember Gabe Johnson. Bonjour, comment allez-vous?

VICE-CHAIR JOHNSON: Bonjour, comment allez-vous, Chair and other Members. That was my...the best try I've had in a while, but I'm giving it a shot. And I am home alone, just like the movie.

CHAIR SINENCI: Mais oui, bien. Next, we have Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Bonjour, Chair. Comment allez-vous? And to Member Paltin, bon voyage tonight. I am in my same spare bedroom in my house. My husband is wandering around outside of it. So he may hear something we say, but other than that, I'm in my room all by myself.

CHAIR SINENCI: Okay. Mahalo nui. Up next, we have Council Chair Alice Lee. Bonjour, contente de te voir. Comment allez-vous?

COUNCILMEMBER LEE: And all of that to you, Mr. Chair. And to Member Paltin, bon voyage. I'm home in my room by myself.

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CHAIR SINENCI: Okay. Thank you for that. Next, we have Councilmember Mike Molina. Bonjour, de voir.

COUNCILMEMBER MOLINA: Good afternoon and bonjour. Comment allez-vous--I'm going to stick with the easier French pronunciation for myself--to you and also to all of the other Members. And for the record, I have been banished to the other side of the house in a room by myself, and my wife is in the other room with the pets. Thank you.

CHAIR SINENCI: Okay. Mahalo, Member Molina. And Council Vice-Chair Keani Rawlins-Fernandez is not feeling well at this moment, but does...if she does feel better, she'll jump on. Our Non-Voting Committee Members, always welcome to join us, and Presiding Officer Pro Tempore Tasha Kama and Councilmember Yuki Lei Sugimura. From the Administration, we have Mr. Jeffrey Pearson, Director of Water Supply; Ms. Eva Blumenstein, Water Resources and Planning Manager; and Ms. Stephanie Chen, Deputy Corporation Counsel. Bonjour and welcome. For our resource people today, we have Ms. Shay Chan Hodges, Mr. Norman Franco, and Ms. Toni Eaton, all members of the Board of Water Supply Temporary Investigative Group. We also have today in our midst Mr. David Frankel of the Sierra Club of Hawai'i. So aloha and welcome. Bonjour. Our Staff today that is helping with this...today's meeting is Ms. Apo...Kasie Apo Takayama, Mr. Keoni Shirota, Mr. James Forrest, Nicole Siegel, and Ms. Kristeena Locke. Aloha and welcome. Okay. Moving on. Members, we have two items agendized today: APT-40, the Feasibility of Purchasing and Maintaining the East Maui Irrigation Water Delivery System; APT-57, the Water Use and Development Plan for Maui. Ms. Apo Takayama, do we have some testifiers signed up?

MS. APO TAKAYAMA: Yes, Chair. We currently have nine individuals signed up to testify.

CHAIR SINENCI: Okay, great. Let's begin with public testimony. Oral testimony via phone or teleconference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link, <https://bluejeans.com/411641115>, as noted on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and entering meeting code 411 641 115, also noted on today's agenda. Written testimony is highly encouraged. Instructions on how to submit testimony can also be found at mauicounty.us/testify. Moving on to oral testimony, oral testimony is limited to three minutes per item. If you're still testifying beyond that time, I'll kindly ask you to complete your testimony. . . .*(inaudible)*. . . testifying please state your name. If you're 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 and muting your microphone while waiting for your turn to testify. Once you're 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--however, Spectrum is on Channel 54--also on Facebook Live or on mauicounty.us. Participants who wish to view the meeting only without providing testimony, please also disconnect at this time and instead view

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the meeting on *Akakū* 53, Spectrum on Channel 54, 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'd like to remind Committee Members, Administration, and public to please be patient if we run into any technological issues. Staff has been monitoring people joining today's meeting by phone and by video, and we'll do our very best to take each person on in an orderly fashion. If you're connected to the meeting and have not indicated that you do not wish to testify, Staff has added your name to our testifier list and will call on you when it is your turn. Okay. Apo Takayama, call the first testifier.

MS. APO TAKAYAMA: Chair. Thank you, Chair. The first testifier is Terrill James Kaneali'i Williams, to be followed by Stacey Pohaikaloa Ramsey.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. WILLIAMS: Aloha. Kaneali'i Williams. Can you folks hear me?

CHAIR SINENCI: Yes, we can.

MR. WILLIAMS: Okay. Great. Aloha kākou. Terrill James Kaneali'i Williams. I am testifying as a kuleana landowner, as a kuleana heir to the Land Commission Award 3336, Royal Patent Allodial Title 2194 to Nalopi, and Kuiaha, Ha'ikū, Hamakualoa, Maui. I'm walking over right now to . . . *(inaudible)*. . . reception. I'm walking over to . . . *(inaudible)*. . . This is the place that I'd like to talk. Right now, I'm going to go . . . *(inaudible)*. . .

CHAIR SINENCI: Kaneali'i, you're coming in a little sketchy. Maybe you might have to stay put.

MR. WILLIAMS: I'm still within the boundaries of my 'ohana's *[sic]* parcel. I am on the mauka side of the Lowrie Ditch, and I am still within the boundaries of my 'ohana's *[sic]* Royal Patent, kuleana parcel. So on June 15th, 2021, after confirming himself as a representative of East Maui Irrigation via email, Mark Vaught, Water Resources Manager of Maui Pono received an email from myself detailing the EMI was to cease operating the Lowrie Ditch and decommission it and remove it from my 'ohana's *[sic]* property to not having a commercial contract with myself and my family, being that we are the kuleana heirs with the Royal Patent Allodial Title to this land parcel. July 10th, 2021 was the deadline given to EMI for this to have taken place, and they have not fulfilled it yet. Today is August 31st, so over a month. I received statements from the other neighbors that this specific flume, this ditch, has overflowed several times over the past several years. And it's overflowed on top of the hillsides and flooded their house properties. So there's an issue with this ditch as far as its operation in general, and East Maui Irrigation has already been served notice from the landowners, which is my family, that it was supposed to be removed and decommissioned completely from our property. This brings up another thing. From the maps I've seen of the Lowrie Ditch, it also appears that it's connected with the Kaupakalua Dam and river system . . . *(inaudible)*. . . On March 8th, 2021, many of the properties in the Ha'ikū area were

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impacted by the flood caused by the Kaupakalua Dam and reservoir system, including my 'ohana's [sic] parcel. On June 15th, 2021, Mark Vaught, in his capacity as a representative of EMI, in email, denied that my kuleana parcel was impacted by the flood, despite the great amounts of trash and tree debris my 'ohana and I are still cleaning up on our parcel, as well as the video footage of the flood waters rushing out of the intersection of Hāna Highway and . . .(inaudible). . . Road and Gulch. Before that water gushed out onto the highway, it first had to go through this kuleana parcel in order to get to that point. To us, as the kuleana families, it was very obvious that Mayor Victorino, DLNR, Governor Ige . . .(inaudible). . . to disguise and play off that flood event as a, quote, natural disaster. However, that event was not a natural disaster. It was manmade, and due to East Maui Irrigation diverting and hoarding water from East Maui streams. And that water gushed out. On May 29th, 2021 . . .(timer sounds). . . Tiare Lawrence, who is Mahi Pono's Community Relations Director, stated in writing to my family that the dam was being decommissioned. I believe this was supposed to happen this summer. Again, it's August 31st, 2021. Before EMI is included in any part of the Water Use and Development Plan, they first must show proof and evidence, and I think a public announcement, that they have fully decommissioned and shut down the Kaupakalua Dam, including, but not limited to, removal of Lowrie Ditch from my property. And decommissioning means to cease . . .(inaudible). . . operation.

CHAIR SINENCI: Okay. Mahalo, Kaneali'i. Hold on real quick. Members, any questions for Kaneali'i? Okay. Seeing none. And then, have...has your...the stream been staying like that with the recent rains, or you're seeing like an increase in water?

MR. WILLIAMS: Can you repeat that first part? Sorry. Can you repeat that first part? Sorry.

CHAIR SINENCI: Have you seen any increase in stream flow with recent rains?

MR. WILLIAMS: Actually, I believe on the 18th through the 19th...the 18th through the 22nd, we did receive rains, but actually, what I documented after those rains was that the river was receding. So we were told that--by Mark Vaught, as a representative of EMI--that it was...the lack of water in our stream was due to not having enough rainfall up mauka, but I did document, again, after those rains happened just last week or the week prior, after the rain, that our river was actually receding.

CHAIR SINENCI: Okay. Mahalo nui for that. Mahalo for that report. And we'll keep in touch.

MR. WILLIAMS: Mahalo.

CHAIR SINENCI: Mahalo for your testimony today. Ms. Apo Takayama.

MS. APO TAKAYAMA: Thank you, Chair. The next individual signed up to testify is Stacey Pohaikealoha Ramsey, to be followed by Aja Eyre.

CHAIR SINENCI: Aloha, Stacey. Stacey, can you hear us?

MS. RAMSEY: Hello. Can you hear me?

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CHAIR SINENCI: Yes, we can hear you.

MS. RAMSEY: Okay.

CHAIR SINENCI: Go ahead.

MS. RAMSEY: Aloha. Sorry for that. My name is Stacey Pohaikealoha Ramsey. I am the mother of Terrill James Kaneali'i Williams, and I am testifying as a kuleana landowner, heir to Land Commission Award 3336, Royal Patent Allodial Title 2194 to Nalope [sic] in Kuiaha, Ha'ikū, Hamakualoa, Maui. At the time my son planted the kalo in our lo'i, May 23rd, 2021, we had full water in all of our lo'i. After that day, my son watched EMI trucks driving through our property six to times...to ten times every day for the next week surveilling him. On May 30th, 2021, there was no longer any water inside the lo'i, and less water was in the river at an increasing rate. When my son contacted Mark Vaught from Mahi Pono--Mark Vaught, who also made it clear that he was a representative of EMI--responded by stating, quote, the very low water level in the stream is not due to any EMI stream diversion. Rather, it is attributed to the lack of rainfall upslope of your location. Therefore, it is a diversion located several thousand feet mauka of your area. However, we've been to the diversion and witnessed the water flowing past it, not flowing into the ditch, and moving downstream, end quote. From July 15th to July 29th, we witnessed heavy rainfall in our ahupua'a day and night, every day. What we did not see was an increase in volume of our water in our river to correspond with the great amounts of rain our ahupua'a was receiving. Our river also has been going completely dry in different many spots. From August 18, 2021 to August 22, 2021, we observed something very interesting. Our ahupua'a received heavy rain several nights in a row, and the river actually receded each day. This is...this has been video documented and made available to Members on this Council. It is clear the EMI has been diverting water from our rivers this entire time, and has not been truthful. The growth of our kalo and the food plants that has been stunted, the food we raise in the river has been dying off, and our customary and cultural rights as kānaka maoli kuleana heirs have been infringed on...infringed on. Being that my 'ohana are kuleana heirs of Kuiaha, we are the right holders of the water and the ahupua'a, EMI is subject to us, and the water is to flow unimpeded mauka to makai. We are now stating that this Council require that a representative from EMI take us kuleana heirs, such as my son and others, along with a representative from the County, and a representative from DLNR, to the intake at the Kauhikoa Ditch up mauka from our kuleana parcel, as well as the Wailoa Ditch, to do an assessment and documentation. And since DLNR has failed to fulfill its judiciary duties to enforce the water laws in East Maui in general, we are also requesting that funds be set aside to install a monitoring system at every intake in our ahupua'a, including the one at Ha'ikū Ditch, makai of our parcel, with video surveillance cameras aimed at the intakes and the footage to be made accessible . . .(timer sounds). . . to the public so that we no longer have to be go...to go off base of EMI's words or any other party that does not have priority interests and rights to the water, as kuleana heirs do, about whether not our water is being diverted. We are also requesting that we be escorted from the mauka ditches and walked all the way down along the river to our kuleana parcel to ensure that there are no other unlawful

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diversions, and so that we are not prevented access occurring by residents who bought properties from A&B, partial owner of EMI, so that our rights as kuleana heirs are not infringed on for monitoring and doing assessments for the conditions of our river. And lastly, EMI does not have the permission from us kuleana heirs to use any water from Kuiaha ahupua'a. We have to make clear. We are not giving up on this one.

CHAIR SINENCI: Mahalo, Miss...mahalo nui, Ms. Pohaikealoha Ramsey. Members, do we have any questions for our testifier? Yes, we have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ramsey, for your testimony. I just wanted to clarify. You're making that request to this Committee that EMI and somebody from the County escort you?

MS. RAMSEY: Yes.

COUNCILMEMBER PALTIN: Or have you made the request to the Administration? Because I don't know that we can...we can grant...we have the authority to grant that request. I mean, I'd love to, for sure, but I don't know --

MS. RAMSEY: If it's any way that you folks can direct it, possibly, for them to allow us to go in and inspect our river. I myself wanted to go up upriver and inspect the health of it, actually, and as my son stated before, he got viciously attacked verbally by residents, by--and it was witnessed by a friend that he was with--just walking up that river. I understand it is behind other residents, but they're not kuleana heirs, owners. They're not heirs to anything. So that river does not really belong to them. Nor does it to us personally, but we are...it's running through our 'āina. I would like to have the permission for my son at this time, and whoever he...can accompany him, to actually inspect that and go up farther, but I'm not sure what blocking there would be. I know, probably trying to request that through DLNR and EMI and everything else, we're going to get the runaround. I would like to make it public that we are requesting that, and we would like the assistance to be allowed to check and see for ourselves because I'm not going to believe their word. Their word has been poisoned for many years. So that's what we're asking, to have the right to go up into the lands and inspect ourselves exactly what's going on.

COUNCILMEMBER PALTIN: I'm not...I'm not sure who would grant that authority. For me, when this was happening behind me and there was all that brown water coming down the river, I made multiple complaints to Public Works before I was in office. And after a few months, someone from DSA hiked up the river, spoke with some golf course workers that, you know, the grading had pushed some of that mud into the water. I'm not sure who they got permission from to hike up that river. Nobody...they were County DSA workers, but nobody stopped them, and I'm not sure who would be the granting authority, but I do know that we aren't allowed to tell the County workers what to do, other than our own Staff, because that's the sole jurisdiction of the Mayor. But maybe you can put the request to the Administration.

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MS. RAMSEY: Okay. So more or less guidance of how the process should go, you know. We'd be...we know our rights, but then we don't know our rights of what our possibilities are, you know. Make it aware to us, and then we will follow through with it. And appreciate your help.

COUNCILMEMBER PALTIN: And me, I'm still just learning also myself.

MS. RAMSEY: Okay.

COUNCILMEMBER PALTIN: Thank you. Sorry.

MS. RAMSEY: No, okay.

COUNCILMEMBER PALTIN: Oh, and, Chair. I had...I was alone in my office in Lāhainā, but my aide just walked in from lunch. Angela is now here with me. Sorry.

CHAIR SINENCI: Okay. Mahalo, Member Paltin, for that. Okay. Thank you for that notification. Any other questions for Ms. Pohaikaloa Ramsey? Seeing none, mahalo Ms. Ramsey, for your testimony --

MS. RAMSEY: Aloha no. Thank you so much.

