

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Council of the County of Maui

MINUTES

September 28, 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 (In 1:38 p.m., Out 5:01 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (In 1:32 p.m.)

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
James Forrest, 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
Roxanne Morita, Executive Assistant to Councilmember Gabe Johnson
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Evan Dust, Executive Assistant to Councilmember Tasha Kama

Zhantell Lindo, Council Aide, Moloka'i Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lānaʻi 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, Department of Water Supply
Keola Whittaker, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Lucienne de Naie
Donna Sterling

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Faith Chase
Mary Ann Pahukoa
Clare Apana
Mahina Pahukoa
Walter Kanamu
Others - 1

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

CHAIR SINENCI: . . .*(gavel)*. . . Aloha kākou and halò, dè do chor? Welcome to the Agriculture and Public Trust Committee meeting of Tuesday, September 28th, 2021. It is 1:31 p.m. Before we begin, Members, this online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. Members, the Governor's most recent emergency proclamation also includes the following mandate. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to...to join board meetings...board members in person at non-public locations where board members are physically present or to identify those locations in the notice required by Section 92-7 HRS. Provided that at the meeting each board member shall state who, if anyone, is present at the non-public location with the member. In accordance with the Governor's mandate, if you are at a non-public work...workspace when your name is called, please identify by name who is present with you in the room, vehicle, or workplace. So joining us today we have Committee Vice-Chair, Mr. Gabe Johnson.

VICE-CHAIR JOHNSON: Good afternoon. Hey, watch your mouth. No. Hey, good afternoon, Chair. And I'm here to say...no, wait. Halò --

COUNCILMEMBER LEE: Halò.

VICE-CHAIR JOHNSON: This is killing me. Halò, dè do chor?

CHAIR SINENCI: Halò, dè do chor? Yes.

VICE-CHAIR JOHNSON: I am home alone. It's...it's...and I'm happy to be here. That's all. Thank you.

CHAIR SINENCI: Thanks for being here, Member Johnson. Next we have...oh, we did...Member King is running a little late, she'll be joining us in ten minutes. Next we have Council Chair Alice Lee. Halò, and dè do chor?

COUNCILMEMBER LEE: Oh, you're so good with the foreign languages. Halò, dè do chor? Thank you. I'm home alone.

CHAIR SINENCI: Thanks for being here this afternoon. Next we have Councilmember from his virtual...under his virtual bridge, Mr. Mike Molina. Aloha 'auinalā.

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COUNCILMEMBER MOLINA: Aloha ‘auinalā to you, and halò, dè do chor to you and all of the gang over here today on this wonderful Tuesday. Look forward to a very productive APT meeting. And I am alone in one room, and my wife and the pets are in another room here in Makawao. Aloha.

CHAIR SINENCI: Okay. Aloha and welcome, everybody. And to our birthday celebrant today, Councilmember Tamara Paltin. Aloha ‘auinalā.

COUNCILMEMBER PALTIN: Aloha ‘auinalā and halò, dè do chor kākou.

CHAIR SINENCI: Halò, dè do chor too.

COUNCILMEMBER PALTIN: Alone at the West Maui District Office. And we do not give out marriage license, so don't ask.

CHAIR SINENCI: Okay. Just a disclaimer there. Thank you for that. Next we have Council Vice-Chair, Member Rawlins-Fernandez. Aloha ‘auinalā.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair. I'm at the Moloka'i District Office. I'm alone here in this side of the office. Halò, dè do chor kākou, maika'i wau.

CHAIR SINENCI: ‘Ae. Maika'i. Mahalo for being here this afternoon. And Members, our non-voting Committee Members are Pro Tem Tasha Kama and Councilmember Sugimura. They're always welcome to join us if they so choose to. Mai ka Administration we have Director Pearson from the Water Department, and also our Planning Program Manager Ms. Eva Blumenstein. Joining us today from the Deputy Corporation Counsel is Mr. Keola Whittaker. Thanks for joining us. Staff that will be helping us with the meeting this afternoon is Ms. Kasie Apo Takayama, our Legislative Analyst. Halò, dè do chor?

MS. APO TAKAYAMA: Halò, dè do chor, Chair and Members.

CHAIR SINENCI: Aloha ‘auinalā. Next we have Keoni Shirota, our Committee Secretary. Aloha ‘auinalā.

MR. SHIROTA: Aloha, Members.

CHAIR SINENCI: Aloha. Our Legislative Attorney today is Mr. James Forrest. Aloha and halò, dè do chor? Next we have Ms. Nicole Siegel, our Legislative Analyst. Halò, dè do chor?

MS. SIEGEL: Aloha, dè do chor, Chair and Members.

CHAIR SINENCI: And...mahalo. And next we have Ms. Kristeena Locke, Council Services Assistant Clerk. Aloha ‘auinalā. Welcome, everybody. Today Members, we have our one item, APT-57, the Water Use and Development Plan for Maui. And hopefully just a few more of these meetings. We're coming down to our close. So today we're trying to

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finish up certain sections of the Water Use Development Plan [sic]. Testimony...Staff, do we have testifiers signed up?

MS. APO TAKAYAMA: Yes, Chair. We currently have four individuals indicating they'd like to testify.

CHAIR SINENCI: Okay. I'll go through the...the testimony. Okay. 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. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your name, and if you're testifying on behalf of an organization or if you're 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, Facebook Live, or on mauicounty.us. Participants who wish to view the meeting only without providing testimony, please also disconnect at this time and instead view the meeting on *Akakū* Channel 53, Facebook Live, or visit mauicounty.us/agendas. Only Councilmembers, Staff, and designated personnel or resource personnel will be connected to the video conference meeting once testimony concludes. Just a reminder, Committee Members, Administration, and the 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 best to take each person up 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. So with that...oh, I do see Member King. Aloha, halò.

COUNCILMEMBER KING: Aloha, halò...I can't remember the other one. Da do [sic] --

CHAIR SINENCI: Dè do chor.

COUNCILMEMBER KING: -- chor.

CHAIR SINENCI: Dè do chor. Yes.

COUNCILMEMBER KING: Okay. I am writing them down though. I just...I was running late so I didn't have time to reread it. But hello, everybody. I'm here all by myself again in my room, my spare room.

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CHAIR SINENCI: Okay. Mahalo for that. Staff, could you please call up our first testifier on the list please?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. APO TAKAYAMA: Yes, Chair. The first testifier is Lucienne de Naie, to be followed by the individual signed in as...under the last four digits 3037.

CHAIR SINENCI: Aloha, Ms. de Naie.

MS. DE NAIE: Aloha. Happy birthday to Councilmember Paltin. Many happy returns. Man, 44, it's a good year, very good (*audio interference*) Let's see. Is my audio on again? It seemed like it was muting and going on and off here.

CHAIR SINENCI: Yes, we can hear you.

MS. DE NAIE: All right. Well, greetings. I am testifying today just on my own behalf as a water researcher, a concerned citizen about the important topic of setting proper standards for use of water in high-demand areas. I think we all are aware that our...our biggest users of the Department of Water Supply water are our hotels, and so the standards that we use to apply to these hotels, we...we do have a section in...in Table 13 which are our...you know, our preferred strategies to deal with all the different water issues that we have. And that particular conservation section of Table 13 has, I think, about 15 different suggestions, and they're all useful, they're all good. Maybe some duplicate each other a little bit, but the one thing I didn't see in there and it...it's something that we should consider, is bring our...our water use standards for hotels more in line with what the other islands are doing. So if...I...I have this little chart in front of me, I think we have the same chart in the...in the Water Use and Development Plan, but it has resort category, to include hotel, for Maui only. It says in Hawai'i, a resort standard is 400 gallons per unit. In Kaua'i, it's 350 gallons per unit--per day, this is. In Maui, it's 350 gallons per unit, or 17,000 gallons per acre. No other county does that. In O'ahu, it's 350 gallons per unit, or 4,000 gallons per acre. So that 17,000 gallons per acre, and I do know of at least one resort that uses that much, that's the Grand Wailea, and that's just an awful lot of water. The Grand Wailea is the largest water user in the whole Maui system, according to the 2020 annual report. So could they be encouraged to conserve more by getting rid of that per acre and just going with the per unit like two of the other counties have? I think that that should be a strategy that is added to Table 13. Possibly it should be added...there's number 16 that says, revise County Code to require high-efficiency fixtures. You could also say, and also set revised water duties for resort properties. Or maybe create, you know, yet another number under there, under that table. But I'm sure you guys will figure out the best way of among those . . .(*timer sounds*). . . 15 items how to do it. Mahalo.

CHAIR SINENCI: Mahalo, Ms. de Naie, for your testimony this afternoon. Members, any questions for our testifier today? Okay. Seeing none. And Lucienne, you...just clarification, you mentioned water development standards, not water rates or anything

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like that?

MS. DE NAIE: Yeah, these are...there's a...there's a kind of a big book that's Statewide that has all kinds of development standard. It has not just the amount of water that you would anticipate assigning for a single-family development or a multifamily development, but it also has standards for pipes and all kinds...it's...it's a big...I forget the official name of it. I could send it to you guys. I...I have it on my...my computer somewhere. But it sets what's called water duties in the ag sense, the amount of water that's reasonable to use per day per type of use. And it has that for light industry, schools, park, agriculture, commercial use, and then resort use, and then single and multifamily.

CHAIR SINENCI: Oh, okay. Thank you for that clarification. Again, thank you for your testimony this afternoon.

MS. DE NAIE: You're very welcome. Nice to see you all.

CHAIR SINENCI: Okay. Staff, can you call the next testifier please?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is calling in with the last four digits 3037, to be followed by Faith Chase.

MS. STERLING: Aloha.

CHAIR SINENCI: 30...aloha.

MS. STERLING: Hello?

CHAIR SINENCI: Yes, go ahead.

MS. STERLING: Hi.

CHAIR SINENCI: We can hear you.

MS. STERLING: Thank you. Hi. Aloha, Chair Sinenci and Committee. This is Donna Sterling speaking. I'm a 20-year Kahikinui homesteader, the President of the Kahikinui Hawaiian Homestead Association, and the founder and President of Helekunihi Cultural Foundation of Kahikinui. I'm testifying today on the Maui County Water Use Development Plan, and I'm speaking specifically to the Kahikinui Aquifer section. There's some important updates relative to the section, I'm sure you know. First, I'd like to express my gratitude to you, Chair Sinenci, for directing me to water security grant opportunities. Since my last testimony, I have successfully submitted a drought emergency relief project, which is being reviewed by the Bureau of Reclamation. I have learned that the scope of coverage by the Bureau of Rec has increased over the last two years to include Hawai'i. Our water bearing region of Kahikinui is...is fortunate enough to be considered for this funding that will serve well for homestead living needs and fire mitigation. In addition, there's a substantial two-phase watershed planning grant and

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conservation cooperative funding that we are confidently seeking. This new information might be considered to be included in the alternative water resources section of the Water Use Development Plan on page 27. I am in appreciation for the guidance from hydrologists, conservationists, and agricultural specialists. This support is critical for Kahikinui's precautionary planning. I am optimistic that the achieving the goals described in the grant applications will help secure water sources and improve the health and well-being of homesteaders. I would like to make comment to Kahikinui's future water needs section of the Water Use Development Plan. There have been some Department of Hawaiian Home Lands updates that are not included in the water need forecast. The 2014, which is really old, is a socioeconomic forest *[sic]* report, does not include the 2018 announcement from DHHL wherein they have demanded that homesteaders build on their lots or lose their lots. This has increased the number of residents and people building homes. Please consider updating the...the water update...use development plan in the Kahikinui Aquifer section on page 2 and 29. This will assist our remote region to remain in the purview of decision makers. And in closing, I would like to assure this Committee and the Water Department that we are in direct communication with DHHL Land Manager Peter Albinio, Randy Awo, and Mona Kapaku on Kahikinui water needs. I have worked with field experts to outline steps required for land management, and these recommendations are expected to be in conjunction with DHHL when they make requests that are in turn made to the State of Hawai'i Senate Affairs, Hawaiian Affairs Committee for funding. I thank you again for the grant recommendations. We're moving forward. We're looking forward to many more Federal, State grants, under grant.gov in the next three months. And . . .*(timer sounds)*. . . thank you for listening.

CHAIR SINENCI: Mahalo, Ms. Sterling, for your testimony this afternoon. Just for clarification, you had a 2018 correspondence from DHHL to CWRM that...

MS. STERLING: Sure. Sure. So let me explain the 2018, DHHL did a gathering at Kula Community Center to explain that they were giving a time limit of homesteaders to build on their lots, a structure, and start living there 24/7 or face the possibility of losing their lots. Since 2018, we have increased our population to...from 13 families to 17 to 18, 24/7, with the same infrastructure that 2018 encompassed. Nothing much improved, and that includes water. So with that being said, and with your public testimony for Water Use Development Plan, you can expect more interaction from our staff, Peter at Helekunihi and KHHA, that we're going to be pushing and moving the Department of Hawaiian Home Lands and the Federal Government and the State, and if need be SCHHA, Sovereign Council for Hawaiian Homestead Association, to really support Kahikinui. It's been long overdue that we address the water issues here at Kahikinui. Thank you, Chair.

CHAIR SINENCI: Mahalo, Ms. Sterling. Members, any questions for our testifier this afternoon? Seeing none. Thank you again.

MS. STERLING: You're welcome.

CHAIR SINENCI: I believe Staff had called Ms. Faith Chase next.