CHAIR SINENCI: -- and, yeah. If we can help to connect you to the right agencies, we'll reach out to you. Mahalo nui.

MS. RAMSEY: Thank you.

CHAIR SINENCI: Takayama, could you call our next testifier, please?

MS. APO TAKAYAMA: Yes, Chair. The next testifier is Aja Eyre, to be followed by Dick Mayer.

CHAIR SINENCI: Aloha, Ms. Eyre.

MS. EYRE: Aloha. I am actually in a room with 20 other high school students, so I'm going to do this as quick as I can.

CHAIR SINENCI: Oh. Okay.

MS. EYRE: Aloha, my name is Aja Eyre. Can you hear me okay?

CHAIR SINENCI: Yes, we can hear you.

MS. EYRE: Okay. Thank you. My name is Aja Eyre. I'm a resident of Makawao, and I would like to testify on the Feasibility of Purchasing and Maintaining the East Maui Irrigation Water Delivery System. Having read all of the recorded contracts, all of them, between the County of Maui and the East Maui Irrigation company, I urge the Council to find a way to move away from a relationship that is not healthy. We need to move to a water

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delivery system...we need to move away from a water delivery system. It may have worked well during the plantation era, but it does not fit for an island community that is no longer plantation centered. I urge this Committee to ask many questions concerning these contracts, especially the 1973, the 2000, and the 2018 agreements and memorandums of understanding. There are concerning agreements there. For example, is it true that the upper and lower Kula pipelines, also known as the Waikamoi Stream pipelines, which are located on EMI land, will not supply water to the County if the State does not award a 30-year lease to EMI? There are a lot of discrepancies in the agreements concerning this point and many others that threaten the flow of water to our communities. My overshadowing concern is that our public resource is held at the mercy of a corporation. For example, the current agreement basically says that when EMI, A&B, Mahi Pono, exchange a long-term lease, then we...then they will renegotiate the water delivery contract and rates with the County. So why is our public resource at the mercy of a private company? Why aren't we offering the negotiations to them instead of them offering it to us? Why are we under their thumb to access our public water? Water is different from other utilities because water itself is not created or even owned by the private companies. It makes sense financially and philosophically for the stewards of the source of the water and the end users to also control and own the delivery means. Those stewards are us, and the end users are us, and it is time to complete the stewardship and bring our water system and water plan into the current era. And I hope that our future sees us where the people again have a responsibility over their own water, and that the industrial agriculture and the small agriculture alike can plan according to an equitable, professional, and stable water system. Thank you.

CHAIR SINENCI: Mahalo, Ms. Eyre, for your testimony this afternoon. Members, any questions for Ms. Eyre? Seeing none...oh, we have one question from Member Johnson.

VICE-CHAIR JOHNSON: Thank you, Chair. Hi, Ms. Eyre. Just a quick clarifying question...quick clarifying question for you in regards to the MOAs you mentioned, the 1973, the 2000, and the 2018 ones. You said you've got questions...concerns about that, and can...and you glossed over it. Can you say that again, what was your concerns for those agreements?

MS. EYRE: There's just...there's a lot of discrepancies. And I think when we continue...if we're going to continue this relationship, there needs to be more clarity in the contracts. And I don't really see a way forward because there are so many discrepancies. And they don't cover as much as you'd think they would. There's little...and there's little snippets in there that are kind of what we base a lot of assumptions on. And so that's...that's really my concern. And if you read those three agreements, which are the main crux of the agreement, you'll find that there's not enough to really be doing what we're doing, but it also doesn't clear up questions like what happens if they don't get a long-term lease.

VICE-CHAIR JOHNSON: Okay. Thank you. Thank you, Chair. I have no further questions.

CHAIR SINENCI: Mahalo, Councilmember Johnson. Any other questions for the testifier? Seeing none, we'll let you go back to your class, Aja. Okay. Mahalo for testifying today.

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Apo Takayama?

MS. APO TAKAYAMA: Chair, the next testifier is Lucienne de Naie, to be followed by Donna Sterling.

MS. DE NAIE: Aloha, and bonjour, and nice to see everybody at the APT Committee. My name is Lucienne de Naie. I'm testifying today on behalf of the Sierra Club Maui group, and I'm testifying as a Sierra Club Ha'ikū leader today. You folks are talking about Item Number 40, which is potentially acquiring an East Maui system at some point, and that concept that's brought up in the temporary in guest [sic] . . . investigative committee report that the Board of Water Supply worked on. I just want to offer a little perspective from having hiked the system. And also, as part of our watershed hikes in the old days, our esteemed leader, Mary Evanson, set up these comprehensive watershed understanding experiences, where we would not only go to the intakes and look at the different ditches and the different streams, but we would go to the water treatment plants Upcountry. And this brought a lot of understanding to me, and I think it might be helpful for you folks. When you're talking about acquiring an East Maui system, you're not talking, at this point, about a system that is the two upper pipelines that the County uses. There's a Kula upper and Kula lower pipelines that actually supply about 70 percent of the water to Upcountry. The pipeline that's at the lowest elevation, the Wailoa pipeline, is part of this East Maui system that the...diverts from State lands mostly. And I believe that that is kind of what the TIG report is focusing on, is that system. But the two upper pipelines are also very important, and I'm glad that Aja Eyre's brought this up, but it seems like the County should have certainty that they could continue getting water from these two upper pipelines that are not on state land, that are not part of any East Maui lease agreement. They are on A&B EMI lands, although the streams they divert, of course, are public trust resources. These pipelines don't divert like 40 streams like the other pipelines in the lease area. One diverts about three streams, and one diverts, I think, five. And back in the 1960s, the County was like really upset because EMI was limiting the amount of water that the County could get from these systems. And of course, they, you know, the County felt helpless, and they were turning to the State saying, can't you take over these systems and make sure we get the water that we deserve. This is 1961, 1962, old *Maui News* articles. So this isn't a new discussion, but it's a discussion that, as we are living in a new millennium, we need to have this. . . .(timer sounds). . . . Should public water be publicly administrated and have public control? So I will transition to my second topic, which is the Water Use and Development Plan, Item Number 57. And I would just urge you folks to include in the Water Use and Development Plan a synopsis of the temporary investigative group, the TIG report from the Board of Water Supply, and also, as a strategy, the potential strategy that the County at some point might have the actual lease for these public lands that are generating water that the public uses in their own name. It may not be this year or next year, but in a 20-year plan, that might prove to be a very useful strategy. And the amount of water that goes through these areas varies with the rains and so forth. And so since the County is a partner, more active partner, in the watershed partnerships, I think that it would be good that we looked at things from mauka-makai, and these ditches and areas where all this diversion is taking place needs to be included in all the management decisions. Right now, they really aren't. So

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that and the contracts. You really, really need to look at these contracts. This County should not be party to a contract that says its water supply for the upper Kula pipelines can be cut off if A&B doesn't for some reason get a 30-year contract for a different part of the watershed that has nothing to do with these upper pipes. That is crazy, and that's a contract that should really be renegotiated. So thank you for this chance to share our mana'o.

CHAIR SINENCI: Okay. Mahalo, Ms. de Naie, for sharing your mana'o. We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I had a clarifying question as to the watershed hikes that you mentioned. How did you get the permission to do those? Or...just in relation to the previous testifier before, Ms. Eyre.

MS. DE NAIE: Oh, that's a great question. The Sierra Club has an insurance policy. And so we reached out to land owners. So in this case, we reached out to East Maui Irrigation, who owned some of the trails, like some of the upper areas along the pipeline. We used to hike those upper pipelines. We used to hike them as a hike. You can't anymore, but back in the '80s, you could do that. And you would get permission from East Maui Irrigation, you'd sign waivers, you'd get permission from Haleakalā Ranch, because you had to go on their ranch to get through. So you reach out and get permissions. But you know, Ms. Ramsey and Mr. Williams are absolutely right. There should be a provision for kuleana folks to have access to places that are part of their kuleana, you know. And it's not your job to do that, County Council. It is really, I think, more of a joint effort, and it should be through the Administration. And there's supposed to be a working group where the County and EMI and reps from the community are supposed to participate, but reps from the community are usually not invited. So we need, I think, maybe to put that as a...as a strategy in our plan, that this working group gets set up, and it include representatives of the different ahupua'a, and people can be invited to see the things they need to see.

COUNCILMEMBER PALTIN: So basically, those watershed hikes, they're not going on any longer because the --

MS. DE NAIE: Well, yeah, they are, but in a different form. We couldn't during COVID, but I just led a hike in the watershed a couple of weeks ago out in the area of Kopili'ula, you know, out towards Nāhiku. So yes, those hikes are going on --

COUNCILMEMBER PALTIN: Oh, okay.

MS. DE NAIE: -- and with permission, with waivers. EMI is happy to give waivers, but they don't give them to individuals. You need to be a group that has insurance and can take responsibility for the well-being of your access people. You can also get permission to hike there if you're a hunter.

COUNCILMEMBER PALTIN: So maybe until we set up that group, they can possibly join the Sierra Club as a workaround.

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MS. DE NAIE: Well, we don't go everywhere. We go to three or four streams a year, or maybe five streams a year, but...and we are allowed to ask permission to go to various streams, but we need to have a certified hike leader with us that's been trained and, you know, has CPR and everything. It's not like some yo-yo goes out and leads a hike. It's like...that's why we get permission, because you know, landowners know there'll be a reliable process. But I really think that this working group should be set up, you know, frankly. My community would appreciate it. We would love to know what's going on up above because when the waters flood and everything, they come on our land. They...you know, they don't bother EMI, they bother us who live downstream.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. And yeah, I think, right, Section 12 of the State Constitution may have access for...right, for Native Hawaiian gathering and that kind of stuff up into the kuaiwis [sic] and to the streams. So we can look into that as well. Mahalo, Ms. de Naie, for your...for participating this afternoon. Thank you.

MS. DE NAIE: Thank you.

CHAIR SINENCI: Apo Takayama.

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Donna Sterling, to be followed by Noe.

MS. STERLING: Hi. Hi, everybody.

CHAIR SINENCI: Aloha.

MS. STERLING: This is Donna Sterling. Aloha. Before I begin--kill this spider--I'm going to be testifying today on APT-40 and APT-57. My name is Donna Sterling. I'm a 20-year full-time Kahikinui homesteader on Lot 41. I am the president of Kahikinui Hawaiian Homestead Association, and also Maui County Fire and Public Safety Commissioner, and--not wearing that hat today--and the founder and president of Helekunihi Cultural Foundation, which is 119 Land Court Award, kuleana for our family called Helekunihi. Mahalo for listening to my testimony today, and I would like to speak on the...on both of AP...40 and 57 agenda items. I am speaking to you quite rapidly because we are on...complaining to Sandwich Isles Communications that our calls drop even during BlueJeans and Zoom. So please bear with me. I'm going to rattle some stuff off. I'm now testifying from page 62 and 63 of the pamphlet, the 119 pages, and that's specifically for Kahikinui, the aquifer section area, Table 18.25. With that being said, with regard to 57, my comments are specific to Kahikinui Aquifer Sector Area and under Table 18.25, Number 1, the language in the strategy section is strong and applicable. I am pleased to see that our seven slopes of Haleakalā remain important in the purview of the Department of Water. It has been an unfortunate to observe the failures of leeward Hawaiian watershed, water restoration partnership, and I look forward to the solutions produced by the people of the place to come forward into view. I am pleased

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to see the estimated cost of \$950,000, but I would like to know how this amount was derived, and I just hope that it's enough to complete the scope of work. Under Number 2, I appreciate the mention to support and promote regional grassroots initiatives. Our Helekunihi Cultural Foundation mission closely aligns with the narrative here. And allow me to quickly read the mission statement. It is to engage in the propagation of Native Hawaiian plants for reforestation, restore water systems, preserve ancestral archeological sites, and continue traditional Hawaiian values with spiritual connections to . . . *(inaudible)*. . .

CHAIR SINENCI: Oh. Ms. Sterling, looks like your call dropped or you're frozen. Okay. Sounds like she was broadcasting from Kahikinui. We can come back to her, Members, should she jump back on. Ms. Apo Takayama, is she still on the call?

MS. APO TAKAYAMA: She's on the call and unmuted. So I believe she may be having some connectivity issues, but we can come back to her if the body's okay with that.

CHAIR SINENCI: Okay. Yeah. Okay. Let's go ahead and go on to the next, and then if she jumps back on, she...we can go back to her.

MS. APO TAKAYAMA: Okay. The next testifier is Noe.

CHAIR SINENCI: Aloha, Noe.

MS. LECKER: Aloha. My name is Noe Lecker, and I am calling from Kipahulu, Maui, here in Hāna, and I tuned in because I really wanted to hear and gain knowledge for myself of what is going on with our water resources. And I really wanted to express my heart in sharing that the testimonies that are brought before you today, that you really hear the heart of the people, that this will be the Councilmembers this year that will really make a change because it sounds like this is something that has been going on for years. So I am hoping that this Councilmember can really make an impact in really hearing the voice of the people and really see that we are trying to fight for our land and for our resources, which the water plays a very big role in that. We cannot grow or have our lo'i patches if there is no water. We cannot sustain ourself *[sic]* with the fruits and vegetables on our land if we don't have our water resources. And we will not be able to pass this on to our children if we don't have our water resources. So I am hoping that as the testifiers testify today that you really hear the concern and the heart of our people. I also wanted to ask if...the first testifier was Kaneali'i, and also the last testifier just before me, if they're able to be contacted again, and maybe submit a written testimony because a lot of what they shared, we couldn't hear it because of the glitches. And I really believe that their voice is powerful and their documentation of what's going on with the water is very important. So if there is some way that the Council can contact them and maybe submit their testimonies written so that it doesn't get lost in what they were trying to share. I'm also hoping that the Councilmen can really reach out to Stacey and her son and try to find some kind of a resource or help her in trying to meet her request, in getting permission to walk up the river and check the stream and the flow and to why their lo'i, which was getting water, and then after being visited by EMI, all of a sudden they don't have water for their lo'i. Their lo'i is...it's our sustainable food.

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It is what our Hawaiian people need as a food resources. So to see that there's some kind of a diversion from EMI and maybe not even communicating with the people is not okay. So I am hoping that this Councilmen can really hear the people and take responsibility. And that as the landowners are trying to take care of their kuleana with their 'āina and they're reaching out through testimonies, that their voice is not going to be lost in the shuffle, but that really this will be a year of change for the people, that we will get our water, get our land . . . *(timer sounds)*. . . our ocean back to where it can sustain the people that will continue to live here on the island. So I wanted to thank you for this time, and I really want to thank all the testifiers that shared because knowledge is power. And mahalo, Councilmen, for hearing and allowing testimonies to come via video, phone, and just mahalo for everything. I pray that God will open your heart and your minds to really hear the heart of the people because, as we know, God gives us the land, and we...he trusts us to take care and mālama the land that he gave us so that it doesn't get destroyed and that we don't have nothing for our generation to pass on to. So mahalo.

CHAIR SINENCI: Mahalo, Ms. Lecker, for your testimony today. And yeah, we've extended the Water Use Development Plan a couple times now so that we could...we could come back and listen to more testimony and reach out to those communities that didn't feel that they were represented in the current draft. So mahalo for bringing that up. Okay. Ms. Apo Takayama, I do see Ms. Sterling back on. And Ms. Sterling, did you...as Ms. Lecker said, did you also send in a written testimony?

MS. STERLING: I can, sure. I can send it in.

CHAIR SINENCI: Okay. But we'll go back to you to continue finishing your testimony. Go ahead.

MS. STERLING: Thank you. Thank you. Sorry. And just like I said, things happen. Okay. I'm going to go back to...under Number 3, relating to conventional water source strategies. While I communicate regularly with my local DHHL Maui District Office on our regent needs, I must impress that the fall drip catchment system should always be considered a secondary and backup source of water supply. It is imperative that the Department of Water and this Council understand the seriousness of fire mitigation, which needs...the needs and that providing adequate volume and service is paramount. Specifically, we've had 11 fires in Kahikinui. I would also like to see, perhaps, match funding from Maui County, because although requests are made to State Legislative Hawaiian Affairs by DHHL, this funding is regularly overlooked. Now, under Number 4, I question the location of this narrative section, as it relates to the upper Kula and not Kahikinui. While I sympathize with other regions, I have concern about any ideas that our aquifer can and may supply other areas until our homestead has what it needs to survive. Number 5, I appreciate the exploration of more than one alternative. I appreciate the estimate cost column if it in fact is the implementation time frame of one to five years. I see this needing more funding in the future. I request to have Kahikinui Hawaiian Homestead Association be included in the partnering agencies column. By the way, that Association, of which I'm the president of, represents the beneficiaries, the waitlisters. We represent the...all deceased that have a paper in Kahikinui. And lastly,

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Number 6 is directly related to work Helekunihi Cultural Foundation is actively doing, and we would like to be included in the column of partnering agencies. Helekunihi Cultural Foundation just had a board meeting this morning to finalize our strategic plan, which included workshops to assist stakeholders, developing and improving the individual drought water conservation plans. We focus farming and ranching, and have retained an expert in the field. In closing, I want to share a story about a beautiful hō'ailona we experienced this...two days ago while having ceremony at the wai or the heiau in Helekunihi. We were visited by hundreds of 'iwa birds that dropped from the sky as we began our trip to make offering. There are positive things happening, and I appreciate your time, your consideration in supporting this beautiful vast homestead that has been without water for far too long. And let me see. Anyway, I look forward to hopefully meeting with and giving more information, boots on the ground, grassroots, to Mr. Pearson of the Water Supply. I think we've got so many people with good information, not just leeward, not just...not just the association, but other people in Kahikinui. And it...like the lady said, it is time. The 'iwa bird means...they flew because it's time that we address the water issue. And it's not going to get better, so let's get together at the table. Thank you, Chair.

CHAIR SINENCI: Mahalo, Ms. Sterling, for your testimony. Members, any questions for Ms. Sterling? Ms. Sterling, I did have a...you mentioned about fire protection. Do you have any reservoirs, or what is your current situation for fire protection at Kahikinui?

MS. STERLING: Yeah. So part...above Helekunihi Cultural Foundation, there's a building, our 119 acres. 20 years ago I did some legwork, and what we came up with was an old Perreira Ranch 1.2-million-gallon reservoir, which needs to be cleaned up, relined. Phase one, phase two, phase three, water was captured from the waterfalls. So we've got documentation, helicopter photos. That is one of the phase one reservoirs that could supply non-potable water to the homesteaders, number one. Below that reservoir is another area to the west of the reservoir, and that area was designated through schematics that I found through NRCS for another reservoir capturing the water from another waterfall. And that could feed cattle and other animals, like goats. The other area that I'm aware of in Pu'u Pani, the eastern side of the...Kahikinui is...in 2003 or '04, the chief at that time, of the Fire Department GPSed at my request the ponds in August when the fire occurred. And there were five helicopters, including a Huey, which is quite large. They were drawing water to put out the fire. So we did some research. We found that the water--in fact, we just went up there now--they still have water in the dams...auwais [sic]. And that's why you have our cattle gathering around that part of Kahikinui. Now, jump back over to where the comm center is, where the population is located, Kuka's (*phonetic*) gotten a grant for a fall drip system, which we did for Dr. Juvik. So wait, hang on. Let me get...hold on. We're just...okay. I'm back. So across the subdivision, we have water projects going on, but basically, when the Fire Department comes to mitigate water, they do...they have captured water through 'Ulupalakua Ranch, Auwahi Wind, where they have some water. It becomes a command center, but you know, we just can't let this fire run off and it's so dire to get some water. We have plans. We just need to sit with the Water Department. And that water that can be brought in could be non-potable. We're on non-potable now. We call from 'Ulupalakua Ranch County water, but you know, we...to save the County money in fires,

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please, let's get to the table and invite myself and others. I'll get people together, but we've got a lot of legwork, a lot of DLNR work we've done on our own. So does that answer your question?

CHAIR SINENCI: Okay. Yes. Mahalo, Ms. Sterling, for your testimony. Members, any questions for . . . *(inaudible)*. . . Sterling? And thank you. We've been taking notes on your testimony. So we'll work with the Staff to see how we can --

MS. STERLING: Oh, and one more thing, sir. Yeah. Sorry to interrupt you, Chair. We do have a...we have a PowerPoint already finished yesterday, and if anybody wants one, we'd be happy to share it.

CHAIR SINENCI: Okay, great. Thank you. And you can send it in to the Committee as well, aptcommittee@mauicounty.us. Mahalo for that.

MS. STERLING: Will do. Great. Thank you.

CHAIR SINENCI: Ms. Apo...thank you. Ms. Apo Takayama.

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Faith Chase, to be followed by Dick Mayer, if he wishes to testify.

CHAIR SINENCI: Aloha, Ms. Chase.

MS. CHASE: Aloha, Chair. Aloha, Committee. I just wanted to remind this Committee how impactful it was when Toni Eaton gave testimony maybe a year and a half ago. And I picked up off of her testimony when I went to the Board of Water Supply. I'm glad to see that the County is taking a position in helping East Maui with this water issue. I know you guys know how passionate I am about it. I just want to remind this Committee and the Board of Water Supply that my request was that the County--and Tamara...Councilmember Tamara Paltin clarified this in one of my testimonies--that the County hold these waters for the people until we have those konohiki and those water experts that are from the area stabilized, feeling confident, organized to handle it themselves. I just wanted to remind you all of that, and I would like to appreciate...I just want to give appreciation for Auntie Lucienne de Naie for her scientific data as well. Thank you.

CHAIR SINENCI: Mahalo, Ms. Chase, for your testimony this afternoon. Members, any questions for Ms. Chase? Seeing none. Again, mahalo for joining us this afternoon. Ms. Apo Takayama.

MS. CHASE: Mahalo. Hui hou.

CHAIR SINENCI: Hui hou.

MS. APO TAKAYAMA: Chair, the last individual to testify is Dick Mayer.

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MR. MAYER: Aloha, Councilmembers, and good afternoon, and sabairu kastō cha [sic]. If you haven't heard that one before, that's Nepali. As you may know, I was a Peace Corps volunteer in Nepal decades and decades ago. I'm testifying on both 40 and 57, where the report from the board came to you formally on the first one, and then in the second one, it's listed in your agenda. They mention the important public interest that the County would have in what happens to the lease for the East Maui area. And well, I think we are all concerned about that, but I would like to turn that around a little bit and look at it from a slightly different perspective. Who would get the lease if it goes through the way everybody's talking about it, that A&B would apply and it would be transferred to EMI...transferred to EMI, which is co-owned by...the lands with Mahi Pono, et cetera? It would end up with Mahi Pono. But actually, Mahi Pono is nothing more than a farm. It's not the owners, it's not the managers, it's only the managers of their farm operations. The company that...and the entity that we're really talking about is a international organization based in Montreal, the Canadian Pension Fund. They're the ones who run everything. They'll make the decisions. And I think what you should be concerned about is what's going to happen over the 30-year period that the lease will be in effect with the water system for both Upcountry, the Kula Ag Park, with the central valley, for the farmers in East Maui. What's going to happen when a Canadian company makes decisions about the water lease that they're going to be getting? And consequently, I think it would be very helpful, and really necessary...the report that the Water Board gave you talks about, you know, doing things quickly, determining this, whether the County, in fact, should be applying for that lease. That is something I think you need to look at very seriously. And if you don't get the lease, you don't get it, but at least you'd be part of the action. But even before that, actually before applying for the lease, I would urge the County to be in negotiations with the Department of Land and Natural Resources and the Board of Land and Natural Resources as to what conditions will be in the lease. It's not just giving out the rights to water, it's also...will be determining what the Hawaiian Home Lands will get. It'll also be what rates might be set, what amounts they'll have to pay. For example, If the lease requires that they pay the State a high amount, how will those be transferred to the farmers Upcountry and to the Kula Ag Park and the County water system? So those are all issues that need to be ironed out. And I would hate to see, by default that the County takes no action prior to the issuance of these leases on what will be happening over a 30-year period. The Canadian Pension Fund, in the long term, may sell those lands, and who will be the new owner? The...you need to have protections that if anything happens and they decide to sell, that by default almost, it would come to the County first and let the County then decide who's going to be operating that system. There are many conditions here, and it's a management thing and an ownership thing of this whole very important water system that I'm concerned about . . . (timer sounds). . . and I do not want it into the hands of a...of an international entity pension fund that looks out for themselves, as they're required to do, and not necessarily for the farmers and East Maui and the Kula Ag Park, et cetera. So that's my testimony. One other thing. I said I wanted to talk about both items. The other thing is that if the County were to get involved with managing the East Maui system, one of the concerns they have is who would be doing that management? Well, East Maui delivery system, water delivery system, has been run by a group of very competent people working for EMI. Right now, it's expected that they probably would be working for Mahi Pono. But if the County were to take over that

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system, those workers, I'm sure, would be delighted to become County employees taking over that system. So it's not like you have to go out and suddenly train a big group of people in how does this whole system operate, what are the weaknesses, what are the strengths of the system, how does it need to be maintained. You would have, I think, a corpus of people, just as Mahi Pono is expecting to have, who would operate that system. So don't let that scare you that oh, we can't run that system. I think the workers are there, and they would be delighted to become County operated. And one addition to that is that not only are you considering a new Water Use and Development Plan in the East Maui area, you're also considering the purchase of the Nā Wai 'Ēhā water system. And perhaps the two of them would come under a water authority that could be established by the County to run in the best interest of all the residents of Maui the water systems of both East and West Maui mountains. And I'll conclude with that.

CHAIR SINENCI: Mahalo, Mr. Mayer, for your testimony. Members, any questions for Mr. Mayer? Seeing none. Again, always happy to see you and to hear your testimony. Mahalo for joining us.

MR. MAYER: And good luck in your decision making.

CHAIR SINENCI: Thank you, sir. Ms. Apo Takayama, is there anyone else wishing to testify?

MS. APO TAKAYAMA: Chair, there is currently no one else wishing to testify at this time.

CHAIR SINENCI: Oh, okay. Members, seeing that there are no more individuals wishing to testify, without objection, I'll now close oral testimony and accept written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Okay. Mahalo nui.

. . . END PUBLIC TESTIMONY . . .

ITEM 40: FEASIBILITY OF PURCHASING AND MAINTAINING THE EAST MAUI IRRIGATION WATER DELIVERY SYSTEM (CC 20-65)

CHAIR SINENCI: Okay. Moving right along, our first item, Members, is APT-40, the Feasibility of Purchasing and Maintaining the East Maui Irrigation Water Delivery System. The Committee is in receipt, County Communication 20-65 from myself, relating to a report entitled, the "BOARD OF WATER SUPPLY TEMPORARY INVESTIGATIVE GROUP OCTOBER 17, 2019, AS AMENDED AND APPROVED DECEMBER 19, 2019: FEASIBILITY OF PURCHASING AND MAINTAINING THE EMI WATER DELIVERY SYSTEM." Members, our focus today is on the East Maui Aquifer Sector within the Water Use Development Plan. We've invited current and past members of the Board of

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Water Supply's TIG Committee to share some of the recommendations that came out of that report. There are numerous factors to consider with planning the next 30 years of water use for the County of Maui, particularly when considering recent historical events, including the cessation of sugar cane production on Maui, and of the selling of essential Maui agricultural fields to Mahi Pono. So we have with us today Ms. Shay Chan Hodges, Mr. Norman Franco, Ms. Toni Eaton, from the Board of Water Supply temporary investigative group. We also have with us Mr. David Frankel, Attorney for the Sierra Club. Each of our resource people have extensive knowledge of the matter at hand, are prepared to provide us with a presentation on their report and analyses on the feasibility of purchasing and maintaining the East Maui Irrigation water delivery system. We've also invited Ms. Blumenstein and Director Pearson to join us in this conversation, or in this case the Members have...in case the Members have any questions of the Department of Water Supply. So with that, I'd like to designate Ms. Shay Chan Hodges, Mr. Franco, Ms. Eaton, Mr. Frankel, Ms. Blumenstein, and Director Pearson 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. Mahalo nui. Okay. I see Norm on. Okay. Who's going to go ahead?

MS. HODGES: Should I start, Chair?

CHAIR SINENCI: Yeah. Yeah, go ahead.