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MS. CHASE: Aloha, Chair. Aloha, Committee. I replayed a meeting of this Water Use Development Plan from a couple days ago, and I overheard the beginning of the take in Nahiku side, and it was...the conversation was that it started at Makapipi. Is that the farthest left, Chair Sinenci, you...anyway. There was a site visit, and there have been kupuna for years saying that they're taking water from more left than there. So I know that Councilmember Lee had that grammatical correction yesterday about surface and ground with you, or the day...the other meeting you had. But this was taking from surface, like it's...it's...and all the kupuna have talked about it, and it's not on...listed on there. I don't know the name of that stream, e kala mai, but I just want that to go on public record. It...I don't know if it made it to any of the...the court documents. You know, some of the court documents are actually...there's a little bit of strategy, so not everything is divulged. So I just want that to be on public record that perhaps the take is farther left. Thank you. I cannot hear you, Chair.

CHAIR SINENCI: Oh, any questions for our testifier, Members? Okay. Seeing none. And yes, Ms. Chase, we've also heard that we can follow up with that if there is anything coming from the...the nearby stream --

MS. CHASE: You know --

CHAIR SINENCI: *(audio interference)*

MS. CHASE: -- I...thank you. You know, I was raised on that stream when I was little, and so I'm pili to that area. Shame on me for not knowing the name. Mahalo.

CHAIR SINENCI: Okay. Mahalo. Mahalo nui. Staff, our next testifier please?

MS. APO TAKAYAMA: Thank you, Chair. Our next testifier and the last person signed up to testify is Mary Ann Pahukoa.

CHAIR SINENCI: Aloha, Ms. Pahukoa.

MS. PAHUKOA: Aloha, good morning. I'm testifying just because we're talking about water, and just kind of giving my recommendation to the Committee in regards to improving and recommending, you know, the proper water appropriation and water usage from our County to people like hotels, what Ms. Lucienne de Naie was...I echo what she asked for, which is basically stop giving so much water to hotels. It's kind of amazing that what I heard O'ahu's numbers and Maui's numbers, we're giving them 16,000 [sic] gallons more water per acre. And so it's just astounding that we have such water shortage issues, especially during the summer months, and we're asking Upcountry residents to minimize their water usage, but then Grand Wailea gets...I mean, I don't even know the actual true...true number, but it's something like 17,000 per acre, and they have 270 acres. I'm just not sure. And so asking for the County to appropriate our water appropriately while making sure that you don't step on farmers. And we don't...we honor that...the humanitarian rights our residents have, which is who we're supposed to serve, our Maui County residents, not necessarily giving more than needed

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to our visitors. So I'd like to echo that. And I support...I'd like to go on record and say that I support Maui County in taking over the EMI system because that's the root of our . . . solutionary actions, is taking over, and of course, appropriating water. When it comes to CWRM and their calls that I know are above you, I really...I see CWRM as a de facto system. So I...I...I have faith in our County calling out CWRM, the Commission on Water Resource Management, on their flaws. And that, you know, breaks down to interim instream flow standards, and then also our diverted streams. I can talk water all day, but out of respect for you guys, that's all I have.

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

MS. APO TAKAYAMA: Chair, we do have one more individual signed up to testify, and that's Jacob Adolpho.

CHAIR SINENCI: Hello, Mr. Adolpho, are you here to provide testimony? Did we lose Mr. Adolfo?

MR. ADOLPHO: Aloha. I'm here. E kala mai.

CHAIR SINENCI: Oh, go ahead, Mr. Adolpho.

MR. ADOLPHO: Oh, is...is this the testimony portion?

CHAIR SINENCI: Yes, it is.

MR. ADOLPHO: E kala mai, I'm not here to provide testimony. Thank you.

CHAIR SINENCI: Okay. Mahalo for joining us today. Next it looks like we have Ms. Clare Apana. Aloha, Ms. Apana. We can see you.

MS. APANA: Okay. Can you hear me?

CHAIR SINENCI: And we can hear you, yes. Go ahead.

MS. APANA: Okay. Thank you very much. Well, I would like to testify on what I know about the water that is taken from the ahupua'a where I live in Wailuku to South Maui, to essentially to a place...two places sometimes that are not suitable to have water features and swimming pools abundantly using the resource that comes from where I live. There are many times when we in Wailuku, who use so much less water per household than households in South Maui, are put on restrictions for water, and it is unfair, and we do not give permission to give any more water to South Maui for resorts and for accommodations that are short-term that are not for our local people until there is a real plan to decrease the usage of water by resorts, by the condominiums, and resort accommodations, by the people who are residents in South Maui. There needs to be a water plan that actually is followed, with goals set so that they will decrease their water

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usage. We should never see sprinklers going off in the day, and I do see that a lot in Wailea, you know. And the usage of water at 17,000 gallons per acre for a resort is out of this world. In Honolulu, it's more like 4,000 for a resort. We need to decrease that allotment to a more workable solution so that we will all be using this precious resource as it's meant to be, as a precious resource, not as something to be totted as this is a luxury oasis here. This...this water needs to be respected. And I cannot give any approval for taking water from my...my ahupua'a to feed something that is not respecting the use of water. So please decrease the usage allotted to resorts, to condominium hotel-type resorts, to vacation rentals. All of these have to be taken into consideration. And I...I really feel that they should have a moratorium on building of vacation accommodations until we can get the situation with water in hand. . . .(timer sounds). . . So thank you very much.

CHAIR SINENCI: Perfect timing, Ms. Apana. Mahalo for your testimony. Members, any questions for our testifier? And I believe our testifier also sent in written testimony as well, so mahalo for...for your participation in today's meeting.

MS. APANA: Mahalo to you.

CHAIR SINENCI: Staff, is there anyone else wishing to testify?

MS. APO TAKAYAMA: There is currently no one else who has indicated they wish to testify.

MS. APANA: I just want to tell you that...that there was difficulty getting onto this meeting because I didn't find a link on the agenda that was posted. And I know someone else who has been trying to get on too. I just now sent them the link, and that would be Walter Kamaunu [sic]. So I will see if he was able to receive the link to get on. You might make a note to Council Services that there was no link, and...yeah.

CHAIR SINENCI: Okay. Thank you, Ms. Apana, for that. Members, did you want to allow for a couple minutes for anybody else? Or I can leave...I can leave open...

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR SINENCI: Go ahead.

COUNCILMEMBER PALTIN: I think there's a note in the chat, there's a Mahina Pahukoa that would like to testify.

CHAIR SINENCI: Okay. Mahina Pahukoa?

MS. MAHINA PAHUKOA: E ola I ka wai.

CHAIR SINENCI: 'Ae. E ola I ka wai. Mahalo. Mahalo for your testimony. Okay. Staff, do we have any...any more wishing to provide testimony this afternoon?

MS. APO TAKAYAMA: Chair, I don't see...

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CHAIR SINENCI: Can Staff...was there the --

MS. APO TAKAYAMA: I don't see Mr. Kamaunu [sic] connected to the call.

CHAIR SINENCI: -- the link...the link posted as part of...

MS. APO TAKAYAMA: The link is at the top of the agenda. I can put the agenda in chat.

CHAIR SINENCI: Okay. He wouldn't be able to see it if he's...okay. All right. Members, I'll...I'll...I'll just explain what we're doing today and then I'll come back to see if...I'll keep it open for a couple minutes. Staff? And we can come back if people...people wanted to provide, so...testimony. So moving on, Members, we have our one item, our Water Use and Development Plan for Maui, APT-57. The Committee is in receipt of County Communication 19-162, from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI." The 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 Sections 14.02.020 and 14.02.040, Maui County Code. And Members, the Committee may discuss the Maui Island Water Use and Development Plan status, and...with additional focus on Appendix 10, PART II: Water Resource Adequacy; Island Wide Strategies and Recommendations; the Upcountry Water Meter List; the Lāhainā Aquifer Sector Area; and other related matters. Staff, did we have anyone else wishing to testify?

MS. APANA: I have Walter Kamaunu [sic] on the line. He will testify through my telephone because he still can't...has not been able to get on.

CHAIR SINENCI: Okay. Go ahead, Mr. Kamaunu [sic].

MS. APANA: Okay. Okay. Walter, they will allow you to do your testimony.

MR. KANAMU: Okay. This is concerning water from Waihe'e being diverted to South Maui, right?

MS. APANA: Yes.

MR. KANAMU: Are they on the line now?

MS. APANA: Yes. You are...you are testifying now.

MR. KANAMU: I don't know if any of you remember, a couple weeks ago I went online testify about the water, and I brought up the point of Land Commission award and royal patent up on top the mountain called Wailua where the waters from Huluhulupueo and Waihe'e River meet together on top of the mountain. It's a parcel that's seven acres of land where all the water from the mountain comes through our family's property down into Waihe'e River. And it seems to me like...well, maybe people were laughing at me or were laughing

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with me, I don't know. Shane Sinenci, can you tell me, were you laughing at me or laughing with me? Because I don't think it's a joke. And right now, you guys are planning on *(audio interference)* to the developers and the hotels when there's people, there's farmers along the Waihe'e River that's not getting water. And there's farmers in Waikapu that are not getting water, and they were allotted so much water. Why aren't they getting any water right now? Before you send any more water away from Waihe'e, you guys better go research *(audio interference)*. That's all I got to say.

CHAIR SINENCI: Mahalo, Mr. Kamaunu [sic], for your testimony today. Thank you. Members, seeing that there are no more...is there any questions for Mr. Kamauna [sic]? Seeing none. Again, mahalo for your testimony today. Members, seeing that there are no more individuals wishing to testify, without objection I will now close oral testimony and accept written testimony into the record.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR SINENCI: Mahalo.

. . . END PUBLIC TESTIMONY . . .

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

CHAIR SINENCI: Okay. Continuing on. Members, today we will be finishing up PART II of the Water Use Plan. PART II is the Island Wide Strategies, so we're continuing to implement the input that we...that we've received over the last nine months with the Aha Moku Councils, with farmers and with other community groups. The majority of the information being reviewed today has been discussed at length during our proceedings with Appendix 10, and our work today will solidify those strategies within the action planning of Table 13-1 in PART II. So has every...everybody been able to access the document on Granicus? Okay. Just as a reminder--I see a thumbs-up--the yellow indicates the areas with Appendix 10 strategies that were adopted during that process, blue indicates the strategies based on the Aha Moku Council's input, and the purple indicates strategies based on community input. And so Members, we also have Director Pearson and Ms. Blumenstein as our resource personnel to refer to as we try to finish up PART II today. We left off on page...go ahead, Member King.

COUNCILMEMBER KING: Thank you, Chair. Just what...what number on Granicus is that document you're...you're reading from? It looks like 92.

CHAIR SINENCI: It's number 91.

COUNCILMEMBER KING: Okay. Thank you.

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CHAIR SINENCI: I believe 92 was Ms. Apana's testimony.

COUNCILMEMBER KING: Got it. Thank you.

CHAIR SINENCI: Okay. Thank you. Any other questions before we begin? I...I believe, Members, we left off on page 31 of that Granicus document, 91, on Table 13, to the first section, watershed management. If Staff can share that document right now. We were at the third one down. Again, just a reminder, the blue was proposed by the Aha Moku Council meetings. Okay. Dry native forests, that looks familiar, protect underground...yeah. And then so we're...that was the last one that we worked on. Thank you, Staff. So...so we're moving right along. We got a couple...couple more pages of these, and we can go ahead and direct the...our discussion and have the Department weigh in as we continue on. So the next one was notify kuleana water users and neighboring property users [sic] when well permits are applied for. And this is a CWRM function, so this is just a request of CWRM that they notify kuleana water users whenever permits are applied for. So...and again, this was one of the Aha Moku proposals. Members, is this something that we wanted to include? Again, it's more of a request of CWRM, it's not something that our Department would initiate. Consensus? Okay.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Go ahead, Member King.

COUNCILMEMBER KING: If it's...if it's not something we're going to do, maybe it should say requests that...request notification of the kuleana water users. Because it looks like the way it's written, it looks like it's something we would do.

CHAIR SINENCI: Right. And we do have the agency listed as the CWRM. So you have a friendly amendment to request notification. And...comments by Member Lee?

COUNCILMEMBER LEE: Chair, before we reach consensus, can we get comments from the Department?

CHAIR SINENCI: Oh, okay. Yeah, we...I...I didn't ask them because it was more something that the CWRM...but we can ask either the Director or Ms. Blumenstein.

COUNCILMEMBER LEE: Yes, please.

MR. PEARSON: This is Director Pearson. I apologize, I came in a little late, but yeah, at my time when I was at the Water Commission, when there's areas where a well is going to be proposed where it's the...there's designation already in place, that becomes a public process and it goes in front of the commission. So if it's designated, this...this will apply because everyone will be well aware. If it's...if the area is not designated, it's a administrative type review and approval for a well permit. So I don't remember all the specifics of who's notified and who isn't, but I know that surrounding...the surrounding properties to the well location are notified. So I can't give you any more specifics than

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that, but I do agree with Chair that yes, it is a CWRM issue, and that should be communicated to CWRM, this concern.

CHAIR SINENCI: Mahalo, Director. Member Molina, question?

COUNCILMEMBER MOLINA: Yeah, yeah. Thank...thank you...thank you, Chair. Looking at the...where it says add limit or prohibit development in areas of insufficient water resources in their own area to prevent unsustainable development. Just curious, what is, again, the intent in...in adding this...

CHAIR SINENCI: We'll come to that one next, Mr. Molina.