MS. HODGES: Aloha, Committee. As you probably know, I'm Shay Chan Hodges, former Member of the Board of Water Supply. My term ended in May, and I'm here with Norm Franco and Toni Eaton, who are current Members. And the three of us served together on the temporary investigative group and created the report that I am presenting. And I thought I would just start by sharing my screen and go through a quick presentation, and then both Norm and Toni will add to that if that works for everybody. Let's see here. Can you folks see it? Great. So this is a presentation of the December 19, 2019 Maui County Board of Water Supply Temporary Investigative Group Report. And as I think you folks know, we were charged with exploring the feasibility of purchasing and maintaining the EMI water delivery system and examining other alternatives for ensuring that the people of Maui County have authority over the delivery of water, which is a public trust. And we were primarily concerned about the needs of East Maui residents, and particularly taro farmers, as well as the need of Upcountry domestic and agricultural water users. So we wanted to make sure how we can best ensure that all these...all the folks in these categories have authority over the delivery of water. And in doing our research, we spent several months as volunteers. We did have limited resources, no financial resources. And so we looked at descriptions of the East Maui Irrigation system, what the system's impacts on East Maui and Upcountry Maui were, what kinds of strategies exist for creating and conserving Maui's fresh water capacity, and historical information about Native Hawaiian water rights and the system itself. And some of our source documents were the Environmental Impact Statement that was originally released, the draft that was released in 2019. And as you folks know, a final has just been released. We also were looking at the Water Use Development Plan, the

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draft again that you folks are, again, you're looking at to modify and improve. We looked at other studies, we looked at historical documents, Hawaiian Homes Commission Act, and we spoke with a lot of different folks who are experts in this area. And basically, we narrowed down the considerations related to the purchase of the system as--and this has been brought up by testifiers--determination of legal ownership of all aspects of the system that relates to contracts. Thorough engineering and cost analysis, and actually Toni's going to speak more about legal ownership after me. And then the engineering analysis and cost analysis, I think Norm will speak to that a little bit. Annual cost of maintaining the system, including an assessment of liability issues; potential revenues based on domestic water and agricultural water delivery; potential positive impacts of control of revenue stream of Wailoa Ditch and the entire system. So there also was the consideration of parts of the system versus the entire system. And finally, as testifiers have also mentioned, the risk of a private equity firm and foreign pension fund controlling a significant amount of Maui water, and having influence, not just over water, but over agricultural and food security for as long as 30 years. So those were our considerations. We also looked at what the opportunities could be if the community or the County owns the EMI system: direct cost savings through improved maintenance; indirect cost savings through mitigating health and safety risks, which we saw this spring with the big storms, and that was also mentioned by testifiers; support of culturally and community based economic development as defined by the community; economic and other benefits relating to accountability regarding stream flows, and I think that was also brought up by a testifier today. There's also the non-monetary value of safeguarding public health and community security. So as we know, it costs our County money when bad things happen, and also, we care about bad things happening to people in our community. And finally, and this was not as true when we did the report in 2019, but access to environmental and infrastructural grants, diverse financing, and investments funds. Now, because of the Biden Administration, there is a lot more of that kind of funding available. So that...and that would not be available to, or as available to, a private entity. There are more options with a public route. Other considerations were more long-term, relating to climate change and impacts on future water access, such as long-term watershed protection, what we can do about general storage, wastewater, and other conservation options. Looking at the nexus between water and energy, as...because water can create energy, and we need energy to move water when it's not gravity fed, and to treat water. So renewable energy, battery storage, including wastewater. Also improved maintenance of water systems to reduce and eliminate water loss in the long term, and integrating all of that with agricultural recommendations that support for food security and soil regeneration, not to mention labor and affordable housing considerations. So there are other things long term. We can't have affordable housing without water. So just looking at that. And then other things we also looked at in the report, we made some example calculations, and these were not meant to be recommendations, but just to give an example of what the initial purchase price could be, estimated expenses and potential revenues. We did have a description of the County bidding process on a long-term lease, which has been mentioned by testifiers, and as you folks know, then State Senator Kai Kahele strongly encouraged the County of Maui to apply for a long-term lease, sending a letter to Mayor Victorino back in 2019. We also presented some examples of governance structures, going back to what some of the testifiers have said about how the County can kind of

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transition this into community ownership. Alternative water sources, and also various alternatives to purchasing the EMI system, including exploration of a partnership with the current owners. So when this report was approved unanimously in December, there were some very minor changes in the report, in the final approval, and one of those was to also look at partnering with the current owners in the owner...as far as the ownership model. Oops. Why am I...oh, there we go. So in order to address all these considerations, it was clear to us that you would need a well-funded water plan. You can't just kind of pick one and do one, it's like you have to look at everything as a whole, and it would have to be comprehensive, it would have to be binding, and again, it would need to be funded. So to us, these were some of the main pieces of that plan: long-term maintenance of the aquifer, source development, surface water use, and integral to all of that, support of Hawaiian communities. And then finally, in terms of addressing these considerations, certain principles would need to be followed. And I think some of those kinds of concerns, again, were raised by testifiers today. You need to have communication among and within Government entities. We need to utilize existing research and data, and also fund additional up-to-date research. There has to be transparency by all Government and private entities involved in water production and delivery, and accountability of all Government and private entities involved in water production and delivery. And finally, mechanisms that ensure accountability to all stakeholders, including decision making in and by affected communities. So that was basically the first 80 pages of the report, which I've summarized, but then we had some basic recommendations. The very immediate recommendations that we had were that the Maui...that Maui County should immediately apply for a long-term water lease for the Nāhiku, Ke'anae, Honomanū, and Huelo license areas. And again, that was also the recommendation of then Senator Kai Kahele. We also recommended that the County should immediately renegotiate a new contract with EMI, Mahi Pono that does not require that EMI, Mahi Pono obtain a revocable permit or lease in order for the Kamole Treatment Plant to access Wailoa Ditch waters. And obviously, that is a key issue. And then in the near term, the TIG report noted that the financial incentive structure of a private equity controlled water delivery system is fundamentally misaligned with the long-term public interest. And the TIG recommends that the County of Maui exercise its powers of eminent domain as soon as possible to begin the process of supporting acquisition of the system. And then finally, we had some long-term recommendations. And I haven't named every single one here, and they go back to some of the considerations that we've already talked about. But basically relating to evaluating the capital expenses and acquisition...of acquisition and modernization, and also researching forward-thinking revenue and expense models. So additional research about the measurable impact of watershed restoration on increased availability of water. Obviously we do some now, but how much more could we do to actually increase water supply? Developing models and estimates regarding installation of various renewable energy systems that support treatment facilities, uphill transmission, well pumping, energy savings. Looking at innovations or more innovative--it's not that innovative--but hydropump energy creation, different ways of storing utilized water, wastewater. Obviously, determining water rate fee structures is going to be key. There's going to need to be analysis that allows for a reasonable rate of return to investors, estimate fees collected from DWS. There is a key aspect which I have not talked about in this, but we did talk about in our report, is Department of Hawaiian Home Lands and those fees

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going to DHHL, and how important it is to make sure all of that is integrated properly. We need a risk management plan that addresses liabilities, particularly with climate change. We know those are going to be more and more. Suzanne Case said that back in March when we had the big rain bomb. Those are going to happen more and more. And then working with East...the East Maui community to create models for community stewardship and educational programs that operate the EMI system in the long term. And we did have a testifier mention that today as well. So that's it in a nutshell. Our final conclusion, pretty much the last page of our report, stated that this TIG believes that ownership of the EMI water delivery system by the people of Maui, or a partnership in the form that is most cost-effective, accountable, environmentally responsible, transparent, and meets the needs of the island's diverse stakeholders, in particular Native Hawaiians, will ultimately be the only way to guarantee that the public trust is maintained and remains safely in community hands. The TIG therefore recommends that the County of Maui take immediate steps to secure community ownership and control of the EMI water delivery system or a partnership. And again, this was approved unanimously by the entire Board of Water Supply in December 2019. Thank you very much. And I don't know if you want to do questions now, Chair, or if we should turn it over to Norm to talk more about why we...why this happened and give a kind of roadmap.

CHAIR SINENCI: Mahalo, Shay. Yeah. Let's take Norm and Toni's input, then we can open it up for questions.

MR. FRANCO: Thank you, Chair. This has been a long drawn-out process, and I'm glad you've finally taken it up. What initiated the whole thing was the...a letter that was sent to the Board of Water Supply from Mahi Pono. Basically, it was kind of a mild threat. It said they didn't...if they didn't get the leases, it would affect the delivery of water from the EMI system. And that point, we thought that we should take some measures to ensure that we don't...be put in a compromised position where we have to work with a international foreign entity for the control of our water. Water is crucial. The control of water is the control of the island. And a lot of people for many, many years--I go back from growing up in Ha'ikū--where we're told not to say anything about the water, even if it was dirty water coming through our pipes, because it would affect jobs. And HC&S was the king back then, and that's no longer true. We're dealing now with a entirely new deck of cards here. So that's...initiated the TIG. And I thank Shay and Toni and the rest of the Board for their hard work in putting this together, and I'm glad it's finally coming to a point where we may be able to take action. Now, there's a term in real estate, and I've been in real estate for about 40 years: time is of the essence. I repeat, time is of the essence. What that means is we got to move, and we got to move quickly. Because once Mahi Pono gets those leases, we're dead in the water, basically. It'll affect how we approach acquiring the system. It'll probably raise the price of the whole acquisition process. And so I urge the Board to immediately focus, or at least put a letter of interest to DLNR saying that the County's interested in obtaining those leases, and do it as quickly as possible. And that would put Mahi Pono on guard so that they're not the only game in town. And right now they're calling the shots, and it should be the other way around. The people of Maui should be telling Mahi Pono and EMI what we want. We control the water, not them. And that's my whole point. So if you have any

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questions, fire away.

CHAIR SINENCI: Okay. Mahalo, Mr. Franco, and mahalo for your work with the TIG report. We'll take some opening comments from Ms. Eaton, then we'll go to Mr. Frankel.

MS. EATON: Aloha kākou, Members. My name is Toni Eaton, and I'm on the Board of Water Supply. So my role today is to just provide some historical background to the ownership of the ditch system. We're talking about the lands, we're talking about the actual ditch flumes and everything. So back in 1876, King Kalākaua had enacted an Act to Aid the Development of the Resources of the Kingdom. So this is back when it was still 1876. So in that act, he had...because the Kingdom needed funds, he had directed that, you know, the current process where bidders will bid for the leases, you know, for the land. And at the end of that lease, at the end of the term of the lease...it was for 30 years. So at the end of the lease--it states in the statute of 1876, the lease of the proposed water course for a term not to exceed 30 years, okay. So it says that at the end of the lease, that every...all of the, you know, diversion ditches and the whole water system would be given back to the Government...well, which at that time it was the Kingdom. So it says the same with all its improvements to revert to the Government at the expiration of the term granted. So that was in 1876. That was the first lease to cause sparkle, I believe, okay. And so in their...in Mahi Pono's, the final Environmental Impact Statement on Page 1-8, they...you know, they say that the original lease traces back to September 13, 1876 license from the Kingdom of Hawai'i. So that's when it all started, okay. Then it was for 30 years. So it was supposed to expire in 1906. Then the next agreement doesn't come up until 1938. So through all that time it was just, you know, holdover...it's held over with the Kingdom, the territory, and it...with A&B, Claus Spreckel [sic], whatever. But in 1938, there was an East Maui Water Agreement, okay. So this is...it's now a territory. So that water agreement is now going forth. Now, this is also a 30-year lease, okay. So this one's supposed to expire in 1968. Now, this one doesn't say anything about reverting back to the...improvements reverting back to the Government. It doesn't say anything about that. But in 1961, there was a Water Agreement...Master Water Agreement by and between EMI, HC&S, and the Board of Water Supply of the County of Maui, okay. So this one is dated December 22nd, 1961. Now, if we...if we go to page 8 of this document, it states that the term of the lease...so first day of January 1962, and it expired in June 1986. And then it also says that all easements and rights granted to the vendee, which is just EMI, herein shall be extinguished at the end of the term hereof --

COUNCILMEMBER LEE: Chair. Chair, could you have Ms. Eaton turn her video off, please?

CHAIR SINENCI: Yeah. Toni. Toni, you're coming in a little scratchy, but if you can turn off your video...yeah, your audio might get better.

MS. EATON: Got it. Okay. So it says that all easements and rights granted to the vendee hereunder shall be extinguished at the end of the term hereof, or at such time as any or all of the easements and rights granted to EMI are extinguished under that certain agreement dated March 18th, 1938 between the Territory of Hawai'i and EMI. So my understanding--I'm not a lawyer--but my understanding is the 1938 Water Agreement

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has now been replaced by the 1961 Water Agreement between EMI, HC&S, and the County of Maui Board of Water Supply. So on that same page, page 8, it says, and provided further that all of such facilities presently constructed and to be constructed by the vendee on its aqueduct system shall revert to the vendors at the end of the term hereof, or at any such time any or all of the facilities presently constructed and to be constructed by EMI on their aqueduct system shall revert to the State under said agreement of March 18th, 1938, whichever is sooner. Okay. So we're going in chronological order, but you can see that there's a gap in time when all of these agreements come into play. So the...to my understanding, the 1938 agreement is null and void, and now we're going by the 1961 agreement with the Board of Water Supply, not with the Territory or the Kingdom, but it specifically states that the 1938 agreement is done. So in the early, well, 1950s...1950, 1954, 1959, and 1961 is when the 24-year leases would expire. So what they...what the Board of...I'm sorry, what is that?

CHAIR SINENCI: Okay.

MS. EATON: So --

CHAIR SINENCI: Can you...we'll open up...can you wrap up, Ms. Eaton, and then we'll open it up for questions after Mr. Frankel.

MS. EATON: Okay. Yeah. So all of this...I've got all the paperwork. It's public...you know, public knowledge. You can get these paperwork. But all of the land licenses all say that it should all revert back to the Government, the whole aqueduct system. That's in the '50s and back...and then, you know, in...in the new revocable permits that they have, which replace the general licenses, it doesn't mention anything of that. So I like...you know, my thing is that it stated it in the general licenses, it's stated in the Water Agreement. Where is this disconnect where it should . . .(inaudible). . . Government. That's my understanding of the leases.

CHAIR SINENCI: Oh, okay. Mahalo, Ms. Eaton, for that historical overlay. Next, Members, we have Mr. Frankel. Did you want to provide some opening comments before we opening up questions from the Members? You're muted, sir.

MR. FRANKEL: Can you hear me?

CHAIR SINENCI: Yeah. We can hear you now.

MR. FRANKEL: Great. Thanks. I don't have much to say. I'm here to answer questions. I represent the Sierra Club in a couple cases dealing with East Maui streams. I should mention that...just two things for you to think about. One is I'm not sure that the County necessarily needs to obtain the lease if it wants to get the water because of the rights that the Department of Land and Natural Resources has. It could be through an executive order. In other words, the financial implications of paying...there's a way in which the County could get much of the system without paying the State for it. The other thing, though...I do want to just mention briefly that acquisition of the system does...may involve some significant cost in terms of the infrastructure, in terms of

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infrastructure that needs to be improved or repaired or removed entirely. But I'll leave it at that for now.

CHAIR SINENCI: Okay. Mahalo, Mr. Frankel, for being here. Okay. Members, I know you've been patiently waiting. So any questions for our resource people today? We see...and we can do the clock for two minutes for now, Apo Takayama. We have Mr. Molina, and then Committee Vice-Chair Johnson. Go ahead, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. If you would consider maybe...if we could take a recess. We've been saturated with a lot of good information, but maybe the recess would help me kind of organize my thoughts and get some questions ready, but just a little bit of time to kind of take a short break would be appreciated.

CHAIR SINENCI: Okay. Yeah. Thank you for that reminder. Yeah. We can go ahead and do that, and then we'll come back to you. So Members, with that, the APT Committee is in recess until 3:11. . . .*(gavel)*. . .

RECESS: 3:01 p.m.

RECONVENE: 3:11 p.m.

CHAIR SINENCI: . . .*(gavel)*. . . Aloha kāua and welcome back to the APT Committee meeting of Tuesday, August 31st. It is 3:11. I hope Members had a quick break, and yes, mahalo for being patient with our presentations today. So again, Members, we have Ms. Shay Chan Hodges, Toni Eaton, Mr. Norman Franco, and Mr. David Frankel from Sierra Club for your questions. We have...and Members, let's just go ahead with three minutes. I know you guys...we'll do three minutes, and then if we feel the need to do a second round, then we'll do a second round, okay. Go ahead, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chair. Appreciate the recess. And thank you to all the presenters. Very interesting and good information. My first question's more just to get some clarification. Earlier, Mr. Franco had mentioned that we need to act with some urgency as it relates to making the acquisition of the system or getting the leases before, I guess, Mahi Pono does. And then I heard from Attorney Frankel say that...or what I thought he said was that maybe we not...we do not need to go that route. Maybe there's another process we can achieve the objective, which I believe is to have more public control of the water. So could I get some clarification from both gentlemen, Mr. Franco and Mr. Frankel?

CHAIR SINENCI: Okay. Mr. Frankel.

MR. FRANKEL: Okay. Well, there is a very real possibility that a lease will be entered into within the year. I don't know that...I don't think that's probable, but it's possible with the completion of the final EIS, it is...it is possible everything could be done within 12 months. I think it's unlikely. So there is a sense of urgency. What I...what I was attempting to say is I don't think...the lease is one possible legal mechanism by which the County can obtain the rights, but that's not the only way. There are...I think...I'm

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fairly sure the County of Maui uses State land for various purposes, and you do not have leases for that. Maybe in some cases you do, in other cases it could...may be executive order. There's various means to do that which don't require a bunch of price gouging. And so that's what I'm suggesting is a possibility. And...but for that too, you would need to operate fairly aggressively if that's the route you wanted to take.

COUNCILMEMBER MOLINA: Okay. Thank you for that clarification. Chair, I don't know if Mr. Franco would like to respond as well before I go to my next question.

MR. FRANCO: Yeah. Hello. Chair, can you hear me? Okay. Some reason I cannot unmute the video. Okay. In our report on page 70, we talk about what the...paragraph 8, calculations for initial purchase price, estimated expense, and potential revenue for a public trust system. Basically, it says that we could get a better deal in negotiating with Mahi Pono if we had control of the leases. How that is obtained, David's idea is probably much better because it doesn't incur heavy expenses. It's just a matter of an inter-Government type of communication by, you know, maybe the Governor of the State of Hawai'i allowing the County of Maui to take over the land leases. But it'll substantially affect the purchase price and, you know, to determine the exact value here would require an MEI appraisal, but that...the strategy is...we got to look at the strategy as to how we approach this whole thing, and I think the first thing we should do is try to obtain the land leases. Once we obtain the land leases, then go into an actual negotiation of the system. That's just my idea.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Franco. And Chair, my one question before time is up. As it relates to the report, pages 78 and 79, related to governance structures, which of the structures would you folks suggest that would be the best option for Maui County? Okay.

MS. HODGES: I guess I would answer that. We weren't really advocating a specific structure. We really felt like that's something that...going back to the...one of our final slides in my presentation about really doing the due diligence, I think we need to make...have all the stakeholders involved to determine what that best structure would be. And there are a lot of different options.

COUNCILMEMBER MOLINA: Okay. Thank you. All right. Thank you very much, Chair.

CHAIR SINENCI: Yeah. Mahalo, Member Molina. And next, I believe we have Committee Vice-Chair Gabe Johnson, followed by Councilmember King.

VICE-CHAIR JOHNSON: Thank you, Chair. I know Councilmember King had her hand up before I did. So I...I'll defer to her, and I'll go after her. Thank you.

COUNCILMEMBER KING: Are you sure? You're the Vice-Chair of the Committee. Okay. Thank you, Member Johnson. This is such a nice Committee. So I have a few questions. One is a real quick one. Did we ever get a reply from the Mayor to Senator...then State Senator Kahele's letter? I don't know who to...who to ask that. Do you know, Shay?

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MS. HODGES: The...not that we know of. We don't know of any reply, but --

COUNCILMEMBER KING: So we don't know what the Mayor's position is on applying for leases or taking over the system?

MS. HODGES: No. That would be a very good question.

COUNCILMEMBER KING: Okay. Because that seems like the first question to ask so we know if we're working, you know, in collaboration, or if we're working against the Administration. The second thing is...could you explain...I think it was you, Dave Frankel, who...and hello, by the way. I haven't seen you for many, many years, but it's good to see you. On...there was a comment you made about private ownership of the...or about paying the State for the land, and I...so I think there's a confusion by the public about how this is State land, but the system is privately owned.

MR. FRANKEL: Yeah, that is confusing. And it's...so this...the part of the...well, to take a step back, what is the system? We need to be clear about the system. If we're going to use a narrow definition of it, just basically the ditches and some of the structures that feed water to the ditches. And there's more than one ditch. Most of the ditches cross State land, but there are portions where they cross EMI land. So that is why there's this complexity. And that's why you have these various agreements over the years. So the...there is a strong case to be made that the State has the ability to use that ditch all the way up to, I believe it's Honopou, but then after that, you...the State would...does not have the right. And so going further west, we'd have to condemn the structure and the land to get that, or buy it outright.

COUNCILMEMBER KING: Okay. Is there a map somewhere that shows which parts are State-owned and which parts are private?

MR. FRANKEL: Yes.

COUNCILMEMBER KING: There is? Okay.

MR. FRANKEL: I can email it to Kasie, and maybe she can share it with you. It's pretty big, though. I don't know if like...if it has too many...it might be too many megabytes, but I will try.

COUNCILMEMBER KING: Okay. Or you could Dropbox it maybe too. But...so assuming...let's just say for argument's sake that the Mayor is on board with acquiring the EMI system for the County of Maui, for the public. What would the...what action could we take as a Council to move it along?

MR. FRANKEL: Well...so you're...I'm not sure the premise of your question. The premise of the question is the Council and the Administration are aligned 100 percent?

COUNCILMEMBER KING: Well, we...well, there's been no action on the part of the Administration. So you know, is...are we in a situation where, you know, we should

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first go ahead and urge the Mayor to take action, maybe by resolution? Or is there something, you know, in the event that he doesn't take action and doesn't seem to have an opinion, because there's been no answer to that letter, what actions could the Council take? Because we're not...you know, we can...we can put it into the budget, but we still can't pull the trigger on this. It's the Administration that has to actually expend the funds.

MR. FRANKEL: Right. So I...you don't have all the tools in the toolbox. You can pass a resolution. You can adopt your plan. You can put things in your...in your community plans and general plans. You could enact an ordinance that required the Administration to do certain things. But short of the...you can't...I don't know if the Council has the legal authority, for example, yourself to go out and get the lease. One thing that I would suggest you folks do is spend some time talking to your Corporation Counsel. You know, they've been testifying for a long time on these matters, and they've never asked the Board of Land and Natural Resources, for example, in their...in their local permits to put language in the permits that actually requires that water be provided to the County for its domestic water needs. The EMI and A&B have sort of used the County as a reason to get the water, but--and the County has supported them in that--but the County Corporation Counsel has never actually said to the Board, we want this...these conditions in the...in the revocable permit. And so I would suggest spending some time with the Corporation Counsel's Office and asking them to take a position that champions the cause of the Maui community a bit more. That would be another thing you could do.

COUNCILMEMBER KING: Okay. And then...so then Shay, is there something in the TIG report that would give us that guidance of what to ask for as conditions for the revocable permit?

MS. HODGES: Yeah. I think those considerations that we listed, the last three pages of the report, have quite a few different things you could sort of, you know, pick and choose from. Obviously, the needs of the Upcountry water users, and then the needs of the East Maui stream users are pretty paramount, I think. So that is definitely summarized in the last few pages. And you folks, I think, got the...on Granicus, you got the full report. I just wanted to mention too, there is a very large appendix that has, I think, the map that David is talking about and many other maps, contracts that Toni referred to. But you...I can send a link. It's actually linked on the Water Board website because it's a gigantic file. But yeah --

COUNCILMEMBER KING: Okay. But that's the Water Use Development Plan, not necessarily the --

MS. HODGES: No.

COUNCILMEMBER KING: Is it in the materials for this specific item?

MS. HODGES: The appendix is not because it's so gigantic, but I can send you a link to where you can get all those attachments that go along with the TIG report. But the last three

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pages of the TIG report have very specific--which I summarized in the presentation--but considerations and what should be looked at.

COUNCILMEMBER KING: Okay. Yeah. I can look...I can look those up. That actually would be more helpful because then I don't have to sift through the 2,000 pages. Okay. Yeah. I mean, that's my main consideration is what...you know, what can we do as a Council to move this along. And it sounds like the first thing we need to do...because it sounds like you folks have not talked directly to the Administration. So somebody needs to find out where...what position they're taking on this.

MS. HODGES: So just to clarify, when we passed the resolution back in December 2019, we sent the report to all...you folks and to the Mayor. So it was copied to everybody. That was kind of...as a Board, that was the action we took. And then whether anyone responded to us, it was kind of in their court. So we never got a response back from the Mayor.

COUNCILMEMBER KING: Okay. And you know, I was going to ask you, just looking at that...when you were going through that presentation, Shay, that, you know, you mentioned that you were tasked with addressing those components of the potential purchase. Was that like a self-task, or was there somebody who tasked you to do that?

MS. HODGES: We had...we were tasked...we, the TIG, the temporary investigative group, were tasked by the Board of Water Supply to do that.

COUNCILMEMBER KING: Okay. Yeah. Because it does occur to me that if you were tasked by the Administration or something, that the Administration should have had a response once you sent that information in, but you were tasked the...by your Board, basically, as the TIG of the Board. Okay.

MS. HODGES: Yeah.

COUNCILMEMBER KING: Well, that's...answers that question. I think that's all I have for now, Chair. I think there's a...there's a communication gap here between the Council and the Administration. So you know, it'd be so much easier if we were working together, I think. We wouldn't have a lot of these questions. Thank you.

CHAIR SINENCI: Mahalo, Member King. Next, we have Committee Vice-Chair Johnson. Go ahead, for three minutes.

VICE-CHAIR JOHNSON: Thank you, Chair. So those questions that Councilmember Kelly King asked were totally on my list. So that...we're all working in one...in one unison. So this question is for...let's see here. Mr. Frankel, you mentioned that there might be a way that we wouldn't do the leases. We would get an executive order. Can you speak on that, or did I misunderstand that?

MR. FRANKEL: I should've prepared a little bit better to talk about that, but...so Chapter...HRS 171...oops. Am I muted? No, I'm on. HRS 171-95 gives the Board of

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Land and Natural Resources the ability to dispose of public lands and such to the counties without going to public auction. So in other words, you could skip in line in front of A&B, EMI, Mahi Pono, et cetera. So there is this method, and it...there's not that need to get the best...the State does not need to gouge the County. There's no requirement for that. So that's what...I mean, I suppose you could get in a bidding war with EMI, but I'm suggesting you don't need to do that.

VICE-CHAIR JOHNSON: Okay. So that's from the DLNR. So do we have a idea...you...we talked a little bit about it from Mr. Franco, but the cost of a purchasing price? Did we...did we talk on that? Go ahead...I'm not...sorry.

MS. HODGES: So Mr. Franco talked about, or Norm talked about, you know, getting an assessment. And obviously, as David Frankel mentioned, there's also what repairs and maintenance, et cetera would cost, which is something we raised also about Wailuku Water Company, right. But what we looked at as a price was 2.7 million, because--or I'm sorry, 5.4 million--because that is what's stated in the SEC documents, what the...what the total amount was...well, the total amount for the system, and then Mahi Pono paid 2.7 of that. EMI owns the other half currently. So we are...that's obviously not an appraised price, and as Norm mentioned, is if they have the water...well, if they get the leases, that would increase the value, probably, which is why they want the leases, I'm sure. But yeah, we're working...we were working with the idea of 5.4 million.

VICE-CHAIR JOHNSON: Okay. So just...thanks for clarifying, Chan Hodges. I'm...the next thing I was...I...when you guys were talking about the leases, I...we have a pickle over here on Lānaʻi with the Lānaʻi Ag Park, where it's this...State DLNR and the County was going to sublet that land. So when it comes to sublets or subleases, this could be sublet from DLNR, or is that sublet from...if Mahi Pono got it? Is that...is there a way that the County could get involved in subletting, or is that really not what's on the table today? I'm just trying to think of...thinking of ways, and subletting would be...I don't know. Is that on the table, or is that something you guys would recommend? That's kind of where I wanted to ask you about subletting.

MS. HODGES: From the perspective of the TIG, to...I don't think that would be something we would consider because that...we wouldn't...the whole point is for the community to control the water supply. And we already have these contracts where we feel like we're not in control, right. So I don't...I mean, given the way the contracts are currently, I would think a sublet sounds kind of shady.

VICE-CHAIR JOHNSON: Hey, I...it is...it wasn't been easy on Lānaʻi trying to get that done. So yeah, I understand that. So okay. I'm on a time. So those are my questions. Thank you so much for answering them. Thank you, Chair.

CHAIR SINENCI: Mahalo, Committee Vice-Chair Johnson. Next, we have Chair Lee. Did you have any questions for our panel?

COUNCILMEMBER LEE: Mr. Chairman, most of my questions were answered, but thank you.

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CHAIR SINENCI: Mahalo. And then, I don't see Member Paltin. Is she still on the line?

COUNCILMEMBER KING: She's on the line, and she's raising her hand.

CHAIR SINENCI: Oh, okay. Sorry. I can't see her. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. I was wondering if Mr. Frankel could clarify his statement on price gouging, and if that was the State price gouging. Like what...in what sense?

MR. FRANKEL: Well, what I'm a little bit concerned about is that you shouldn't think that because it's a lease that's going to public auction, that the County's only choice is to attempt to outbid Mahi Pono or EMI or whoever it is, that there is this other avenue that allows you to obtain a disposition from the Board without doing that. And they don't...the State doesn't need to charge you...they're not...they're not...there's no fiducial obligation on the part of the Board to charge the County. So does that...am I clear or not?

COUNCILMEMBER PALTIN: Yeah, yeah. And you know, while I fully support the people having control over this resource, I guess I am a little concerned, like, if we have control over the resource, about the maintenance cost and operational cost. Not that I'm trying to pat anyone on the back, but my understanding is the price for water delivery under EMI hasn't risen since 1970. It's currently at 6 cents a gallon, which is the cheapest water that the County gets of all of our delivery systems. And so I mean, while I do agree 100 percent that we should manage our own waters, I don't know that we can do it cheaper than that and maintain it, I guess, is a concern. And if any of the resources wanted to speak to that.

MS. HODGES: So I can speak to it a little bit...is part of why they're...you're right, it's 6 cents per gallon, and according to the current FPIS, it's going to be...go up to like 10 cents, not per gallon, per 1,000 gallons. But part of the reason that they're able to provide it so cheap is because they have this super cheap lease rate from DLNR, and they're paying less than 1 cent. So they're actually making a huge amount of money when they're charging us the 6 cents, believe it or not. So part of it is if we own it, if we control it, then we're the ones who are getting that cheap rate. Now, there is some concern from folks in East Maui in particular, as far as those lease...the lease monies are supposed to go to DHHL. So if it's a lower lease rate, then DHHL gets less money. So there is a balance there in ensuring that that's treated fairly. And that's a big concern that people raise about the very cheap lease rate that Mahi Pono and EMI have been getting, is that they're, you know, hurting the beneficiaries. So there has to be a balance. But absolutely, if they can deliver the water and cover the maintenance cost, why wouldn't we be able to? It's all the same people. It's all the same everything. But we'll...but we'll have a...we'll be investing in the community, right.