COUNCILMEMBER MOLINA: Oh, oh, okay. Okay. Sorry, just getting ahead of myself.

CHAIR SINENCI: Yeah, we're on the...the one right above it, the notify kuleana, and there's a friendly amendment to request notification to kuleana water users. And it sounds like the Director said that neighbors are...are already informed of when well permits are applied for. So is...

MR. PEARSON: And that would be in designated areas, they...they should be informed. And they also have the...the process is such that it goes in a public process.

CHAIR SINENCI: Okay. So is this something, Director, that the Department supports?

MR. PEARSON: Yeah, there's no reason not to support it. Yes, the Department can support this. Yes.

CHAIR SINENCI: Okay. Great. Members, is...consensus on request notification to kuleana water users? Consensus?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Great. Moving on to the next one, again from the Aha Moku, and this one, Mr. Molina, limit or prohibit development in areas with insufficient water resources in their own areas to prevent unsustainable development. And so this one, Members, is again Aha Moku priorities. I know that we did have Member Rawlins-Fernandez's moratorium moving forward. Would Members want to consider this as a policy? And...and it does say limit or prohibit development. So I'll just open it up to Director Pearson, and then to the other Members for comments.

MR. PEARSON: In this case, I'd like to ask Eva for some input on this please.

CHAIR SINENCI: Okay. Ms. Blumenstein?

MS. BLUMENSTEIN: Thank you, Chair and Director. Yeah, I mean this was not a strategy, of course, that was proposed in the 2019 WUDP, but it's a hot potato issue because a lot of the strategies revolve around community concerns about transport of water from

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richer watersheds, so to say, to dry regions. Because as you know, you have those designated growth areas and existing population centers in Kihei, Kahului, Upcountry that none of those areas have sufficient regional water resources to support existing housing or...or any future growth. So there's a lot of the strategies that are designed to mitigate transport from one area to another, such as maximizing alternative resources, recycled water, aggressive conservation. But there's not a strategy that would prohibit transport of water. That would just be very...not consistent with the Maui Island Plan and the directed growths and the land use policies.

CHAIR SINENCI: Okay. Thank you, Ms. Blumenstein. I'll go to Member Molina for his comments on this one.

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Mr. Chair. And I think Ms. Blumenstein pretty much kind of answered my question. So again, it was more like what was the intent in adding this language, and if there would be any conflict with the language of any approved community plans and...and such. So I seem to hear from Ms. Blumenstein then that, I guess, there could be some concern. You know, like I guess, when looking at the word "development," it can mean affordable housing too, yeah? So that's kind of why if we had this language in there, and like what if the Maui Island Plan may be permitted housing in this region. Of course the island plan was, you know, developed years ago. So that's kind of where I...my...the nexus for my question on this.

CHAIR SINENCI: Yeah. And thank you, Member Molina. Like Eva said, it is a hot potato about, you know, having restrictions in other areas while restrictions are not being observed in drier districts of the island. And again, the Aha Moku concerns was to consider the impacts of water being transported to areas that are unable to sustain their own water development. So...and you did mention about affordable housing, so would the...the language of maybe saying that we're...we want to prioritize water for affordable housing projects in these areas over hotel development? Do we want to limit high water use activities, like expansion of water parks in these areas? So those are the things that we want to present to you today, what kind of language you guys are open to or not open to. And I don't see everybody on my screen, I need to toggle, but go ahead and unmute if you have any comments.

COUNCILMEMBER KING: Chair? It's Councilmember King.

CHAIR SINENCI: We have Member King, and then Member Johnson.

COUNCILMEMBER KING: Thank you. Yeah, I...I share Member Molina's concern. And when I read this, it looked like we were...it was back to that idea of trying to create like territorial areas. And if water is supposed to be a public trust, I don't think it should be just limited to the areas where the resources are. Because we have resources in every community that are shared across the entire County. You know, most notably, South Maui shares our beaches with the entire island, and...and not to mention our...our tax...tax revenue. But I...I would...you know, I would support something that just overall doesn't talk about limiting to specific areas, but overall prioritizes affordable

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housing over hotels. I think that's a smart thing to do. And you know, that's what we're trying to focus on, that's for our...our residents across the island.

CHAIR SINENCI: Okay. Mahalo. Member Johnson?

VICE-CHAIR JOHNSON: Thank you, Chair. Yeah, this is...you know, I think there's an idea behind this that I support; but also, there's a concern that I have. You know, as affordable housing, we mentioned that already, if West Maui was...there's so many hurdles for West Maui to get a hospital, and the last thing we would say is oh, you...there's not water for a hospital there. I would...that would really be frustrating for those folks who've been wanting a hospital over there for so long. And then the farmers, there's certain...I mean, the whole idea of like if I want to start a farm in South Maui, I mean, of course I have to pick the type of farm product I would be growing. I'm not going to...I'm going to have a low water farm. But this...the way this is written kind of concerns me. It says...because it says limit or prohibit development. Development's a big word, and maybe we could specify like...you know, like hotel development, but I know there's stuff coming down the pipe that might address that. But I...I'm just kind of saying I don't want to be like a whataboutism [sic], but I think the word "development" is kind of where I'm stuck on. Because there...you know, hospitals, schools, are we going to tell a school oh, there's no water for a school? I mean, that's kind of the concern that I have. So is there some development that the communities want that I think this district might benefit, you know, then this district has the water so they might, you know, send South Maui some water so they can build a school, or they could build a hospital, or those kinds of things, or farmers. So just the...the whole catchall phrase of development is my concern. So that's...I just wanted to add that.

CHAIR SINENCI: Mahalo, Member Johnson. Would...would Members be open to mention prioritize water resources for affordable housing projects, schools, hospitals, and other public facilities over hotel development?

COUNCILMEMBER MOLINA: Mr. Chair?

CHAIR SINENCI: Member Molina?

COUNCILMEMBER MOLINA: Yeah. Yeah, I like that, but I don't know if we need to go...dig that deep to specify what it's...what it does not prioritize. I mean, just like what you mentioned, schools, hospital, affordable housing as the top priorities and then leave the rest silent. So...because, you know, are we also...if we're going to say hotel, then are we also going to say business, certain types of businesses? So it could kind of be...you know, if you add one thing, then you're going to have to start adding another. So just maybe list three high priorities for water use for development in these areas that may have an inconsistent or insufficient water supply. But...but I like that first part that you're going for, housing, public facilities. Just my thoughts.

CHAIR SINENCI: Okay. Okay. Mahalo, Mr. Molina. Prioritize water resources for affordable housing projects, schools, hospitals, and other public facilities in areas of low water resources? Something like that. Member Lee?

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COUNCILMEMBER LEE: I just wanted to point out that Eva had her hand up.

CHAIR SINENCI: Oh, okay. Ms. Blumenstein, and then Ms. Paltin.

MS. BLUMENSTEIN: Thank you. Just wanted...just want to bring your attention to in Table 13, Strategy 39, that there is a strategy that address priorities. It's protect and prioritize public trust uses and allocating groundwater in regions of limited resources and conflicting needs. And you can see the planning objectives in the column, in the following column.

CHAIR SINENCI: Oh, okay. And I...I think I do have number 39 highlighted on the list, so we can get to that one. Member Paltin?

COUNCILMEMBER PALTIN: Well, if it's already addressed, then I guess my comment doesn't really matter. But in...if we're going to say public facilities, I...I'd say public need facilities. Because like, you know, when you were talking about that water park or whatever, that could be considered a public facility, but it's not a need. I just also...you know, it's difficult if you say ahupua'a or resource management if the way they resource managed was to keep the water within the ahupua'a, but then you want to share it across the island, then it's not really in alignment with ahupua'a resource management. And I think that's why the Aha Moku requested it that way, because that's the traditional management. But...so it's kind of a...not in alignment to say both, you know what I mean? Like if we're saying we want to do this type of resource management, but we're not...then we're not doing it if we're not keeping the resource within the ahupua'a. But I don't know...I don't know how to rectify it, I just was saying we can't do both. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. So you would not approve of this...this language for that reason about ahupua'a management? And just refer to number 36 [sic] as...as referenced by Ms. Blumenstein?

COUNCILMEMBER PALTIN: That might be cleaner. But I would approve of it if we say that we want to manage resources in alignment with ahupua'a resource management, but I know it won't get the votes. So maybe better to just go with that 39. And...and could it also...number 39 say surface water as well as groundwater, could we include that? That's --

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: -- a question for Ms. Blumenstein.

CHAIR SINENCI: Okay. We'll go to Chair Lee, and then Ms. Blumenstein.

COUNCILMEMBER LEE: I think I like Ms. Blumenstein's suggestion. I think if we try to get into the controversy of water belonging specifically to one area, I don't think that'll be a very productive conversation. Although maybe tradition, you know, couple hundred

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years ago, water in Waihe'e stayed in Waihe'e, you have to remember that in history too, Kalākaua brought...it was responsible for bringing the water from East Maui into the isthmus was his idea. So because of all these other circumstances, I don't think we should just latch on to one tradition in the past when we need to look forward, how do we provide for our children and grandchildren. That should be the key question and...and the guiding light for all of us. So if...if we just stayed away from that controversy, because we're not going to solve it. The best thing is...is to...as Eva said, there is a section that already recognizes priorities, so let's...you know, let's support that. Thank you.

CHAIR SINENCI: Okay. Mahalo, Chair Lee. Ms. Blumenstein, can you repeat where that section was again? I...

MS. BLUMENSTEIN: In Table 13, it's strategy number 39.

CHAIR SINENCI: Okay. We can get to that when we get there. So Members, okay for us to...Staff, can you go to 39? We'll take it out of order, just to address...

COUNCILMEMBER PALTIN: Yeah, my question was if we could include not only groundwater resources, but surface water resources into this strategy.

CHAIR SINENCI: Okay. Protect and prioritize public use...trust uses and allocated groundwater, with a friendly amendment to also groundwater...and you said stream water resources in regions of limited resource and conflicting needs?

COUNCILMEMBER PALTIN: That's what I would propose, but I would like to see if Ms. Blumenstein had any feedback on that proposal.

MS. BLUMENSTEIN: Sure.

CHAIR SINENCI: Ms. Blumenstein?

MS. BLUMENSTEIN: The way this is worded is because the...the regional strategies in allocating type of water resources, different land uses, there are strategies that propose additional groundwater development for various uses. There are no strategies that propose to expand the use of surface water, more maintaining or...or decreasing. So the only thing that we sort of run into...I don't have an issue per se to...to add surface water use, but keep in mind that the existing allocations of surface water use for ag is not consistent with this because ag is not a public trust use. So it gets a little messy.

COUNCILMEMBER PALTIN: If I could follow up, Chair?

CHAIR SINENCI: Member Paltin?

COUNCILMEMBER PALTIN: In the protecting and prioritizing of public trust uses, that would be like appurtenant rights and kuleana rights, and then ag would be after those ones? Question for Ms. Blumenstein.

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MS. BLUMENSTEIN: Yeah, ag is not one of the...not the...the four public trust purposes does not include agriculture.

COUNCILMEMBER PALTIN: So if we're...we're protecting and prioritize public trust uses, we're just saying those four would come first, and everything else would come after; is that correct?

MS. BLUMENSTEIN: That would be correct, yeah. If there are, again, limited resources and conflicting needs. That's the purpose here, right? If there...if there's plentiful resources, you know, it's not an issue, but if there are conflicting needs and that's what CWRM does, right, in weighing . . . *(inaudible)*. . . four public trust uses that have equal priority, it's not one in front of the other, and not anything else, ag, commercial, or...or after those.

COUNCILMEMBER PALTIN: Yeah. So for me, if Ms. Blumenstein is okay, I would like to add surface water in addition to groundwater for this strategy. Is it called strategy?

CHAIR SINENCI: Members, consensus to adding surface water to groundwater in number 39...or you wanted a comment from Ms. Blumenstein?

COUNCILMEMBER PALTIN: Oh, I thought she didn't mind.

CHAIR SINENCI: Oh, okay. Chair Lee?

COUNCILMEMBER LEE: Okay. I thought she did mind, so maybe we need the clarification. But can you repeat, Eva, the four...what is the...what are the priorities when it comes to public trust. Domestic uses...go over the four.

MS. BLUMENSTEIN: Yeah, domestic, Department of Hawaiian Home...reservations for DHHL, traditional customary uses, and water in its natural state. And so...so again, I mean that's why I thought it becomes a little unclear or messy if we...if you include surface water in this particular strategy because again, there's no additional surface water proposed as a strategy to serve new uses, right? I mean, it's sort of the status quo or less, we're kind of transitioning from relying on surface water to...to other sources. And as you know, there are conflicting needs in terms of surface water resource use, and most of that is used for ag right now, so...

COUNCILMEMBER LEE: So are you saying...Eva, are you saying that if...let's say if we adopt Member Paltin's suggestion, that we may be creating a situation where we're not putting agriculture, you know, as a priority? And...

MS. BLUMENSTEIN: Right. I mean, there...there is...it's tricky because we're trying to balance their community plan provisions for Upcountry that say prioritize water for diversified ag...you know, that's valid, but it's not a protected use. So...and that means surface water because that's the water available for ag for Upcountry. So that sort of...those are the regional plans. I purposefully did not include it here because we're...we're...they're

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really...now you have to make that decision about priority use...priority type of water for ag, which is quite a regional issue.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR SINENCI: Okay. So Chair Lee, you wouldn't support it with surface water because surface water would be...

COUNCILMEMBER LEE: No. And you know why...you know why? Mr. Chair, we have been trying so hard to support and promote agriculture to replace what we're taking away from the visitor industry in terms of revenue generation. So that to me is a heavy, heavy and serious commitment. And so therefore, if we want farming, we're going to have to help them get water. So that's...that's my thinking. Thank you.

CHAIR SINENCI: Member Paltin, you okay...this...Members, number 39 has already been adopted by the Department to include the groundwater in regions of limited resources and conflicting need. We would need...so Member Paltin, after that comments from Ms. Blumenstein about the surface water.

COUNCILMEMBER PALTIN: I would support it, but it would seem...I don't know if we have the votes.

CHAIR SINENCI: Okay. Any other Members wish to comment?

COUNCILMEMBER LEE: Yeah. Mr. Chair?

CHAIR SINENCI: Chair Lee?

COUNCILMEMBER LEE: Yeah.

CHAIR SINENCI: Go ahead.

COUNCILMEMBER LEE: I just...for clarification, the idea right now is to add surface water, right?

CHAIR SINENCI: Correct, to...to number 30 [sic]...

COUNCILMEMBER LEE: Or not?

CHAIR SINENCI: Yeah, to number 39. It's already adopted as is, so...

COUNCILMEMBER LEE: Yeah, because the groundwater would not be used for farming.

CHAIR SINENCI: Correct.

COUNCILMEMBER LEE: It's the surface water that would be used for farming.

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CHAIR SINENCI: And so...and...

COUNCILMEMBER LEE: So that's...makes a difference, what kind of water you're talking about.

CHAIR SINENCI: Correct.

COUNCILMEMBER LEE: All right. Thank you.

CHAIR SINENCI: And surface...the surface water is not included in the public trust --

COUNCILMEMBER LEE: Right.

CHAIR SINENCI: -- top four uses, yeah. Okay. Members, do we have consensus with adding...I'll just ask the question, surface water?

COUNCILMEMBER KING: No, I don't think so.

CHAIR SINENCI: Okay. So...yeah, we just had Member Paltin and myself. Okay. All right. Moving right along then. We'll keep...we'll keep that one, number 39. And Staff, can we go back up to where we're at? And we won't include...and mahalo, Members, for that discussion. We...we knew that this one, whether it be limiting or prohibiting water transport, we knew that was a tough sale, and again, coming from Aha Moku. So we can go ahead and skip that one, Staff, limit or prohibit, and move on to the next one. Encourage and assist CWRM with enforcement IIFS and IFS. If policies are being set based upon unenforced...is that the last one...standards, then not enough water will be available. Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, the general...for one thing, in the assigned lead agencies, I don't think--but I'd leave this to Director--I don't think DWS would have a role. We don't have Staff to assign or...or, you know, assist CWRM with IFS enforcement. I'm sure CWRM with very limited stream branch Staff would appreciate community assistance and...and what is available though, but I don't want to speak for them. And want to defer on the Department side to Director.

CHAIR SINENCI: Director Pearson?

MR. PEARSON: Yeah, I agree with Eva, Chair, that there's no Staff at Department of Water Supply that would be able to really assist in this. Plus it's...you know, as Eva said, it's CWRM's kuleana to manage the IIFS for the streams. And I know that community groups in the past have offered assistance. I don't know if any of them are being utilized now, but they have offered assistance to CWRM. So we have to...I mean it's a nice statement and everything, and...but I don't know if...that...I know that Department of Water Supply doesn't have the capacity to assist with enforcement of the IIFS.

CHAIR SINENCI: Okay. Thank you, Director Pearson. And Members, again, this is a policy decision by the...set by the Council, so if the Council did wish to add Staff, if they feel

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it's important enough for the future, the...the next 20, 30 years of the plan. If this is something that we want to...we could include if we wanted to hire additional positions or...or have DWS Staff help to inform CWRM of...of any violations. Any comments on this one?

VICE-CHAIR JOHNSON: Chair, I have...

COUNCILMEMBER KING: Question, Chair.

CHAIR SINENCI: Oh, I heard Member Johnson, and then Member King.

VICE-CHAIR JOHNSON: Thank you, Chair. I have a question for the Director. How is CWRM's enforcement? Would you...could you give it a grade? Could you give us some feedback? Is...are they doing a great job, is it...can you speak on that?

MR. PEARSON: Yeah, I'll try to speak on that and be politically correct. CWRM doesn't have a very large Staff, and they have a whole State of, you know, how many streams. I remember when we used to do our presentations, hundreds of streams. So their Staff...their field Staff, I think, is now up to two people, and they have a few in...at least the head in the office, Dean Uyenon. So they're...I think they may even say they're not doing the best job because they're just limited. What they do now is they have measuring devices that you can put in the stream, it'll measure flow for 30 to 90 days, then they can go pull these measurement devices, download the data, get the information. They also have some live where you can actually go online and it's almost instantaneous where it shows the measurements of the streams. I helped install one I know in Waikapu Stream. I'm not sure if it's still operating. But some of those are available. But again, they're limited because they have to be maintained and then recorded. So I'm not going to give them a grade, they're...I know they're doing the best they can. I know their heart is there, but they have limited abilities to do a great job.

VICE-CHAIR JOHNSON: Okay. So if I'm hearing you correctly, they do need assistance with their enforcement, and we can't tell CWRM anything. They're not...they're out of our purview, so that's where I'm kind of feeling like this...you know, you...like what...what Chair Sinenci is saying is that, you know, this is a long-term plan, and if they're not doing it, then maybe we ought to ante up and kick in. So that's my...my two cents. I appreciate your...your feedback on that, Director. Thank you, Chair.

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: Thank you, Chair. So I wanted to ask the Director, if we were to fund the assistance, what would you need? Would you need like one or two bodies, or would you need...is there equipment involved? I mean, what would be involved in us doing this? And would CWRM be amendable to the County's assistance?

MR. PEARSON: I'm not sure about answering the last part of the question. I guess we'd have to...you know, what we present prior to asking that question. We do need...we would need devices, of course, to measure stream flows. We'd need bodies to be out there to

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physically measure stream flows to determine the definable open channel flow, to determine where the...you know, the 90 percent flow, the 70 percent flow, or whatever's enforceable. Yeah, bodies and equipment both, and then monitoring devices, that's the equipment. And then, of course, support and training to be able to do the...to do this right. It takes...it takes a little bit of understanding of hydraulics and open channel flow to determine how to evaluate these flows.

COUNCILMEMBER KING: So is it something that we could explore if...you know, if there's a...if there's a desire by CWRM to have our assistance that we could explore that partnership, and then figure out what we would need to add to the budget to...to do this? And maybe we can change this part to encourage and assist to the extent possible, something like that. And then...and then...and so it's...so it's in here. Because I'm assuming it's in here because people don't feel like the enforcement has been, you know, solid, I guess, what people believe that it hasn't been consistent or something. And so if we could offer help and they're willing to take it, and we could do some kind of a partnership, I think that would be the way to go forward. But I think we would have to explore that first before we said we were going to assist them. Because if they don't want our help, that's going to be difficult. But would you support, you know, encourage and assist to the extent possible? *(audio interference)*

MR. PEARSON: I mean, yes. It's...yes, I don't see how I could say no to that, because it's just making...making it better to do a better job of evaluating stream flows and meeting the IIFS. So we could explore it, propose something to CWRM, get their input, and see where that goes.

COUNCILMEMBER KING: Okay. But that would be...I guess because you're an enterprise body and then *(audio interference)* that would have to come out of your own budget? Or would that be something that the...that the Council could fund, you know, to add to your Staff?

MR. PEARSON: That's a great question, and that's the tough part. Because I've...and if you've known in the past, I've tried to stay away from, you know, discussing the EMI ditch issues and so forth. It does, of course, affect us as a source for Kamole Stream...I mean Kamole Treatment Plant. So yeah, and I've said it before that it's kind of outside our purview. So even though I'm saying we'll support it, you're right that...how does my customer benefit from this? And that's the question that I don't see answered right now. But I'm just kind of in the moment here with...with this Committee, and I'm not going to try to dissuade these items, even though there may be some roadblocks in the future.

COUNCILMEMBER KING: Okay. Yeah, it could be something that we put in there if possible, to the extent possible, and that way we can...it leaves it open to exploring that option.

CHAIR SINENCI: Okay. Mahalo, Member King. So Members, are you open to, after that discussion, include encourage and assist CWRM to the extent possible with enforcement of IIFS and IFS. If policies are being set based upon unenforced standards and *[sic]* not enough water will be available. Consensus to...Member Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. That wasn't a consensus, but I know Member Lee had a her hand up, so I'll yield to...to her first, and then after...

CHAIR SINENCI: Oh. Member Lee?

COUNCILMEMBER LEE: Thank you. I...I just wanted to say, I...I did like the idea that Member King posed. I like the...I like the idea that even though we may not be able to assist at this time in East Maui, I'm sure we could assist in West Maui. And so there are other places that we could put our resources, you know, apply our resources. So I...I support this idea. Thank you.

CHAIR SINENCI: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I also support the idea, but I was wondering if we could also take it a step further. For example, you know, we were having a lot of brown water runoff events in West Maui a while back, and we were having a hard time to get the State to accept our data in turbidity testing. And we had this great lady, Dana Reed, work with the State to get this quality assurance process going. And you know, nobody cares about the enforcement of IIFS standards as much as the water users themselves. And if...if there were a quality process, or those classes like Mr. Pearson was talking about, I would like to encourage CWRM to accept help from community members, like a community taskforce that has been educated and has like some sort of process or procedures. Because you know, nobody can pay someone enough for the passion that they have for their rights to...to the public trust water resources. You know, we could run out of funding, we could have like climate change affect all our shoreline properties, and water users go down. But if there's a trained community taskforce that is educated into the laws and procedures and...and can document the lack of enforcement and what needs to be done, and then all CWRM would have to do is accept this help. So I would...I would like to encourage CWRM to accept help from a qualified community taskforce, as well as assistance from the County. Maybe it can be a public-private partnership too, where if the County is able to assist and have these classes, they...they accept members of the public who are interested as well. Because so many times we see...we see folks, you know, who are getting short changed of water, and they're really knowledgeable. And it's...it's...it would be easy to document things nowadays with technology. But we need to encourage CWRM to accept community...qualified community help, to me.

CHAIR SINENCI: Member Paltin, we do have local community members listed in the agency column, is that what you're thinking about? Does that suffice? Or you wanted to add it in the second column?

COUNCILMEMBER PALTIN: I kind of wanted to add it into the...the encourage and assist CWRM...encourage and assist CWRM with enforcement, and to accept help from qualified community taskforce, or something along those lines.

CHAIR SINENCI: Okay. We already have a friendly amendment from Member King about to the extent possible, and then this would be in addition to that. Did you want to add

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qualified community members in the agency? Or no, you wanted to add it within the...the actual description, yeah?

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: I mean, the reason I put...I think it's better to...just to leave it simple because we don't know what CWRM's going...what help they're going to accept. We don't know if they're going to be able to work with volunteers. I would hope so because like Maui Nui Marine Resource Council did, and they...they worked with DOH. But yeah, the...the...all the details, we don't...we don't need to work them out now. I mean, the idea of putting it to the extent possible was to give the Department a chance to think about it, and think about how they could possibly incorporate into their program, and then also work with CWRM to see what they would want to do. So you know, I don't think we can necessarily prescribe and insist that...that CWRM does anything, but you know, we want to encourage them, and hopefully they'll take our help. And hopefully we can work towards that partnership with them.

CHAIR SINENCI: Okay. And any other comments? Oh, Member Paltin.

COUNCILMEMBER PALTIN: Yeah, I...I guess that's kind of my point, the Department of Health did not want to accept our data. You know, we were taking turbidity readings, we had our own deal going on, and it took Ms. Reed speaking with Watson Okubo and say why, why won't you accept our data, you know. And he's like, well, there's this process, and we don't know about your data. And so it has to start with a dialogue about like what will it take for CWRM to accept community readings. What will it take for CWRM to accept community help. I mean, they can say no, your data isn't good or whatever, but it has to start somewhere. You know, they don't --

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER PALTIN: -- they obviously don't have the resources to do it. We're an enterprise fund, and we got...

COUNCILMEMBER KING: Well, I completely agree with you, but I...I just don't...I don't think we can regulate them. We have to go...we have to go through what...like what you said. Because when Maui Nui Marine Resource Council was doing those...the water testing for...for West Maui and South Maui, that's when they created that program working with DOH. But it wasn't the Council, you know...

COUNCILMEMBER PALTIN: It...it predates Maui Nui Marine Resource Council. This was just with the --

COUNCILMEMBER KING: But it wasn't the Council...it wasn't our Council making a rule like this, it was people working together trying to figure it out.

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COUNCILMEMBER PALTIN: Yeah, but. . .*(inaudible)*. . .

CHAIR SINENCI: Right. And we do have the...I guess we do have the flexibility in...putting in the language. I know by us putting it in there, you know, we do influence the direction that we want CWRM to...to be going into. Member Paltin, would you be open to putting qualified community members in the agencies...in the agency column?

COUNCILMEMBER PALTIN: Chair --

CHAIR SINENCI: We do have...

COUNCILMEMBER PALTIN: -- would it be okay to leave this one as proposed with Member King's amendment, and add another one that says encourage CWRM to accept help from qualified community taskforce?