COUNCILMEMBER PALTIN: Yeah. I guess too, is it that the...in dealing with the County, it's dealing not only with County Government, but also with politics, which can change based on the majority of the electorate. And I guess a little bit of the scary thing to me

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is the influx of cash buyers from the continent that we're seeing that are pricing out our local families, who will then become voters, who will then...may or may not familiarize themselves with our traditional and customary practices and history of the area. So I mean, I guess it's a little bit concern of me. Like right now maybe I trust the County, but I can't say that I trust the County to be the entity that invests in the community. Because I mean, up until maybe three years ago, I didn't trust the County. Oh, Mr. Franco.

MR. FRANCO: Yes, Councilwoman, I agree with you, and that's why...one of the considerations we had is establishing a water authority. And I think Mr. Mayer, Dick Mayer, alluded to that. One of the problems we have on the Board is that we have only five years to serve, and we serve on a voluntary basis. It takes at least one or two years just to learn the thing and learn the complexity of the water system on Maui. And as you know, we have many different sources and many different considerations. But if you remove the politics out of the water issue and have a representation of the community in the private sector and in the public sector on a water authority that can be established down the road, you remove the politics, and it'd become a more efficient, more business-orientated platform than what we have now. And that's my recommendation, and I think that Shay can talk about that more.

MS. HODGES: Well, I was just going to briefly say, just as I mentioned when Kelly King...Councilmember King asked the question about what governance model, there are lots of different governance models, from co-ops to hybrid to what Norm is talking about to different kinds of private investment or public-private. And I think for sure...I mean, that's why we present in the TIG report, examples of the structures with the idea that...particularly because, only a Government entity, only the County or the State can actually do the eminent domain. So in terms of EMI, unlike Wailuku Water Company or Moloka'i Ranch, other places, you can't have...if Mahi Pono doesn't want to sell, another private entity can't make them sell it, but the Government can. And so that provides an opportunity to transition. So basically, the concept would be that the County takes it over, works with stakeholders to figure out what the best governance model is, and then transitions. But yes, your concerns are shared by many people, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. My time is probably up.

CHAIR SINENCI: Mahalo, Member Paltin. I've just got a couple follow-up questions. For Mr. Frankel, you know, the recent decision by Judge Crabtree is to reduce the take from East Maui. What kind of implications does that have moving forward?

MR. FRANKEL: That could have significant implications. They're limited down to 25 million gallons a day. They've been, in the last two...year and a half or so, there have been several months where they've taken more than 25 million gallons a day, and many months where they've taken less. So it will affect them to some degree going forward. We have no idea how long that's going to take. The Sierra Club has asked for the...a contested case hearing to begin promptly. There's been...but everyone's been dragging their feet. So it could be quite a while before the contested case hearing is completed.

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and that limit goes away. So anyway, that's where things are now.

CHAIR SINENCI: Okay. So that would...the judge's decision would stand until a contested case is heard?

MR. FRANKEL: Correct. On the...on the revocable permit, correct.

CHAIR SINENCI: Okay. And then, you know, I know Chair Lee's always asking that...or you know, mentioning that we do have a sustainable yield in East Maui. How much sustainable yield do we have for East Maui?

MR. FRANKEL: I guess I'm not...I don't agree with the premise of that...the question. The Water Commission set interim in-stream flow standards in 2018. There have been people who have misinterpreted what the Commission did. The Commission did not say that there's 80 or 85 million gallons a day that can be taken out of East Maui. That's not what it said at all. It said, this is how much water is maybe flowing to Central Maui, maybe, but the Water Commission's decision did not address a dozen other streams that flow in East Maui, you know, which the Sierra Club has been talking about in the last few years quite a bit. And those...the present in-stream flow standard allows EMI to take all of the base flow. So basically, you have no water below a number of these ditches. The stream is completely dry. And the Sierra Club has pointed out that's completely wrong. It is always wrong to take all the water from a stream. And so what needs to happen now is the Water Commission and the Board of Land and Natural Resources need to address these dozen other streams. And once that is addressed, we'll have a better idea of how much water can be taken out of East Maui, but right now, that has not been fully set yet.

CHAIR SINENCI: Okay. Mahalo for that. And then my last question for Ms. Eaton. You know, your...when you provided us with the historical research, does it...do you think that we...more research is required for...into more legal ownership issues?

MS. EATON: Yes, I do. Because I'm not a lawyer, and I'm just reading what's on the paper. But definitely, it...and, you know, all of...all of these research, going back and getting all these documents has been really enlightening. I mean, you know, Member...Councilmember Paltin had said that, you know, why would we do...why would we take it over if we're only paying 6 cents. It's not about...it's not about the 6 cents, you know, it's about having control of the water. And of course, you take the politics out of this issue, then there would be no issue on anything. I mean, take the politics out and, you know, let the people decide, and let them make their own decisions. I mean, of course, there's going to be the authority, but I don't think the County would be a good authority at this point --

CHAIR SINENCI: Mahalo.

MS. EATON: -- or in the future. But yes, definitely, we need to research on that.

CHAIR SINENCI: Okay. Mahalo, Ms. Eaton. Members...oh, we have a question from Chair

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Lee. Go ahead.

COUNCILMEMBER LEE: Mr. Chairman, just a clarification. I always ask about the sustainable yield of the groundwater in East Maui --

CHAIR SINENCI: Oh, groundwater.

COUNCILMEMBER LEE: -- not the surface water, which is stream water. Okay.

CHAIR SINENCI: Oh, okay.

CHAIR SINENCI: Okay. Thank you for that clarification. Members, do we need a...is there a need for a second round? Any other questions for our...and I can't see Member Paltin. Okay. Seeing none.

COUNCILMEMBER PALTIN: I guess my only follow-up question was, was this...were you going to take the lead on pursuing further action under this Committee, or were we going to...like what's the next steps here, I guess, if you have?

CHAIR SINENCI: Yeah. And...oh, the question is for me. Yeah. And so we just wanted the presentation from the Board of Water Supply TIG Committee, and then under the WUDP, we're going to consider it to include it in the Water Use Development Plan, the TIG report.

COUNCILMEMBER PALTIN: Oh, okay. Great. Thanks. Thanks for clarifying.

CHAIR SINENCI: Okay. Mahalo. Mahalo for asking. Okay, Members. So that being said, we wanted to...again, mahalo Ms. Shay Chan Hodges, Mr. Franco, Ms. Eaton, and Mr. David Frankel for joining us today and answering all of our questions. We appreciate all of your hard work that went into this report, and as we move forward, we wanted to consider its inclusion into the Water Use Development Plan. So with that said, Members, if there are no objections, I'd like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: KRF).

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay. Great. Thank you. Okay. Mahalo, everybody, our panel.

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

CHAIR SINENCI: Okay, Members. Moving right along, next item is APT-57, the Water Use and Development Plan for Maui. The Committee is in receipt of County Communication 19-162 from the Director of Water Supply, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND

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DEVELOPMENT PLAN FOR THE ISLAND OF MAUI.” The purpose of the proposed bill is to adopt the attached document as an update to the Maui County Water Use and Development Plan, in accordance with Section 14.02.020 and 14.02.040 of the Maui County Code. So Members, our focus today, as you can see, is on the...we talked about the Board of Water Supply's temporary investigative group report, and we also are looking at the Central Ko'olau, Hāna, Kahikinui Aquifer Sector areas and strategies and other related matters. Members, there were some stark benefits to the Board of Water Supply's TIG report of 2019. First of all, it was very timely. We are considering the recent historical events that have transpired, mainly the ending of the sugar production on the island, and the purchase of the central plains by Mahi Pono. The report emphasizes the wear and tear of a 100-year-old system, and some of the wastes that are generated by their broken pipes and leaking reservoirs, and the need to quickly modernize the system with a thorough engineering and cost analysis of the entire system. The County realizes the sustainable yield of the EMI system for its Upcountry municipal needs, for future housing projects, for its agricultural needs at the Kula Ag Park, and to expanding agricultural infrastructure. Finally, the County's responsibility to uphold the public trust and of our dedication to our cultural users and to our continued efforts to protect the watershed areas in the production of more water and as the governing environmental stewards of our own home. With that said, Members, I wanted to present for your consideration to include the Board of Water Supply's TIG report, written within the...an appendix of the Water Use Development Plan. The information that they've shared in the report has...was provided to help us better understand our options and alternate scenarios for providing reliable water for cultural, domestic, and agriculture uses. We need to be educated on the options so that we can be flexible, adaptable, and resilient in our own planning, find that more information is always better than less information. To Member King's comments, this would be an action on the Council's behalf to consider these recommendations within the Water Use Development Plan. So with that, Members, if there are any discussions or oppositions to including it in the appendix of the Water Use Development Plan, knowing that this is a 30-year plan.

COUNCILMEMBER KING: No objections. Do you need a motion, Chair?

CHAIR SINENCI: I'll listen to everyone's comments. Chair Lee.

COUNCILMEMBER LEE: May we have the comments from Eva or Jeff Pearson?

CHAIR SINENCI: I believe we have Eva on the line.

MS. BLUMENSTEIN: Aloha, Chair. Yeah, I believe Director...I believe Director Pearson left the call. What's your specific question, or just want a comment on including the TIG report?

COUNCILMEMBER LEE: Yes, your comment.

CHAIR SINENCI: Yeah, in the appendix.

MS. BLUMENSTEIN: Yeah. Thank you. Well, I think the...in general, there are a couple

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strategies in Chapter 15. And you know, the first one there is to conduct a cost-benefit analysis of the EMI system with the primary objective to mitigate losses and preserve those reservoirs that are at risk of decommissioning. And so I think it would make sense...that strategy says priority components of the cost-benefit analysis to be determined. I think it'd be helpful if this body is clear about the objectives of including the TIG report. I mean, it will...yes, the document will be 2,000 pages instead of 1,200, but is it...you know, what are the concerns, specifically? The TIG report is...you know, gives some example calculations. It doesn't...it's not a cost-benefit analysis. So is it the price of the EMI delivery, is it the water efficiency? Because there are several strategies that address those concerns, allocation to different off-stream users or prioritizing public trust uses instead of diversified ag. So kind of depending on those objectives, I can say whether, you know, I think it's a good idea to include it or not. I think it really needs to be defined how it would be used.

CHAIR SINENCI: Chair Lee.

COUNCILMEMBER LEE: Thank you. Thank you. I understand what she said.

CHAIR SINENCI: Thank you for your question. Any other questions, Members? Member Paltin.

COUNCILMEMBER PALTIN: I'm not opposed to adding it, I just am concerned that the volume of it may make it something that they don't read. And maybe if we could provide like a synopsis or some key bullet points, it may be more likely to get the point that we wanted to convey across. And I know we don't have an...the authority to task that to the TIG, but maybe in the drafting of their report, they had like an outline of key points that maybe we could include to ensure that the key points that we wanted to convey were digested.

CHAIR SINENCI: Okay. So you're not opposed to it, but maybe some of the recommendations...would you be open to including like a link to it within the appendix?

COUNCILMEMBER PALTIN: Sure, sure. I mean, I don't know that that would assist the CWRM in reading it, but it could save some trees, maybe.

CHAIR SINENCI: Again, and...I guess some of it is, you know, we might not be on the Council further down the road. Well, we probably won't. So putting it in the report, or in the 30-year report, could put some of these...it might be more...you know, 10, 20 years down the road, it could be more appealing later on down the road. So that's why we wanted to include it in the...in the appendix.

COUNCILMEMBER PALTIN: Okay. I mean, I'm not opposed, I just . . . *(inaudible)*. . . read things.

CHAIR SINENCI: Yeah, great. Okay. Good point. Thank you, Member Paltin. Member King.

COUNCILMEMBER KING: Thank you, Chair. I think it's a good idea to put a link up. I would

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also maybe suggest that we might want to put a link to the PowerPoint that was presented to us today because that's a lot easier to get through and it has a lot of those really specific recommendations to the Council. And that came directly from the TIG. I would be a little hesitant about us trying to summarize it for them because that would be subjective, but putting a link to their report, their full report for anybody who wants to read the whole thing, and then putting a link to the PowerPoint, which is...which, you know, you can go...you can find specific pages in the PowerPoint that have specific suggestions.

CHAIR SINENCI: So you would be open to certain sections of the report?

COUNCILMEMBER KING: No, I was just saying, we could put a link to the entire report, but we could also put a link to the PowerPoint that was presented to us today by Shay Chan Hodges because that might be easier for some folks to get through, to get to the meat of what they were saying. And it has specific recommendations to the Council. So those two links, I think, would be good options for, you know...if someone wants a link to the entire report, it's there, but if they wanted to just to the highlights as given to us by the Chair of that TIG, then they can look at the PowerPoint.

CHAIR SINENCI: Okay. Thank you for that input. Can we hear from Member Johnson or Member Molina?

VICE-CHAIR JOHNSON: Sure, Chair. I...you know, my first reaction was like, yeah, put it in, that makes sense, that's where it should be is in the appendix, but I like the modifications where you would put in their summary. Their presentation is kind of if...you know, it summarized it. So that makes sense to me. You know, I'm amicable to that suggestion.

CHAIR SINENCI: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Chair. I'm kind of with Member Johnson on that. And adding to the fact that sometimes when you create a very...potentially large document, it can be intimidating for a lot of people. I mean, it's the type of document where, you know, researchers and lawyers would definitely, you know, have the time to go look into it, but the layperson, the...you know, everyday person would probably prefer something that's more scaled down, summarized, maybe like what Member King stated about adding links. That might be a little bit more...less intimidating or less threatening, so to speak, for the layperson. Because I know for me, I always look at these large documents like oh, man, why do I even bother with this, do I have the time, or I'm going to have to make a lot of time for it. So I think it's incumbent upon us as elected officials to try and provide as much information and give...and steer it towards the laypersons and...because after all, we do want to get input from them and we do want everybody to be up to speed on what's done in Government. So I'm all about trying to make it, you know, more reader-friendly, if you will, user-friendly. So that's my take on this. Thank you, Chair.

CHAIR SINENCI: Okay. Mahalo, Mr. Molina, for those inputs. Yeah. The only...I guess, like

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who would be scaling it down for us to input? We...I guess we wanted to consider the report in an appendix so that we didn't have to take some of the recommendations and go find within the different sections where to put them. So we thought the easier way of including some of their recommendations was just to include it in an appendix so that we wouldn't have to go to the different parts of the 1,200 page report and put those items in there. The...okay. I'm seeing the summary of the TIG report is the page 7 of the memo. So maybe we could consider...so from what I'm hearing, everybody is opposed to including the report as an appendix to the WUDP, but possibly...but are open to including a link...or a link to recommendations and to a summary of the report. Chair Lee.