CHAIR SINENCI: Oh, okay. Yeah. Okay. So let's...let's get Member King's amendment first. Members, approval for encourage and assist CWRM to the extent possible with enforcement IIF *[sic]* and IFSs. If policies are being set based upon unenforced standards, and I think it's not...it's when...when not enough water will be available. Consensus?

COUNCILMEMBER KING: I thought that was the...Chair, I thought that was the...the reasoning behind it. If policies are being set based upon unenforced standards, then not enough water will be available.

CHAIR SINENCI: Oh, okay. So...so then has the right.

COUNCILMEMBER KING: I think that's what...yeah, I think that's --

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: -- that's how I read it.

CHAIR SINENCI: Okay. So consensus on that one. Chair Lee, was that a consensus? Okay. And also, Members...oh, consensus on adding County Council to the agencies column as far as budget...should we need additional budget to...for additional DWS workers. Consensus --

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: -- to adding County Council to the agency? Okay. Okay. Great. Thank you. Moving right along. Member Paltin, did you have the wording you wanted to add for the...for the --

COUNCILMEMBER PALTIN: Sure.

CHAIR SINENCI: -- community...qualified community members?

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COUNCILMEMBER PALTIN: I'll try talk slowly for Staff. Do they need to make another row?

CHAIR SINENCI: Row. Staff, can we go ahead and propose...or did you want to text it and then we can come back to...

COUNCILMEMBER PALTIN: I'll write it in the text.

CHAIR SINENCI: Yeah, write it in the chat, and then we'll come back. We'll come back to that one. Okay. Okay. Moving right along, Members...oh, yeah, we can put it at the...at the end. We're almost done with this...this section. The next one, Members, provide stream monitors for all streams to ensure accurate data is being used in decision making and as an enforcement mechanism. And so Members, I wanted to go to Eva. I know Eva mentioned about USGS and about including specific streams that we wanted to address. Ms. Blumenstein, is this a practical request from the Aha Moku Councils?

MS. BLUMENSTEIN: Thank you, Chair. Yeah, in terms of prioritizing individual streams, I think that was in...we have...there's a general strategy in the plan encouraging CWRM to prioritize establishing IFS for diverted streams. This one, where it's providing stream monitoring and the purpose being to have accurate data in decision making, and an enforcement mechanism, that would be enforcement of the IFS. I think...well, there are strategies in the plan addressing monitoring needs for...for certain areas. For this island-wide strategy, every year CWRM and USGS and the Water Resources Research Center at UH assesses Statewide monitoring needs for streams and rainfall stations and groundwater. And there was a 2020 report put together jointly by them that recommended the long-term resource monitoring needs. So of course, you know, there...there are priorities to focus data collection because these things are expensive, and that includes, you know, focusing on major diversions on streams that have IFS surface water management areas, areas with water leases or...or maybe limited hydrologic data. So there are 60 additional stream monitoring sites proposed in that report, of which I think 20 or so for...for Maui. Some of them are to reactivate older monitoring stations. So I think if...if the purpose is, you know, that you want accurate data for decision making, I think that this strategy is...is great, but it maybe should be qualified too, that it supports the water resource management monitoring needs because those have a...you know, a real thorough evaluation behind them on what should be prioritized among all the hundreds of streams. And that column on the data on costs, they vary obviously, they're site specific, but I would say average \$23,000 per stream, but can be up to 40,000.

CHAIR SINENCI: Okay. So you're overall supportive of this language with the addition of prioritizing those...those streams in need? Is that what you said?

MS. BLUMENSTEIN: I would say I think it should be qualified so that the strategy is to support the...the water resource managing monitoring needs that have been recommended by the joint effort by USGS, the Water Resources Research Center, and CWRM with a lot of, you know, work going into how to prioritize them. That this strategy will support the work that's been done and the funding for those site-specific streams. That would be

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my recommendation, I guess.

CHAIR SINENCI: Okay. Members...

COUNCILMEMBER MOLINA: Chair?

CHAIR SINENCI: Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you. Yeah, you know, in looking at the language when it says provide stream monitors for all streams, that's a lot of streams. And I guess as Ms. Blumenstein mentioned...and I think we had talked about this at a previous meeting about the cost of these monitors, yeah? So you're talking what, let's say over a hundred streams, times that by 23,000 or \$30,000, that's a lot. So maybe the language should be, no pun intended, streamlined to reflect streams as recommended by the USGS or CWRM. Sort of along those lines, yeah. So you know, based on their recommendations then, you know, we provide stream monitors. So I'm sure not all 116 streams or so would require this kind of monitoring, so...

CHAIR SINENCI: Members --

COUNCILMEMBER MOLINA: But yeah, I'm...

CHAIR SINENCI: -- consensus? Consensus on adding that language as both Member Molina and Eva included, to prioritize those streams as listed under the USGS?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Consensus? Okay. And then Eva, you can chat if we...we didn't include specific language that...that you stated. Okay. Moving on to the next one, we're almost...and then we'll go to Member Paltin's. Use a buffer with all sustainable yields to account for future IFSs and for climate change. And so I wanted to go to Ms. Blumenstein. What is the current buffer being used in the plan, and does it address climate change or any plans for...for the future?

MS. BLUMENSTEIN: This is a little loaded question, but yes, there is a...well, A, there is an objective overall in the plan to...to have a buffer to sustainable yield for any strategies that...that is additional groundwater development. It doesn't specify a...some, you know, artificial number beyond the actual sustainable yield, but there isn't any groundwater development of an individual aquifer beyond about 70 percent of sustainable yield. And that is the latest sustainable yield that was adopted in 2019 in the Water Resource Protection Plan. So...so I don't know if...if it's really...I don't know that setting a...a number as a...as a buffer, I think, for...in...in the individual regional plan whatever groundwater development strategies are proposed are considering, you know, housing needs in that region. And rather than focusing on maintaining a specific buffer, trying to distribute future pumpage between the aquifer system so that not any one aquifer is overly pumped. For an example, really reduce pressure on Iao Aquifer, which is currently used at 90 percent sustainable yield and distribute that. Just the

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general comment, I guess.

CHAIR SINENCI: Okay. So are you open to this language?

MS. BLUMENSTEIN: Well, yeah. I think it's already in the plan that there is a buffer to sustainable yield, but I see in the third column it says develop buffer percentage formula. So I think that it's really, I guess, at more site or region specific. But yes, I support the strategy. It's already in the plan to use a buffer, to adopt a sustainable yield.

CHAIR SINENCI: Yeah, and I...and I think what the Aha Moku was...their point was not to let development drive the pumpage, but to let conservative numbers guide that development. And so you said right now it's 70 percent?

MS. BLUMENSTEIN: No, so it's region specific. I mean for...for --

CHAIR SINENCI: Region.

MS. BLUMENSTEIN: -- most aquifers they're way below that, you know, less than half sustainable yield. But for the West Side, I think it's Honokowai Aquifer that projects the highest groundwater use by year 2035, and it's in the vicinity of like 75 percent, something like that. And the reason, of course, is yeah, community concerns about the changes in sustainable yield over the years, long-term droughts, climate change impacts on recharge, et cetera. But also, that sustainable yield is already set at the very lowest end of the range, you know, that it is a fraction of...of...of the overall water budget and recharge. So it should account for those long-term variations also in recharge and climate change.

CHAIR SINENCI: Oh, so...so it would address long term and climate change. So Members, this language is in other areas of the WUDP. As Ms. Blumenstein mentioned, it's...it does address climate change and future uses. Again, this was...Aha Moku just again, wanted to...didn't want development to drive the pumpage. They wanted some kind of conservative number, but they also have...as Ms. Blumenstein said, each region specific, yeah. So any comments, or do we want to include this? This one...

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Oh...

COUNCILMEMBER KING: Did you say...did you say it was already in there?

CHAIR SINENCI: Ms. Blumenstein, yes.

MS. BLUMENSTEIN: Yeah, I just want to point you to that...to the existing strategy, it's number 37 of Table 13. It reads develop...develop groundwater within sustainable yield to provide sufficient supply for growth, maintaining a buffer to account for potential future drought impact and prospective adjustments in aquifers lacking hydrologic

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studies. And then the third column says site specific, see regional...regional sectors. That's what I just talked about.

CHAIR SINENCI: Yeah. Okay. That sounds good to me. We can go ahead and delete this one because it's already in there under number 37. Consensus, Members?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Great. And then next we're going to go to Member Paltin's request. Staff, she added her language within the...okay. Oh, we'll let them go ahead and delete that one. And Member Paltin's request, encourage CWRM to accept volunteer assistance from qualified community taskforce with enforcement of IIFS and IFS in areas where these are not being enforced. This includes working with community members to set up a process to qualify a community taskforce to assist them. Did...Member Paltin, did you want Ms. Blumenstein to go ahead and respond, or this --

COUNCILMEMBER PALTIN: Sure.

CHAIR SINENCI: -- is just more for --

COUNCILMEMBER PALTIN: If she want...if she wants to.

CHAIR SINENCI: -- CWRM. Or any other comment...

MS. BLUMENSTEIN: I'm sorry...I...

CHAIR SINENCI: Comments from the other Members? Staff, can we go ahead and --

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: -- add...consensus? And this would be for CWRM in the agency column. Oh, and also, if we can put qualified community taskforce, something like that, in agency. Okay. Members...okay. And we got consensus on that one. Sorry, Members, we were kind of going and I missed that we passed our mid-meeting. And this is a good time to take a quick break because we're...we finished this section. We're moving on to water quality management. Again, a lot of it...I think we had more the...the discussions. We might have one more discussion along the way, but we can get to it when we get there. With that, Members, it's 1:13 [sic], 12 minutes would be 3:25. Is that okay? The APT Committee is now in recess to 3:25. ...*(gavel)*...

RECESS: 03:13 p.m.

RECONVENE: 03:25 p.m.

CHAIR SINENCI: ...*(gavel)*... Aloha kākou, and welcome back to the APT Committee of Tuesday, September 28th. It is 3:25. Thank you for coming back on time, Members, and...and for holding up for your break. So moving right along, we're at next section, it

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looks water quality management. Staff, can we go ahead and share screen again? And Members, we have a proposed amendment by the community this time to explore options to replace the use of chloramines in the Upcountry system. Just to let you know, I think it's at the bottom of this page...this section. Oh, there it is. Explore options to replace the use of chloramines. Members, our Committee has an item in...an agenda item in our Committee for future policymaking. And so I just wanted to go to the Department to see if this can be implemented. Director or Ms. Blumenstein? Oh, they're not back yet?

MS. BLUMENSTEIN: Yeah. Yeah, I defer to Director here.

CHAIR SINENCI: Oh, Director?

MR. PEARSON: I'm just sitting down, are you talking about conservation item 10?

CHAIR SINENCI: No, this one is right above it, explore options to replace the use of chloramines in the Upcountry system. Is this something that can be implemented? I know we have an item in our Committee about chloramines.

MR. PEARSON: This...I mean, I guess we can continue with the explore options, but I mean, we've done studies and explorations of options, and at this time chloramines is the best disinfection that we have for the Upper Kula system.

CHAIR SINENCI: Okay. Great. Thank you, Director. So we'll...Members, with the length of this, of the WUDP, we'll...we'll go ahead and keep explore options, until there are explorable options.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Oh, Member King?

COUNCILMEMBER KING: Shouldn't we put the Maui County Council in the agency list?

CHAIR SINENCI: Yeah.

COUNCILMEMBER KING: If we're talking about it in Committee.

CHAIR SINENCI: Okay. Members, open to adding Council in the agency column for future policies? Consensus?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Great. Thank you. Moving right along. The next section, now we're on conservation demand. We didn't see anything on number 12. So under number 12, Members, incentivize or require turf removal policies. And again, this was from Appendix 10, number 53, to require...we're looking to add the language, require low impact project design for onsite water retention, such as xeriscaping, permeable

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surfaces with required maintenance and native and climate change adaptable plant use. And from community input as well. Department, any...

MR. PEARSON: I'm going to defer to Eva on this one --

MS. BLUMENSTEIN: Yeah. Thank you, Director.

MR. PEARSON: -- with any comments.

MS. BLUMENSTEIN: Incentives for turf removal is an existing strategy. I mean, it's something that's both considered now in the...in the current conservation program. And then as I mentioned before, we have...we're working on a conservation bill that's more regulatory measures that targets outdoor use. It doesn't now include a requirement to remove turf, but more that that should be sort of supplemental incentives. The second part, onsite retention. Yeah, so the existing language is the xeriscaping improvements. It's...it's not a current language in our...in sort of the conceptual conservation bill, but it's sort of the...the approach that we thought will be most implementable is any requirement for water efficiency or design, it's...should be in...in new development because it's so much more difficult to retroactively retrofit, right? Or...or such as turf removals, if that was a requirement. So I think that's a low-impact project design for onsite water retention. As long as that is for new project development, that works.

CHAIR SINENCI: Okay. Yeah. And I guess our issue was not just to incentivize, but put requirements. So again, the requirements and require low-impact project designs. So you're okay with adding that language, Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, they...they require low-impact project design for...for new development. But for turf removal, my...my recommendation or just consistent with what we have proposed to date is that would be incentives rather than requirement for removals.

CHAIR SINENCI: Oh. Oh, so to remove require, under incentivize turf removal in yellow, yeah?

MS. BLUMENSTEIN: Right.

CHAIR SINENCI: Members, consensus?

COUNCILMEMBER KING: May I ask you a question, Chair?

CHAIR SINENCI: We're adding the...oh, Member King, go ahead.

COUNCILMEMBER KING: Yeah, I was just wondering, what do you...what do you mean when you're talking about turf? *(audio interference)*

CHAIR SINENCI: All right. Ms. Blumenstein?

MS. BLUMENSTEIN: For...for us, that would be remove...removing lawn, replacing it either

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with xeriscaping, synthetic lawn, something else that is...doesn't require heavy irrigation.

COUNCILMEMBER KING: Okay. I just...when I...usually when I hear turf I think of AstroTurf and it's kind of fake grass which takes no water. So I just wanted to make sure what we were talking about.

CHAIR SINENCI: Okay. Thank you. And Members, any objections to also adding the Planning Department to implementing agencies since the permitting would go through that agencies? Consensus to --

COUNCILMEMBER MOLINA: Consensus.

CHAIR SINENCI: -- removing --

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: -- require, and adding Planning Department in the agency?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Great. Mahalo. Okay. Moving right along. Next, for number 16...

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR SINENCI: Oh, I'm sorry, Member Paltin, I didn't see you. Go ahead.

COUNCILMEMBER PALTIN: On the previous one, can we also add the Planning Commission as well?

CHAIR SINENCI: Okay. Consensus, Planning Commission in implementing agencies?

COUNCILMEMBER PALTIN: Because maybe if in the incentivize too, they can...for the SMA approvals, it would be an incentive...

COUNCILMEMBER KING: Are you talking about all the...are you talking about all the planning commissions, so it would be with an S?

COUNCILMEMBER PALTIN: Sure.

CHAIR SINENCI: Consensus, Members, to adding planning commissions?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Great. Thank you. Okay. Great. Moving on to number 16, revise County Code to require high-efficiency fixtures in all new construction. Members, the only community input was to streamline this one and just change, in the last column,

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from long term to short term. Does the Department have any comments?

MS. BLUMENSTEIN: Under...sorry, Chair. Under 16, what is the new language?

CHAIR SINENCI: We're just switching from long term to short term in the last column.

MS. BLUMENSTEIN: Oh. No.

CHAIR SINENCI: Okay. Great. Consensus, Members? Okay. Great. Okay. Our next one, Members, number 17, aggressive tiered rate structure based on audit and rate study. It looks like this was number 58 in Appendix 10, as well as both Aha Moku Council input and community input. Staff, if you can scroll up just a little bit. And number 17. Oh, back the other way. Yeah. Okay. And so the language they were proposing to create large resort water user tier and tax at high rate to encourage conservation. Study Honolulu rates for guidance. And meet with other high water users to determine if high use is due to need or system repairs. Develop strategies for encouraging the repair of water leaks for high water users. And so Members, I know that Member Rawlins-Fernandez has been working on a bill to tier hotel and high water users, and I just wanted to quickly refer to her, before I go to the Department, for an update.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, as I mentioned in our last meeting, my proposal was presented to the Board of...our Board of Water Supply, and they're into, you know, that concept. I don't have a bill ready just yet. But the idea of setting up a tier would be...you know, would follow the same process, in that it would be set during Budget Session. And so...yeah, I...I don't...I don't know if it necessarily...the section would necessarily need to say study Honolulu rates for guidance. I did meet with the Honolulu Board of Water Supply, and their structure is a little different than what I would be proposing ultimately.

CHAIR SINENCI: Okay. Thank you, Member Rawlins-Fernandez, for that update. Department, did you have any comments on the...on the proposed language? It does say aggressive tiered rate structure.

MS. BLUMENSTEIN: Well, for the...yeah, the existing or...or proposed strategy is the aggressive tiered rate structure. So this is consistent with...so to me, this would sort of be like the step two, that the Water Use and Development Plan is the general guidance of what's needed, and then those projects or County Code amendments or whatnot are developed and refined over the planning period. So I don't have any comments on the specific...you know, how that should look like right now. I would defer to Director for that, but it would be consistent with the proposed general strategy.

CHAIR SINENCI: Okay. Director Pearson?

MR. PEARSON: Yeah, I mean, I know we're working through this. As...as Member Rawlins-Fernandez said, she's been at our board, and our board is open, and they kind of the share same tone of limiting or charging large resorts for higher...at higher rates. So I don't have any other comments on what's there.

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CHAIR SINENCI: Okay. Thank you, Director. Chair Lee?

COUNCILMEMBER LEE: Thank you. Question for either Jeff or Eva. Because you're an enterprise fund, I...I always thought that...that you were subject to more restrictions than, let's say, Department. And that your rates, your water rates, unlike...unlike real property rates, must be based on...there...there needs to be a nexus to cost. Like with regards to real property rates, there isn't that nexus to cost. So what is your understanding, you mean you...you feel you can charge whatever you want to charge for a second tier regardless of cost?

MR. PEARSON: No, and you're completely correct that we take the revenue and we use that revenue for our operation and capital improvement. We should be limited to the excess amounts of revenue that come in, so everything you said was completely correct. That's...I'm not going to pose this general comment, but we also cannot bring in more money than we can spend.

COUNCILMEMBER LEE: Okay. So how do you...how would the second tier work?

MR. PEARSON: Well, I don't think I can answer that question at this early stage. So I would...I...I...you know, we've done a rate study in the past, and the...based on the rates that we have do meet the...our requirements for revenue. So I don't really know how or where this is going.

COUNCILMEMBER LEE: Okay. Thank you. Chair, I see Member Keani Rawlins-Fernandez's hand up.

CHAIR SINENCI: Okay. We go to Member Rawlins-Fernandez, and then I do see Mr. Whittaker with some comments as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair Sinenci, and mahalo, Chair Lee. So this...this wouldn't be a user tier, it would need to be another category, Chair. So we would have to amend the language to create a separate category. Because right now, we just have two categories, one is single-family and the other is all other general users. And so that's been part of the discussion in the past budget sessions where the egregious users primarily are the resorts, but because resorts are in the category of all other general users, multifamily units are also in that same category, as well as schools. And so we would be potentially adding a hefty burden to those entities that we don't intend to. So the...on O'ahu, the Honolulu Board of Water Supply, they have a different...so they have single family, and then they have multifamily residential. Single-family residential, multifamily residential, and then non-residential. And so they don't have a separate category for resorts or commercial. Oh, and then they also separate out agriculture. So...yeah, so it would have to be a separate category, and then that could be tiered. As Chair Lee mentioned, because it...because the Water Department has an enterprise fund, they're...they're intended to be self-sustaining, which is why they have the water rate study every five years. And so that...that takes into consideration growth. And so the water...and...and management, and...so

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operations. So all the costs, and recommends a rate structure and rates that would cover all the costs of...of operations and CIPs moving forward into the next five years. This last fiscal year, the...the Water Department was \$15 million over what they budgeted, and so that \$15 million was put into this fiscal year for their operations and CIPs. And so there...there's never...you know, when we budget, we're just estimating, there's no guarantee of how much water will be used by what rates. And so we don't know what kind of revenue will be generated from year to year. And so part of the intention of having this separated out category for the egregious users would be two...twofold: one to provide the revenue needed for the Water Department to remain self-sustaining, and two, to reduce the amount of water that's used. Again, the amount of water that the most egregious users...user, which is the Grand Wailea, uses 150,000 gallons a day, you know. And when you look at a single-family residence, they use, you know, between 7 to 15 million...sorry, 7 to 15,000 gallons in a month. And so that's a huge, you know, disparity in the amount of water that's...or difference that it's used from a single family to the Grand Wailea. And so that...that was the purpose that I've been looking, you know, really deeply into this. And I understand that it will take time for the Water Department to transition to creating a new rate structure as I proposed because they would need new software, they would need to train on that software, put all the, you know, information. So just like when we had the new, you know, HR software, Workday, it...it took time for the Department to transition to that new software from the old software. I'm sorry, that kind of went a little longer than I anticipated. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Mr. Whittaker? You're muted.

MR. WHITTAKER: Can you hear me now?

CHAIR SINENCI: Yes, we can hear you.

MR. WHITTAKER: Great. Sorry about that. Still getting used to the new computers they distributed. Just have a wording change on the word "taxes," I believe that's not referring to property taxes, but referring to the fees that the Department of Water collects. So I...I...I assume Director Pearson can give you the right language, but it probably should be create large resort water tier and charge fees at high rate, might work. Since the County's taxing power is limit.

CHAIR SINENCI: Oh, Director Pearson, you're okay with that verbiage?

MR. PEARSON: Yeah. Yeah. Thanks...thanks, Keola. Yeah, of course we don't tax, we charge at rates to meet our revenue needs. So taxes is incorrect.

CHAIR SINENCI: Okay. And then, Member Rawlins-Fernandez, would you be open to...well, Members, we can take out the study Honolulu rates for guidance, and then after conservation, Member Rawlins, maybe as referenced to the use of a dedicated tax category?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair. I'm trying to type up

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some...some language right now.

COUNCILMEMBER LEE: I think it would be rate. I mean, not tax category, but fee category.

CHAIR SINENCI: Fee category.

COUNCILMEMBER LEE: Well, I'm not sure if fee is the right word, but I know it's not tax.

COUNCILMEMBER RAWLINS-FERNANDEZ: It would...it would be a different...it would just be a different category.

CHAIR SINENCI: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I'm...I'm trying to wordsmith something right now.

CHAIR SINENCI: Okay. So Members...

COUNCILMEMBER RAWLINS-FERNANDEZ: And then...and...and, Chair, since this is about conservation, you know, once I...I stayed at Kā'anapali Beach Hotel for a convention, and they don't have pressure. If you need to use the hot water, it just turns on full blast, and so maybe working with the hotels to allow for an adjustment in water pressure instead of having just the...the one handle in the shower that turns it all the way to, you know, max water pressure in order to have warm water when you shower.

CHAIR SINENCI: Okay. So Staff, we were...as Mr. Whittaker, charge fees, and we wanted to go ahead and delete study Honolulu rates for guidance. Member Paltin?

COUNCILMEMBER PALTIN: I just had a question. I don't know if it's for Mr. Whittaker or for Mr. Pearson or what. You know when they're...Mr. Pearson was saying like, you know, enterprise fund, balance the budget, and all, and we have these Upcountry water meter users that by the time they get off the, like, lifetime lists applying for a water meter, they find out that they can't afford to bring the line to their house or something like that. If we're going to bring in choke more revenue, could we help the Upcountry water meter list bring the water to their house, or is that not legal?

CHAIR SINENCI: Director Pearson?

MR. PEARSON: Of course that's noble, and it's a thought, but again, when...when looking at expending funds that are provided to us from our customers, and let's say this meter user you're talking about needs \$800,000 of improvements to bring a 6 or an 8-inch waterline to provide fire, and this waterline serves four people because, you know, how Upcountry is spread out and depending on where this person is at. I'll say 4, say 24, I don't feel comfortable many times expending a huge amount of money to serve a small amount of our customers. I don't think that's the best use in many times of the funds that are provided.

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COUNCILMEMBER PALTIN: Would it be legal?

MR. PEARSON: Legal?

COUNCILMEMBER PALTIN: I guess...

MR. PEARSON: Keola is right here. It's probably legal because we're expending, you know, the funds, the revenues that we get in to improve the water system, but we're improving the water system and servicing a very small amount of the people to do so. I know you've heard, you know, bang for your buck, so you're not getting a very big bang for your buck. So yeah, it's legal, I'm sure.

COUNCILMEMBER PALTIN: Mr. Whittaker?

CHAIR SINENCI: Yeah, go ahead.

MR. WHITTAKER: Thank you, Member Paltin. I agree with Director Pearson that it is...it is legal to do, so it's more of a policy question. So for example, you know, like my subdivision, you know, may have paid for, you know, to bring in a waterline in the past, so the price of my house takes that into consideration. Whereas Upcountry, if it doesn't have waterline access, they paid less for it because that County waterline is not there. So you know, it's just...it's just weighing policies of...of how the funds are spent, but it could be spent in that way.

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

CHAIR SINENCI: Mahalo, Member Paltin. And I had a question for Director Pearson. We had a testifier today talk about the...if we could reexamine the water development standards.

MR. PEARSON: Our water system standards?

CHAIR SINENCI: Yeah, right. We...because I guess they had thought about more...about tax rates, but we were actually made aware of the water development standards.

MR. PEARSON: Well, we have water system standards, and there's these standards for each county, and the standards are in place to provide for a high-quality system that we know that we can maintain and that it will, you know, last for its useful life. There is ways to revise our system standards, but we just don't, you know, change a page, we have to go through the process and...and evaluate these standards. But the standards are there for a reason. For example, if a developer is drilling a well and they're going to dedicate the well to the Department of Water Supply, we don't want a well that you can't even set...you know, drop a pump and a motor down. So we have pretty high-quality standards to ensure that they build that well to the level of quality that is needed so when it's turned over to us, we have a quality asset. So that's just a simple example. But I don't know, the system standards are half-inch thick, so I don't know what standards they're talking about.

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CHAIR SINENCI: Okay. Thank you, Director, for that. It looks like, Members, Member Rawlins-Fernandez had...had included her create a new water user category for hotels and resorts with a tiered fee structure that promotes water conservation by increasing the cost for the highest tier. Member Rawlins-Fernandez, did you want to say additional comments?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think this better captures what we're trying to achieve.

CHAIR SINENCI: Okay. And this one is to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Perhaps getting --

CHAIR SINENCI: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- feedback from the Department on that proposal, that proposed language.

CHAIR SINENCI: Okay. This is to replace the...the second paragraph, yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: The first paragraph, create large resort water user tier and charge fees at high rate to encourage conservation.