COUNCILMEMBER LEE: Yeah. I'm not opposed to including the information as...in the appendix.

CHAIR SINENCI: Okay.

COUNCILMEMBER LEE: You know, quite frankly, by the time people begin to read and refer to this document, the study will be like five years old, or ten years old. So I...you know, if you're going to include something, you may as well include the whole thing and...as an appendix. Thank you.

CHAIR SINENCI: Yeah. That's...I guess that's what our original...would we...can I get...would we get consensus? Would Members...oh, we see Ms. Chen. . . .*(inaudible)*. . . Chen, did you have any input?

MS. CHEN: Thanks, Chair. So the only input I have on this is I think the Committee would want to be careful that whatever information that's included in the WUDP is information or a document that was formally adopted by the Board.

CHAIR SINENCI: Yes.

MS. CHEN: So like for the presentation...I probably wouldn't recommend that because that was a presentation put together by certain Board Members, but the...I understand that the whole TIG report was adopted.

CHAIR SINENCI: Yes. Okay. Thank you for that clarification, Ms. Chen. Okay. Members, do we have consensus at this point if we can include it in the appendix? Then and...if...however else we could streamline it, we could follow up to see if it's...if we can also do that as well, yeah. Okay. Consensus?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR SINENCI: Okay. We got consensus from five Members. Okay, great. Mahalo, Members.

COUNCILMEMBER KING: Chair.

CHAIR SINENCI: Member King.

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COUNCILMEMBER KING: Yeah, if we could follow up with Shay Chan Hodges to see if that PowerPoint was approved by the Board of Water Supply, then we could include that as well as a summary.

CHAIR SINENCI: Okay. Okay. We can follow up with Shay. Or she can --

COUNCILMEMBER PALTIN: Oh, and...not sure if you saw me. I had consensus too. So six...consensus from six.

CHAIR SINENCI: Oh, we have six. Okay. I didn't count myself. Okay. Thanks. Consensus. Okay. Thank you, Members. All right. Moving right along. We'll try and stay on track. So Committee Members, we...I don't know if everybody got number 90 on Granicus, the correspondence from the Committee Chair dated August 25th, 2021. This was the guide for today's discussion and the areas of focus that we've been talking about. So we won't go through all of them, but we can quickly review them in our allotted time frame, and we can...because some of it we've already discussed previously. Members, East Maui water is listed in different parts of the plan, including the Central Aquifer Area as it pertains in agriculture use. On page 118 of the Central Aquifer Sector, Strategy Number 7--if Ms. Siegel can share page 18 [sic]--it says to execute a long-term source agreement for use and maintenance of the Wailoa Ditch that ensures adequate non-potable supply for the Kula Ag Park expansion and potable supply for projected Department Upcountry system use.

MS. SIEGEL: One moment, Chair. My computer's being a little slow. It should be up shortly.

CHAIR SINENCI: Okay. Members, did everybody get to kind of glimpse at the memo that was shared? Okay.

VICE-CHAIR JOHNSON: I beg your pardon. What page was that on, Chair?

CHAIR SINENCI: Page 118 of the Central Aquifer Sector.

VICE-CHAIR JOHNSON: Thank you.

CHAIR SINENCI: Ms. Blumenstein, did you have any comments on Strategy Number 7?

MS. BLUMENSTEIN: Thank you, Chair. No, not really. I mean, the reason it's in there is what I mentioned previously. It's...as a policy built to prioritize --

CHAIR SINENCI: Right. Okay.

MS. BLUMENSTEIN: -- to prioritize public trust uses, which is domestic needs Upcountry, and to ensure long-term supply for the Kula Ag Park because this is really the only feasible source for Kula Ag Park. And...yeah.

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CHAIR SINENCI: Okay. Thank you. And yeah, we just put this up because the Wailoa Ditch was of concern with now Congressional Representative Kai Kahele's letter to the Mayor about applying for those leases to ensure that we have a long-term agreement for our Wailoa Ditch. Okay. Moving right along. Okay. East Maui water is listed throughout the WUDP as a major source of water for our municipal needs. Ms. Siegel, in Figure 5-9, surface water hydraulic units illustrates the water-rich areas of the Ko'olau and Hāna sectors of the plan. Of course, in this section, there's always protocols to follow in applying for East Maui water, including stream flow protections, Native Hawaiian rights to cultural usage, environmental protections of watersheds and aquifers, and conservation efforts to just...just to name a few.

MS. SIEGEL: Sorry, Chair. Which one was it?

CHAIR SINENCI: It was Figure 5-9, Surface Water Hydraulic [sic] Units. I believe that one was on page...was in Part 1, page 55.

MS. SIEGEL: Okay. I got it. I'm going to pull it back up now.

CHAIR SINENCI: Okay. Thank you, Nicole. I can't see all the numbers, but I wanted to ask Eva if she could kind of give a brief of the hydraulic [sic] unit codes...oh, they're all codes for each of the streams. Is that what it is?

MS. BLUMENSTEIN: Thank you, Chair. No. So these are the surface water hydrologic units, which more coincide with watersheds. So one watershed could contain one or several or no streams. So we include this in the plan because the State Water Code requires us to present data by hydrologic units, and as you know, when we propose strategies and do analyses of water systems, they are not by watersheds, but they are by aquifer systems. But still, we need to inventory, look at water uses for surface water units as well. So this was really just for presenting, and I think this is more helpful to CWRM in reviewing the plan.

CHAIR SINENCI: Oh, okay. Mahalo for that. And then, just moving right along. And Members, if you have any questions for Ms. Blumenstein, go ahead and unmute and...or raise your hand. I can't see you. Next, Ms. Siegel, we have Table 15-39 in the Central Aquifer Sector, Strategy Number 4. This one says in order to explore new well developments in East Maui, we must first initiate hydrologic studies to determine the impacts, if any, to existing groundwater sources, surface water sources, and impacts to stream flows. Okay. Yeah. Thank you, Ms. Siegel. It's Number 4, Lower East Maui well developers. So this is currently in the strategy. So Ms. Blumenstein, did you want to just speak to Number 4, as far as addressing East Maui well development?

MS. BLUMENSTEIN: Thank you. I have a hard time seeing on the screen there. So just going to try find my own.

CHAIR SINENCI: Oh, okay. And this one had...this one had said what you mentioned, initiate a hydrologic study prior to looking at the impact. So we --

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MS. BLUMENSTEIN: Oh, yeah. Okay. Okay. Strategy 4 is for East Maui well development. So Strategy 4, which has to kind of be looked at in conjunction with the other strategies, right, because overall objectives is to...for Central Aquifer system, which includes the Upcountry system, to diversify supply and not be reliant on surface water primarily that we currently are with the issues we have with droughts and water restrictions, et cetera. So Strategy 4 calls for the Department to explore East Maui well development in combination with exploring Makawao Aquifer basal groundwater as well, and that would be primarily to meet the demand on the Upcountry system for...as you know, the...any well development in Ha'ikū Aquifer is subject to the East Maui consent decree. So part of that is, of course, meet all the terms of that agreement, including initiating a hydrologic study so we know any impacts on existing wells, surface water sources and stream flow, et cetera.

CHAIR SINENCI: Okay. And can you explain the \$3.71 per 1,000 gallons?

MS. BLUMENSTEIN: The amount for the conventional source strategies groundwater development was assessed by the Department Engineering Division back in 2013. I think that asterisk is...so that would be 2016 dollars. We looked at lifecycle costs for all of the alternative resource options here. So that would be the full lifecycle cost of groundwater development for Ha'ikū and Makawao over a 25-year period. So that would include capital and operational costs.

CHAIR SINENCI: Okay. Thank you for that. We have a question from Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. And sorry if I'm jumping around a little bit on this, but it does relate to the Upcountry system. This question comes from page 133, Central Aquifer Sector, Table 15-39, recommended strategies. And Strategy 3 states, explore new basal well development in the Makawao Aquifer to accommodate growth Upcountry and add reliable new source. Potential yield is up to 3 million gallons per day. For Ms. Blumenstein, what type of infrastructure would need to be involved with a new basal well development? And to get more water to users, would people need to increase their pipes from 2-inch waterlines to 4-inch waterlines? That question was asked, ironically too, by a constituent. Any thoughts on that?

MS. BLUMENSTEIN: Well, I mean...so the plan doesn't address the infrastructure beyond source development, such as tanks, individual meters. If you're talking about a service that is on the assumed...presumably on the Upcountry meter priority list, the property currently needs to add some infrastructure if a meter is offered by the Department. So I couldn't tell you what the specific infrastructure improvements would be required for individual areas. It really depends where it is. But just in terms of adding source within Makawao Aquifer, potentially it could serve Makawao, Pukalani areas that are currently served by primarily surface water with some backup from Po'okela Well. Po'okela Well is the only source we have in Makawao Aquifer right now. It's good source, it's good quality water, but it's high elevation. So the cost of drilling and pumping from Makawao Aquifer is a constraint.

COUNCILMEMBER MOLINA: Okay.

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MS. BLUMENSTEIN: So again, that comes back to this kind of combination of strategies. You want to use an affordable source, such as surface water, when it's available, but you want to have that reliable groundwater in...when needed in drought.

COUNCILMEMBER MOLINA: Okay. And then the second question I had. So to get more water to users, then, would people need to increase their pipes from 2-inch waterlines to 4-inch waterlines in this case?

MS. BLUMENSTEIN: Well, the plan...the plan doesn't really address that.

COUNCILMEMBER MOLINA: Okay.

MS. BLUMENSTEIN: That would be, again, if you're offered a meter and you're on a...in an area where you have a 2-inch waterline, and I don't know, depending on what you need to do. If you're subdividing, you're going to have to meet system standards, yes, you're probably going to have to improve that line to something to meet fire flow. But again, it's very site-specific, yeah.

COUNCILMEMBER MOLINA: Okay. All right. So that's something between the individual and the Department to work out then.

MS. BLUMENSTEIN: Yeah. That's really Engineering Division, system improvements and CIP. This is overall source development on a, you know, 20-year horizon. So it doesn't address those details.

COUNCILMEMBER MOLINA: Okay. All right. Thank you. Thank you, Mr. Chair.

CHAIR SINENCI: Mahalo, Member Molina. And yeah, we may be bringing up in a future meeting the Upcountry water meter list. Thank you for your questions. Next, Ms. Siegel, can we go to Figure 16.30 [sic] on page 90...dash 30, page 97? This was just a graphic to show the current...the East Maui Irrigation system service areas. Thank you, Ms. Siegel. And Members, have you heard from...as you've heard from some of the testifiers...I think Kaneali'i mentioned the Lowrie Ditch. These are all the ditch systems that are coming from the Ko'olau Aquifer Sector. Ms. Blumenstein, did you want to --

MS. BLUMENSTEIN: I have no specific comments. Yeah. This is really just to illustrate the EMIs, just like you said, Chair, the service areas.

CHAIR SINENCI: Okay. And then the...there's a dotted green line. That's the Wailoa Ditch. Then there was a mention of a...of a ditch that was higher up that was...wasn't part of the...it was on EMI lands, but wasn't part of the WUDP. Higher --

MS. BLUMENSTEIN: Yeah, Chair. So this...yeah, this really just represents the EMI system for non-potable purposes. I think what you're referring to is the Upper Kula and the Lower Kula pipes.

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CHAIR SINENCI: Right.

MS. BLUMENSTEIN: Yeah. They're not shown on this map.

CHAIR SINENCI: Okay. We just wanted to show you these, Members, of what we've been talking about. Next, Ms. Siegel, we have Appendix 16A, and we've...Members have seen Appendix 15A when we spoke about the Ha'ikū Sector rivers, again Kaneali'i, talking about Kuiaha that wasn't...that didn't have any stream gauges. And Mr. Franko mentioned the 12 streams in the East Maui that also lack USGS gauges. So the Maliko to Kakipi, Ho'olawa, and Waipio were the Ha'ikū rivers. And then the other rivers below the orange section was those streams in East Maui. I believe this is what Mr. Franko mentioned about those streams not having USGS gauges. Okay? Okay, next. Okay, Members. Moving on to Table 16-41, and just for your consideration, the Ko'olau area strategies. We've...we took some of the recommendations. We wanted to add in the Ko'olau area strategies on Table 16-41 for your consideration today. We...there's maybe about seven additions we were proposing. Ms. Siegel, can you share screen? And then I'll...we can just quickly see if this is something that you guys are open to considering for consensus. Okay. Mahalo. And so it looks...okay. So the additions we've added is in red. Under Strategy Number 3, it says support collaborative hydro-geological studies to inform impact, climate change, and future well development on groundwater held for Ha'ikū and Honopou aquifers. And again, the same language, conduct hydrological studies that confirm aquifer amounts and health prior to well development. It was just using the same language from previous strategies. Ms. Blumenstein, is this something the Department is copacetic with?

MS. BLUMENSTEIN: I think the language to conduct these studies prior to well development, I don't know if that's...you know, could backfire in some situations where you have...for...if this is specifically for Ha'ikū and Honopou, for Ha'ikū --

CHAIR SINENCI: This is...oh, yeah, you're right. This is for Ko'olau area strategies.

MS. BLUMENSTEIN: Yeah. So adding the language for Ha'ikū and Honopou...I guess for Ha'ikū, it wouldn't really make a difference because any source development, any well development in Ha'ikū Aquifer is --

CHAIR SINENCI: Right.

MS. BLUMENSTEIN: -- subject to the consent decree, and hydrological studies as part of that whole package. So if we interpret that as just being...applying to Honopou Aquifer too, I guess that...that's fine.

CHAIR SINENCI: Oh, okay. Members, consensus to adding this language to Strategy Number 3?

COUNCILMEMBERS VOICED CONSENSUS.

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CHAIR SINENCI: Okay. Great. Moving right along. Again, Members, we're on the Ko'olau Sector Number 5, to add stream gauges in all streams to ensure adequate decision making...oops. Or decision-making data is captured prior to any decision making in an area aquifer or stream. And Ms. Blumenstein, any comments adding this language?

MS. BLUMENSTEIN: It says steam gauges there, but --

CHAIR SINENCI: Oh, steam gauges. That's a different thing.

MS. BLUMENSTEIN: I think that if that recommendation applies to DWS, CWRM, and USGS, I think it should really be consistent with the USGS/CWRM recommendations for...they have a 2019--or is it 2020--recommendation for their resource monitoring network of where additional stream gauges and rainfall gauges and monitoring wells are needed to complete a scientifically sound resource monitoring network that is either, you know, to see changes in stream flow due to climate change or assessing stream flow to the baseline for natural conditions if it's not...a non-diverted stream. So...and that's, of course, done. I mean, the priorities in adding new stream gauges is based on the data needs. So I'm not sure that adding stream gauges in all streams is that feasible versus prioritizing those that have been, you know, assessed by, you know, CWRM and USGS.

CHAIR SINENCI: Are you okay with this...are you okay with adding stream gauges to ensure, and taking out in all streams?