CHAIR SINENCI: Okay. Members, consensus to the...the new language?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR SINENCI: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: I wasn't sure if you wanted to get feedback from Deputy Corp. Counsel Whittaker or the Department before we take consensus.

CHAIR SINENCI: Okay. Mr. Whittaker?

MR. WHITTAKER: This new language is...is fine with us.

CHAIR SINENCI: Okay. Eva?

MS. BLUMENSTEIN: Yeah. Yeah, I agree it's consistent with that...the intent of that original provision 17.

CHAIR SINENCI: Okay. Members, comments? If not, consensus on the new verbiage as proposed by Member Rawlins-Fernandez? Staff, did you...

COUNCILMEMBER LEE: Consensus.

COUNCILMEMBERS: Consensus.

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COUNCILMEMBER LEE: Consensus with reservations.

CHAIR SINENCI: Okay. That's noted, Chair. Okay. Staff...yeah. Okay. Great. Thank you, Members. Moving right along. Oh, wait, the...we'll have...okay. Oh, wait, we did have an additional language to consider, Members, from Member Rawlins-Fernandez, to encourage hotels and resorts to use shower faucet handles that enable the user to control water pressure. Member Rawlins-Fernandez, is this to be included in item number 17?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, if we're talking about hotels and resorts. I wasn't sure if this would be the appropriate place, but I think that would help to reduce the water usage.

CHAIR SINENCI: We did have WaterSense meters or...Ms. Blumenstein, is there other areas to address this about...

MS. BLUMENSTEIN: Yeah, I think it's...I mean, there's a couple strategies, you know, that address demand side conservation, and they include, you know, revising County Code to require WaterSense, the EPA labeled WaterSense fixtures, high-efficiency fixtures in new construction and other things. So I mean, I think the Water Use and Development Plan shouldn't be too specific in saying it should include these ten specific measures. It's sort of the...the overall guidance is that there need to be revisions...there need to be regulatory measures to address, you know, the outdoor water use. There needs to be beyond the incentives that the Department do now, just giving away the low-flow fixtures, so that may be a requirement in...in new development. And that should be based on the...the research of the conservation program and the water audits, et cetera. So I would personally just leave it as is, and sort of those specific measures including targeting the resorts are developed as part of that more generic strategy. That's my opinion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Blumenstein. I...I'm okay with that, Chair. We...we know with all the hotels being empty during the pandemic, during the shutdown, that they used even more water than when they had people staying at the hotel. So we know that users aren't the biggest contributors, it's...it's likely the water features, landscaping, pools that use more water than people in showers, flushing toilets, doing laundry. Mahalo, Chair.

CHAIR SINENCI: Thank you, Member Rawlins-Fernandez. And yeah, if there's other areas as we go through where there's WaterSense fixtures, then we can look to include it there. Yeah. Okay. It looks like Staff had included the new language. So moving on, Members, we got a couple more. Number 23. Okay. And this one is the targeted conservation programs in dry areas and drought conditions to be...language to be replaced with create aggressive conservation policies for all areas at all times. And number 23...this is from the Aha Moku. Charge higher rates for daytime...oh, I'm sorry. 23 was the one above that, restrict outdoor water waste (disallow overspray and runoff, water wasting, and require hose nozzles.) Aha Moku, charge higher rates for daytime irrigation. So I wanted

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to go to the Department to see if this is possible to charge higher rates during daytime irrigation, or possibly switch to smart meters.

MS. BLUMENSTEIN: I can...

MR. PEARSON: Yeah, go ahead, Eva.

MS. BLUMENSTEIN: Yes and no, I guess. So there...yeah, the Department is, as you know, continuing with the meter replacement program. So when you...when customers have smart meters then you have that option, you know, to view your patterns of water use including, you know, throughout the day. In terms of the Department for...to monitor...have different rates for a behavior, that would just be very difficult to implement. I mean that's sort of like a water policing because until you have a smart meter that shows that live consumption. So that may be, you know, something to be considered when all smart meters are in place. It...it'd be difficult to...to do now.

CHAIR SINENCI: Oh, okay. Require it...can we require it of new construction?

MS. BLUMENSTEIN: Well, so they...are you talking about the charge high rates for daytime irrigation portion or the...

CHAIR SINENCI: Or...or the meters, if we do implement smart meters.

MR. PEARSON: Well, we're implementing smart meters is like a four or five-year program, so it's going to...it'll be the smaller meters, I think 2 inch and below. So that's moving forward right now, but it's going to be four to five years before that implementation is complete. And then as Eva said, it would be very difficult. Even with the smart meters, you got to be monitoring all these irrigation flows. But you don't really have a lot of water police that would be able to charge if you're irrigating during the day. That's...I don't think that's realistic, at least at this time.

MS. BLUMENSTEIN: And the...the...sort of addressing behavior, conservation behavior such as scheduling, you know, water schedules, irrigating only before, you know, 6:00 a.m. and after 7:00 p.m. and such, those are policies that probably needs to be really addressed and vetted specifically in the conservation bill. I mean, there's...there's like a myriad of things you can do. So this would be picking one and...from...when we did the public process, you know, over those three years, we got a lot of feedback on...that the community had want...not want the policing of behaviors, instead target new development and have that upfront design so it's water efficient, but not having sort of neighbors calling in and saying oh, mister so and so is irrigating, you know, and it's 8:30 a.m. But that may be some...those details that should be addressed when you're looking at the conservation bill as a whole.

CHAIR SINENCI: Okay. It looks like we do have it for long term, the timeline. So are you guys open to keep number 23 wording in as a long-term strategy? Director?

MR. PEARSON: Well, again, I guess you can call it a long-term strategy, but I don't think we

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should...my opinion is the Aha Moku statement is going to be nearly impossible to enforce. I don't know how we can...and as Eva's talking about behavior, disallow overspray. I mean, a lot of times the...the wind gusts and there's overspray, and when there's no wind, the irrigation is working perfectly. So I don't know how you can do some of these things that have so many variables, and try to put them in black and white. It doesn't make sense to me.

CHAIR SINENCI: Members, comments to number 20 [sic]...23? We were considering disallow overspray, and the Aha Moku had included charge higher rates for daytime irrigation. We received testimony as well about daytime...addressing daytime irrigation during most hot times of the day.

VICE-CHAIR JOHNSON: Chair?

CHAIR SINENCI: Member Johnson, go ahead.

VICE-CHAIR JOHNSON: Thank you. I have a question for the Department in regards to the pricing of a smart water meter. I understand Director said four or five years for the program. Can you give me a price of what...just, for example, one is or...

MR. PEARSON: You're asking the price for one smart meter?

VICE-CHAIR JOHNSON: Yeah.

MR. PEARSON: Oh, boy. I'll go off memory here, 5/8ths-inch meter, I think they're...well, of course, the prices are going up almost daily, but I think they're between 80 and \$100 for the...just for the meter itself, not the fittings or the installation.

VICE-CHAIR JOHNSON: So...

MR. PEARSON: I mean, that is a guess.

VICE-CHAIR JOHNSON: And...and are...I'm just going to assume you're familiar with them. Can't you program them to do like, you know, sunrise...you know, and all the things that you can do for...to eliminate...what...what's their concern is overspray or, you know, higher...like if you're watering at noon, I mean, couldn't you program your...your smart meter to not water at noon? And that would keep all of the water police out, you would just get the smart meters that are programmable. I mean, that just seems like a common sense solution to me. Is that...is that a thing? Can they...can they do those things?

MR. PEARSON: Well, they're not that smart. You can...I mean if you program something to not irrigate at noon, then you can't take a shower at noon either because you won't have any water flowing through your meter. So you can have a meter that can tell you, if you're in Wisconsin, if your waterline is leaking because the meter will sense flow.

VICE-CHAIR JOHNSON: Right.

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MR. PEARSON: You can...you know, you can look on your phone and determine how much use you had yesterday on your water...your water meter. We can likely get better rates because our meter is going to detect lower flows that in the past we didn't charge for. But you really can't turn on and off a water meter. You can, of course, program your irrigation system to do what you just described.

VICE-CHAIR JOHNSON: Right. Right. I mean, of course, you know, that's part of what I was thinking. But if we had, you know...you know, a smart meter can have more than one line, I assume, I don't know, and you have one line go to the house and one line go to your lawn. And I don't know, I'm just trying to think like, you know, you mentioned smart meters, and I think this...your...this number 23's concern if...if there were machines or computers that did these things for us, we wouldn't have to...I mean trying to come up with a...like you said, a policy that would make it illegal to water your lawn at noon, that sounds like real...real bare. So that's why I was assuming if there was a way to...to do...have smart meters. But that's...that's your program, four or five years, and who knows what'll happen, they might get smarter. Okay. All right. Thank...thanks, Director. Thank you, Chair.

CHAIR SINENCI: Mahalo, Member Johnson. Members, are you guys open to striking the current language, take the Department's, and maybe say address watering behaviors over time with technology?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SINENCI: Is that something...Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think what the Director is saying is that enforcement will always be an issue, and there's no...no way to see if the water that's being used is for watering, you know, landscape versus taking a shower or washing dishes or doing laundry. So maybe through education?

CHAIR SINENCI: Adding through education with address watering behaviors over time through...with technology and through education?

COUNCILMEMBER RAWLINS-FERNANDEZ: No technology, replace technology with education.

CHAIR SINENCI: With education. Okay. Any other Members, comments? If not, consensus on that language? Member...Member Paltin, consensus? Okay. Great.

VICE-CHAIR JOHNSON: Consensus.

CHAIR SINENCI: All right. Mahalo. Okay. Going on to number 24, targeted conservation programs in dry areas and drought conditions, to be replaced with create aggressive conservation policies for all areas at all times. And this was part of the Appendix 10, number 55 and number 57. Department, comments?

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MS. BLUMENSTEIN: Yeah, this language...

MR. PEARSON: That's you, Eva.

MS. BLUMENSTEIN: Yeah, that's me. This is based on community input where we actually did conservation surveys of...you know, is to...folks want to target dry areas because you know that that's where outdoor use is the highest, or should it be it's more equitable if it's island-wide and whatnot. So from broad representation of the community meetings we had, we did follow that survey results, and that's why we...we picked this. So this is...I guess whether it's, you know, the broader community's desire or if it's specific community members, I don't know.

CHAIR SINENCI: Okay. Members, which...I guess this would be your choice. What would be your preferred choice, to keep the original language or to replace it? Any comments?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SINENCI: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. It...this language seems very subjective. Who would determine what aggressive is, and how would we know that we've achieved it? So like the aggressive is great. I...I know what I mean when I say aggressive, but that may mean something different to someone else. And then so it's subjective, and it...it...I think there would be a challenge to trying to measure when, you know, we've accomplished this. So if we could add those...those in then, you know, I...I could be supportive. But it...it seems like it's like a...like a...like an overall lofty goal. And...and we have specific measurable policies or recommendations or strategies throughout the plan that have conservation at its core.

CHAIR SINENCI: Member Rawlins-Fernandez, did you want to add Council to our agencies? It does say conservation policies. So maybe in...in the actual policies that we can kind of hammer it out. Again, for the Department, this came from Appendix 10, the...the language, the substitute language.

MS. BLUMENSTEIN: Yeah. And Appendix 10, I mean, those were again all the preliminary strategy options that were considered and then vetted through the community, and then we selected certain ones that either had more support. So for this specific one, you know, what I said, it was based on surveys and input to...to word it like this. So...so again, I think it's more like a...it's...it's your policy decision who...what groups or what type of water users should be targeted or not. That is how...how we incorporated this specific number 24.

CHAIR SINENCI: Okay. Members, any preference? Include both? And then --

COUNCILMEMBER MOLINA: Chair?

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CHAIR SINENCI: -- I would be open to adding Council in the agencies to address Member Rawlins-Fernandez so that we could potentially address it in the actual policies. Member Paltin, any preference? No? Okay. Consensus then...oh, Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. As far as the Council or, you know, what was just suggested, I have no problems. But going back to Member Rawlins' concern about using the word "aggressive." I can kind of agree, how do you measure that? So just for what it's worth, kind of just throw out a overused word or cliché, proactive. I always think of...when I hear the term proactive I'm always thinking of that as kind of like forward thinking, looking ahead, innovation, you know, something along those lines. So you know, if it's something the Department feels comfortable with, proactive conservation policies instead of...in place of aggressive.

CHAIR SINENCI: Okay. Friendly amendment.

COUNCILMEMBER MOLINA: Yeah.

CHAIR SINENCI: Members, open to deleting...striking aggressive, and putting proactive...what was the other one? I'm sorry.

COUNCILMEMBER MOLINA: Proactive conservation policies.

CHAIR SINENCI: Proactive --

COUNCILMEMBER MOLINA: Yeah.

CHAIR SINENCI: -- conservation...

COUNCILMEMBER MOLINA: Just replacing aggressive.

CHAIR SINENCI: Consensus?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SINENCI: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't know. I mean, I think...I think...I don't know, I just...I...it...it's still...it's still subjective and not super measurable. Mahalo, Member Molina, for trying with a different word. I don't know, I just...I just...I don't know, I...I...I don't really support the whole thing.

CHAIR SINENCI: Okay. Members, I mean, we don't need it. You guys want to delete the entire thing as well, as an option? Chair Lee?

COUNCILMEMBER LEE: What's your recommendation? What's your recommendation, Chair?