MS. BLUMENSTEIN: Yeah. Or perhaps consistent with CWRM/USGS recommendations, because it was quite a bit of work that went into those analyses.

CHAIR SINENCI: What do you think, Members? I know we've had testimony about...Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Chair. I just...my question was more related to a cost-benefit analysis. Like one, how much does it cost per stream gauge, what's the life of these gauges, and if we're going to look at putting it in all streams, what kind of cost would the Department be looking at potentially? I don't know if Ms. Blumenstein can answer.

MS. BLUMENSTEIN: That's a great question. So...well, first of all, there's several parties that contribute to this, right. The Department pays for installation and maintenance of streams that generally we are the diverter or we're subject to an IFS. Or there's some of them that I mentioned, you just want a good baseline historic record of natural stream flow, and those are usually like joint...jointly-funded agreement with USGS. They can run anything from installation 20,000 to 30,000, and then ongoing monitoring is site specific, depending how complex the specific site is. But our current...well, I couldn't tell exactly how current, really, just for the streams, but you know, say 15,000 and up. And then, of course, you have streams that are paid for and monitored by CWRM only. And then there's private ones for private entities as well.

COUNCILMEMBER MOLINA: Okay. All right. Thank you. Thank you, Mr. Chair.

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CHAIR SINENCI: Mahalo, Mr. Molina. And Mr. Molina, we do have the time frame as Number 1, which is...which is one to five years.

COUNCILMEMBER MOLINA: Oh, okay. Thank you for that information.

CHAIR SINENCI: Yeah, yeah. That's there. Members, consensus on stream gauges?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR SINENCI: Okay, great. Moving along. Number 6, determine...this one, determination of legal ownership of all aspects of the EMI water delivery system, and looks like we have a note from the TIG report. And as you know, Members, Ms. Eaton had...was sharing some of the historical research about some of the leases and stuff. So we put this in as...and this is, again, some of the TIG report's recommendations that we conduct an engineering...excuse me, the wrong one...legal ownership of all aspects of the EMI water delivery system. Ms. Blumenstein.

MS. BLUMENSTEIN: Number 6 there, I can't really speak for. I mean, this is a lead agency assigned to the MD's Office. So I can't really speak for them.

CHAIR SINENCI: Okay. Great. And Members, we did add funding for an archeologist, Number 2. One of their duties was also to look into research...into title research. Consensus on Number 6?

COUNCILMEMBERS VOICED CONSENSUS.

COUNCILMEMBER KING: Chair? . . .*(inaudible)*. . . It's hard to talk.

CHAIR SINENCI: Member King.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR SINENCI: We're on Number 6.

COUNCILMEMBER KING: Yeah, yeah. No, I know that. I'm just wondering if we need to get a comment from the Managing Director, since that's the office that is going to be conducting this. So I think it's a good idea, but --

CHAIR SINENCI: Okay. Yeah. Members, you want to --

COUNCILMEMBER KING: Just put...you can just put an asterisk and get a comment.

CHAIR SINENCI: You want to...you want to revisit then, on this one? Okay.

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COUNCILMEMBER KING: Well, I'm all for it, I just think we should get a comment from the Managing Director on this. I'm not sure that that's the office that would be doing this, I guess, is my question.

CHAIR SINENCI: We didn't invite the Mayor's Office, the Managing Director, so...but we can reach out and see if they --

COUNCILMEMBER KING: Was that the...was that the...was that the office that was proposed to do this in the TIG report?

CHAIR SINENCI: Need to ask Staff because...Staff? We put the Office of the Managing Director. We can...okay. We can go ahead and check on the 6, 7, 8...oh, I see. Okay. We're saying that is who's doing the Wailuku acquisition. So we put them on because they're currently doing the Wailuku water system acquisition. Did you...did you want us to follow up?

COUNCILMEMBER KING: Right, but this is the EMI system.

CHAIR SINENCI: Right.

COUNCILMEMBER KING: I guess...are they the ones that are going to be doing the same thing for the Wailuku water system acquisition? Is it the Managing Director's Office?

CHAIR SINENCI: Yeah. They're doing the current one, and also doing like the cost analysis of the system, the liability issues. Those...6, 7, 8, and 9 were under the Managing Director's Office. Did you guys want to revisit and us reach out to that office, Members?

COUNCILMEMBER KING: I think that might be wise, just to make sure that --

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: -- you know, we...we're capable of it.

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: Chair, I do have to leave...I have to leave at 4:30 because I've got a previously scheduled appointment that I have to get ready for, but do...is there a quorum left? I couldn't tell.

CHAIR SINENCI: I see...Members, what time is it? We've got...we just got the Hāna and the Kahikinui tables and they're short. There's just a couple. So Members, are you on for another 10, 15 minutes to finish this section? Okay. To sit...okay. Yeah, we have quorum. We have four. Okay. Yeah, we have quorum. Okay. So Nicole, did we have...was that it? We'll mark 6, 7, 8, and 9 for a revisit. We'll send correspondence out to the Managing Director's Office. But we did have...can you go back up to...was 10 and 11 also...okay. We'll also do 10 and 11. We'll forward that to the Managing Directors. Okay. Mark those as revisits. Next, Members, we have the Hāna area

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strategies, Table 17-38. Just have a couple additions we wanted to propose. Okay. Number 4 under strategies for the Hāna Sector, stewards at the Hāna Aquifer Sector Area, kuleana cultural, domestic, and agricultural needs are met prior to allowing water out of the region. Blumenstein.

MS. BLUMENSTEIN: Did you say Blumenstein? I'm sorry.

CHAIR SINENCI: Yeah.

MS. BLUMENSTEIN: Thank you. Yeah. So to my knowledge, the...there are no diversions east of Makapipi Stream. So that's why the statement there in the existing strategy is, you know...the CWRM, of course, has the duty to establish IFS for all streams, but priority are naturally to diverted streams, and there are no out of region diversions in the Hāna Aquifer Sector right now.

CHAIR SINENCI: Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering, does it matter if it's out of region diversion if the stream is not getting what it needs? I mean...and does the County have documentation of each and every diversion? Because in West Maui when I had asked, that information in its totality wasn't available.

MS. BLUMENSTEIN: Yeah. So we only have...I mean, what...we have the stream diversions, the registrations. I mean, you can tell if it's a local diversion, if it's used...it's a kuleana or you know, a locally used that is adjacent to the stream based on our inventory. That's the case for Hāna. We don't see any, you know, sort of commercial agricultural...or diversions that go to, again, out of region. And that was more the...based on our community input that that was the concern when there's water resource...there's stream resources that were leaving the region, the transport of that was more the concern than diversions for local use.

COUNCILMEMBER PALTIN: Okay. Thank you for that clarification.

CHAIR SINENCI: Okay. Consensus for the additional language, Members?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR SINENCI: Okay. Consensus? Okay, great. Thank you. Moving on, Number 6, assure that DHHL future project needs, including the Wakiu Project are incorporated into the plan. Provide for DHHL needs. I believe DHHL has a priority in needs for their projects. Okay. You okay with --

MS. BLUMENSTEIN: Did you want a comment?

CHAIR SINENCI: Yeah. Oh, okay. We got consensus. Consensus, Members? Consensus? Okay. Thank you. Moving right along. Okay. Two more. Prohibit the commercial bottling of water from the region. Maintain sustainable resources. Consensus,

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Members?

VICE-CHAIR JOHNSON: Chair, I have a quick question about the definition of region. Where is the...where does region begin and --

CHAIR SINENCI: Oh, we're in the...we're in the Hāna Aquifer Sector.

VICE-CHAIR JOHNSON: So it's only for Hāna Aquifer we were going to prohibit bottling the water. Okay. Got it. Thank you. Consensus.

CHAIR SINENCI: Yeah. For this one, yeah. But we can also do it in the other sectors as well.

VICE-CHAIR JOHNSON: Okay.

CHAIR SINENCI: I believe we did it in the West Maui Community Plan as well. Okay. And then...being consistent...and then finally, when prioritizing additional available water resources, kuleana users have the highest priority, followed by cultural uses, then affordable housing. Consensus, Members? Okay. Mahalo.

COUNCILMEMBER PALTIN: Sorry. I have a question on that. Would the kuleana users have the highest priority if they're...regardless of what the use is?

CHAIR SINENCI: Like commercial?

COUNCILMEMBER PALTIN: Yeah. I guess, you know, like --

CHAIR SINENCI: Right. I hear you.

COUNCILMEMBER PALTIN: Like maybe they have an STR and they're using the water for a water slide or something, you know.

CHAIR SINENCI: Right, right. So you want to...you want to add for cultural use, prioritize for cultural usage?

COUNCILMEMBER PALTIN: Maybe traditional and customary. Is that...is that a possibility? Like because kuleana...traditional and customary kuleana uses was more for like lo'i kalo and things like that.

CHAIR SINENCI: Right.

COUNCILMEMBER PALTIN: You know, hui wai or whatever, but now somebody that's on a kuleana parcel taking advantage of kuleana rights, whether or not they were the original kuleana owner, could take that right and use it for something we may never have dreamed of.

CHAIR SINENCI: So Members, are you open to adding traditional and customary kuleana users?

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VICE-CHAIR JOHNSON: Yes, I am.

CHAIR SINENCI: Member Paltin?

COUNCILMEMBER PALTIN: Yes.

CHAIR SINENCI: Okay. Great. Okay. And I think that's it for the Hāna. And our final one...oh, wait. We did have language to propose. Ms. Siegel, can you scroll a little bit? The Department shall provide annual updates to the County Council on the data and strategies and other relevant information. Blumenstein.

MS. BLUMENSTEIN: Yes, I think that's a language in there for all regional reports to have a implementation matrix similar to the community plan annual reports. There's specific, you know, suggestions of what would you like to see. Appreciate that, but I absolutely support that.

CHAIR SINENCI: Okay. Consensus, Members?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR SINENCI: Include the language. Okay. Thank you. Then our last one, Members, is the Kahikinui strategies. And as you know, we did have Ms. Sterling provide some testimony. It looks like Number 5, develop non-potable and/or potable water source and delivery options for fire protection. Ms. Blumenstein.

MS. BLUMENSTEIN: Okay. So this strategy, 5, is specifically for the Kahua system. That's a hybrid system between DWS and Kahua Ranch. So is your proposed addition for the Kahua system only, or the region?

CHAIR SINENCI: It was more for...yeah, the Kahikinui region.

MS. BLUMENSTEIN: Yeah. I think that should be a separate strategy, and not within Strategy 5 then.

CHAIR SINENCI: A separate strategy...where would fire protection go?

MS. BLUMENSTEIN: Well, because if you're talking Kahikinui DHHL land, there are probably other players also than DWS, and definitely not Kahua Ranch. So that should...I support the general strategy, non-potable --

CHAIR SINENCI: Okay. We can --

MS. BLUMENSTEIN: -- development as a protection, but I think the agencies...responsible agencies should include DHHL --

CHAIR SINENCI: Okay.

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MS. BLUMENSTEIN: -- and not Kahua Ranch.

CHAIR SINENCI: Okay. We can...Members, we can move this to Part 3, the island-wide sections. Eva, can we add it there, Part 3 of the island-wide sections?

MS. BLUMENSTEIN: It could be within the Kahikinui. It could be within this same table, I think it would just be like a Strategy Number 7, I guess.

CHAIR SINENCI: Oh, okay.

MS. BLUMENSTEIN: Yeah.

CHAIR SINENCI: Consensus, Members, for Number 7? Okay. Great. Thank you. Is that it for Kahikinui? I think Ms. Sterling had mentioned her nonprofit. I believe it was the Helekunui [sic]...Helekunihi Cultural Foundation. And so maybe...and she did...where did she add it? I believe she did add it...I believe Number 6...Number 6 and Number 3, to add the Helekunihi Cultural Foundation as far as the agencies, the second to the last column. Blumenstein.

MS. BLUMENSTEIN: Yeah. And I just want to say I really appreciated the testimony by Ms. Sterling, because we've been...with the Maui Drought Committee, we've been...or I've been trying to get these workshops going for some of these remote areas, and it sounds like that's what she's already doing. So I would love to get in touch with her and, you know, get that moving. So definitely add her organization on there.

CHAIR SINENCI: Okay. So I'll add it, Helekunihi Cultural Foundation. Okay, great. Mahalo. Any...Staff, did I forget anything else? Kahikinui was our last table to share?

MS. APO TAKAYAMA: Yes, Chair, that's correct.

CHAIR SINENCI: Okay, great. Thank you, Members, for...oh, Ms. Blumenstein.

MS. BLUMENSTEIN: Yeah. Sorry. Just wanted to add, I don't know if I have Donna Sterling's contact, but I just want to put it out there because we're talking about drought workshops and mitigation. There are drought grants available right now, Federal grants that are fairly easily available through the Maui Drought Committee, of which I am Chair, and...with assistance from CWRM. So any folks, rural areas, for direct drought mitigation response, please get in contact with me and I'll help you out.

CHAIR SINENCI: Okay. Member Paltin and Member Johnson. Go ahead, Member Johnson.

VICE-CHAIR JOHNSON: That's really fascinating, Eva. Thank you for sharing that. Is that Island...is that County-wide? Would Lānaʻi farmers be eligible for something like that, or Molokaʻi?

MS. BLUMENSTEIN: Yeah, County-wide.

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VICE-CHAIR JOHNSON: Great. Okay, that's all I had.

CHAIR SINENCI: Okay. Mahalo. With that, Members, I think that's all we had. I don't know if Staff...Staff? We wanted to...mahalo and thank you guys for going over your allotted time just to finish up Hāna and Kahikinui. We really appreciate it. And Mahalo to Ms. Blumenstein for providing the backdrop, the background for all of the...which...additional language. With that, Members, if there are no objections, the Chair would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (excused: AL, KK, KRF)

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay, great.

COUNCILMEMBER PALTIN: Chair, I had a question.

CHAIR SINENCI: Go ahead.

COUNCILMEMBER PALTIN: If we defer it, and then we're still going to come back to the appendix, the...10.

CHAIR SINENCI: Yeah, that's...oh, are you going to be...are you here next...for our next Tuesday's one? How long's your --

COUNCILMEMBER PALTIN: Yeah. I come back next week, Thursday, I think.

CHAIR SINENCI: Yeah. We're going to be...yeah. Ms. Apo Takayama, are we finishing Appendix 10 at our next meeting?

MS. APO TAKAYAMA: Yes. That's the current plan on the three-month calendar.

COUNCILMEMBER PALTIN: Okay. Great. Sorry.

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CHAIR SINENCI: Mahalo for that reminder. With that, Members, I'm not going to hold you up any longer. That brings us to the end of our calendar. Mahalo to you guys, to all of our resource people today, mai ka Administration. It is 4:44, right on the nose, and this August 31st Agriculture and Public Trust Committee meeting is now adjourned. Hui hou. . . .(gavel). . .

ADJOURN: 4:44 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Agriculture and Public Trust Committee

apt:min:210831:bc

Transcribed by: Brenda Clark

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 53 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 30th day of September 2021, in Wailuku, Hawai'i



Brenda Clark