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CHAIR SINENCI: Yeah, we can...we don't need it. We can...we can go ahead and delete it if...if the Members are...we can address it somewhere else. Okay. You guys are open to deleting it to...oh, Member Paltin?

COUNCILMEMBER PALTIN: Sorry, I got one maybe, I don't know. Sorry (*audio interference*)

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: Create measurable conservation policies for all areas at all times.

CHAIR SINENCI: Oh. You got my consensus.

COUNCILMEMBER MOLINA: Yeah, that's pretty good. I like it.

CHAIR SINENCI: You want both proactive and measurable conservation policies?

COUNCILMEMBER MOLINA: Measurable for me sounds better, Chair.

CHAIR SINENCI: It's a team effort.

COUNCILMEMBER MOLINA: Yeah.

CHAIR SINENCI: Okay. We got consensus, Members? Okay. Okay. We'll keep this one then. Create...

MS. SIEGEL: Chair?

CHAIR SINENCI: Oh, yes?

MS. SIEGEL: For number 23, what were we deleting, the first part or the second part? Aha Moku?

CHAIR SINENCI: Yeah, deleting the Aha Moku.

MS. SIEGEL: And replacing with address watering behaviors over time with education?

CHAIR SINENCI: Correct.

MS. SIEGEL: And was Council going in number 24 as well?

CHAIR SINENCI: Members, open to adding Council in agencies column?

COUNCILMEMBER RAWLINS-FERNANDEZ: Consensus.

CHAIR SINENCI: Consensus? Okay. Okay. Anything else before we move on? Okay. Moving right along, we have...we have just a couple more, Members. I want to be mindful of your time. I don't know if I have to take you a little bit over. If we want to finish at least

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this section, we've got a couple more. Next we have...we have the require water...some of these have already been approved. So I believe we went to number...that was 24. Okay. The blue ones, Member, the...the yellow ones have already been approved from Appendix 10. So it brings us now to the two Aha Moku proposals about to prohibit water features and prohibit new pools. And I know this is a...is a big discussion. Members, are you guys okay to going an extra 20 minutes if we can finish up this section? Yeah? I just want to check on your time first before we go into some of these discussions. And again, it says prohibit or if the...the Members wanted to consider limit. This was something that they felt...water features and new pools, that we should...they propose to explore policies by the County Council. From a Native Hawaiian perspective, from the Aha Moku Councils, water is not recreational. It is used primarily for food, for sustainable needs, spiritual needs. So the concept of k^ān^āwai, that all laws were fashioned toward water conservation, is a very cultural significant thing where water waste...and water waste was a violation sometimes, you know, dealt with, with death. So when you look at k^ān^āwai, all rules, it actually has the...the word water in it. And so I guess the question was, do hotels need more water for recreation, particularly when we have a...we have restrictions Upcountry. A lot of the hotels have a wide open ocean right at their doorstep. So these were some of the comments that came from Aha Moku about prohibiting further water features or water parks or infinity pools in areas that...that don't kind of always sustain their water...water production. So I'm open to any comments, or if this is something that we want to address at another time. The Department, did you guys have any comments?

MS. BLUMENSTEIN: Yeah, I can comment in terms of...of course, yeah, these were not two strategies that were proposed in the 2019 WUDP. They are looked at in the conservation program and conceptual conservation bill, where the measures that we propose in there are based on the research and empirical data trying to target both water waste and, you know, high-intensity use. So pools, we looked at, you know, how do they compare to lawn irrigation. Pools may have whatever, a quarter-inch evaporation per day, what does that compare to if you have the same blueprint of an irrigated lawn will be just a fraction of that lawn if you were in a dry area. So we did not propose pools as being a prohibited use, but addressed the efficiency of pools, instead having pool covers for new pools or regulate, you know, the refilling frequency. Because usually pools are filled and then they stay as is. Same with water features, we looked at water features that don't recycle water. That...that is something, you know, so...so we went into the details and looked at the, you know, empirical data for the conservation bill, but not as specific...not addressing that in the...in the WUDP.

CHAIR SINENCI: Okay. Ms. Blumenstein, any...was there any language to limiting or...or in your conservation discussions about water features and new pools as far as...I mean, I know this is strong language to prohibit water features and new pools.

MS. BLUMENSTEIN: Yeah, yeah, yeah. What I...what I mentioned is instead supporting pool covers. Depending on ET because evaporation is very site specific too, for new pools. I mean that is one way really to...because you fill a pool, it's...you don't refill it multiple times though, so it loses water by evaporation. And you know, if that is average quarter inch a day, what does that translate to? So that would be...so that was the proposed

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measure for the conservation bill. And as I mentioned, water features, targeting more the...the efficiency of the water features, are they using...are they recycling water, is it new potable water, and is there an alternative source use instead of potable supply. So that's...but...but again, I mean, this is still conceptual, that we're really trying to base this on...on data and the research, not...not...not something that we take out the top of our head, but how is this done at other utilities and what is the data that supports it if water conservation is the goal. Because obviously that's it for the conservation bill.

CHAIR SINENCI: Mahalo for that. Members, any discussion about prohibiting water features and new pools? Member Paltin?

COUNCILMEMBER PALTIN: I just was wondering about prohibiting water features that use potable water or something like that. Would that be okay? Does...a water feature, do we need to define that? It seems like it's not a necessity, but if they use R-1 water, it's not a problem, is it, Ms. Blumenstein, if they use R-1 water for the...the water features?

MS. BLUMENSTEIN: Yeah. So generally I...I agree, yeah, that's definitely...we want to encourage recycled system and non-potable water quality for water features. But what I'm saying is that, you know, we were looking at...vetting at this and looking at the data for the conservation bill, I don't...I...we did not include this in the Water Use and Development Plan because that becomes very specific. In the conservation bill, we had to look at all those different impacts like what is the biggest bang for the buck. Should we...you know, targeting the...these specific features, or is it better to...to retrofit or target the...the new design and the different type of efficient irrigation technology, et cetera. So I think that's better addressed in the conservation bill than getting too specific in the Water Use and Development Plan. Because this is the guidance saying like, there's a lot of water waste and, you know, we can be much better, and the incentives we've done to date has helped, but we need to do more. So that's sort of...

COUNCILMEMBER PALTIN: And just to follow up, and I'm not sure if it's in your purview, but would it be legal for them, like say R-1 water isn't available in the area or things like that. Would it be possible for...or legal for them to use, like say, ocean water?

MS. BLUMENSTEIN: To use ocean water for water features? Is that your question?

COUNCILMEMBER PALTIN: Yeah.

MS. BLUMENSTEIN: I think so, but I'm not 100 percent sure. I would think it is.

COUNCILMEMBER PALTIN: Okay. Cool. Thanks.

CHAIR SINENCI: Okay. Mahalo, Member Paltin. Member Lee? You're muted.

COUNCILMEMBER LEE: Member Paltin, I like your thought process. But you know, it is getting late and I think this warrants a broader discussion. I'd hate for us to just across the board prohibit swimming pools, even though I don't swim. The...the idea is, you know, what are we taking away from people as well. And then have we really looked at

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all the alternatives? So you know, unless somebody has a brilliant idea, I think maybe we need to kind of sleep on this one because we need more information. As Eva mentioned, we need...we need the data to make this kind of decisions. My opinion. Thank you.

CHAIR SINENCI: Okay. Mahalo, Chair Lee. Any other thoughts? Member King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, I...I agree with Chair Lee, and I think we need to address it, but I think it's a larger conversation because if we're...if we're going to look at, you know, the...the testimony that Lucienne de Naie gave about how much these hotels are allowed to use per acre, ours seems to be about four times as much as other jurisdictions in our State. But if we're going...if we can limit the water that they use, then it should be their choice whether they want to use it on landscaping or have a water feature. But you know, I'm...I'm in favor of not letting them waste water and only, you know, allotting so much water. But if they do...if they do...they decide that the water feature is the one thing they want to have, and they're willing to use recycled water, then that may actually save water over...that might be less water usage over the...the landscaping the entire place with plants that use a lot of water. And...and...and having...I mean, you have to look at the ponds then too, because some of them have really large ponds that...that may or may not be using recycled water. I don't know how often they change those. But it...it seems like it's a big issue to talk about. Then we also have to talk about are we going to...if we're going to prohibit water features, then we have to look at the ones that already exist. You know, are we asking them to...to stop putting water through them and re-landscape their grounds. But...and then I also didn't know if prohibit new pools meant...if that was for private hotels or both. So I kind of agree that we...this is kind of a longer conversation, and it could encompass some of the measures we've already discussed and have yet to discuss.

CHAIR SINENCI: Okay. So Members, you...you guys are open to deleting these, but with the caveat that we also pursue it whether it...policies or other areas of the...of the plan?

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER LEE: Yes.

CHAIR SINENCI: Have a deeper dive into these two?

COUNCILMEMBER KING: Yes.

CHAIR SINENCI: Okay. All right. All right. Staff, we'll go ahead and delete these two so we can have a more larger conversation on prohibiting water features and new pools. Okay. We got a couple more, Members, hang in there. Okay. Conservation, supply side. We had...oh, the Aha Moku, I think that's the only one. Aha Moku is asking that the County Departments advocate on the County's behalf for more water efficiency. The Council will set policies with the premise that water should be managed and not wasted. So this was implement and advocate for surface water efficiency programs, such as improvements to diversions, conveyances, storage, meters to reduce water loss. Line or

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reline leaking reservoirs and ditches. Department, any comments on the additional...

MS. BLUMENSTEIN: Yeah, I'm trying to (*audio interference*) Yeah, I think someone...this is kind of combining a couple of existing strategies. We have the improvements of the...like surface water conveyance systems. I'm not...just not sure where that is. And in terms of leak detection for water losses...sorry, there's motorcycles outside here. So I think it's kind of...it's consistent, but it's covered in existing strategies.

CHAIR SINENCI: Okay. Members, consensus to keep the language in this section? Add it in on the conservation, supply side.

VICE-CHAIR JOHNSON: Consensus.

CHAIR SINENCI: Consensus? Okay. Moving right along. Thank you. Okay. A couple more. Conservation, agriculture uses. Require non-potable and R-1 water to be used for agriculture where available, and it says such as North Kihei Bayer fields. And this is from both the community, the Aha Moku. And they were asking that the County...the right one, agriculture uses. Eva, do we have the infrastructure to implement this?

MS. BLUMENSTEIN: Okay. So require non-potable, R-1 water to be used for ag where available, such as North Kihei. There is a strategy that proposes to expand the current spatial distance for development of the spatial distance from the R-1 line. My understanding is that there's currently not an existing R-1 transmission line to the North Kihei fields, but it's one of the proposed projects by DEM. That's a DEM question. And maybe this...if this expands on the existing strategy, then maybe it should be specific, if it's within X...500 feet or beyond the current 100 feet spatial requirement. We should probably specify that.

CHAIR SINENCI: Oh, okay. And are you open to R-0 water as well, to adding R-1 and R-0?

MS. BLUMENSTEIN: Well, I mean, so this is saying to be used for agriculture, so it...it probably depends on the type of ag too, right? Because there's certain crops can't have R-1. Obviously, I mean, if R-0 is available, that offsets potable water for non-potable purposes, so yeah, the Water Department very much supports that.

CHAIR SINENCI: Okay. Members, any...oh, open to adding the Department of Environmental Management in the...the agencies column? Okay. Consensus?

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: I think...I think there may be an issue with certain types of crops too that can't use R water, so I don't think we can require everybody to use it for all agriculture where it's available. So maybe if you add in where...where available and appropriate.

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CHAIR SINENCI: Where available and appropriate. Members, friendly amendment to add where available and appropriate to the wording. Okay. Consensus?

VICE-CHAIR JOHNSON: Consensus.

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Staff, did we get that one? Okay. Mahalo. Then we don't have...we just have...moving on to conventional water source, number 40 is our next one. Adding the language, reduce seawater intrusion. Adding minimize adverse environmental impacts. Number 40...oh, this was already included in the appendices. So...okay, we don't need to address this one. All the yellow...just the next couple yellow ones are all already added. We'll...we'll skip these. These are already included. This one's included already. I think it's A10, number 36 was the next one. The...the blue. Okay. Here we go. Okay. This is the last couple ones, Members. Per Aha Moku, to add within the same ahupua'a. Increase connection between Maui Department of Water Supply subdistricts within the same ahupua'a. And this is...Members, ahupua'a doesn't have an "H", it has an 'okina, apostrophe, yeah. This was to...Members, we already had the discussion to consider the effects of ahupua'a resources when transporting out of the district. This was the one we had a discussion earlier. The Department, Director or Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, I guess this is maybe a little different than the intent of the...the existing strategy. Increase connection between the subdistrict for reliability issues. That would be an example. The strategies should look at connecting Upcountry with Central Maui subdistricts for...as a backup, or so you can move water from, you know, one system to another in a drought, fire, hurricane, and whatnot, which is separate from restricting it to be within the same ahupua'a. So it doesn't really meet that planning objective that we state it as maximize reliability of water service.

CHAIR SINENCI: Oh, okay. So it's...this is connection between...okay, and not within the same ahupua'a. I guess the ahupua'a might be a larger district that might include subdistricts. So maybe to add where...where applicable. Members open to within the same ahupua'a, where applicable? Because there's some areas where some districts the ahupua'a in several districts or...or neighboring districts.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Consensus? Member King?

COUNCILMEMBER KING: It also feels like it would be not as efficient. Because like in South Maui, we...just in Kihei alone, I think we've identified the five ahupua'a that are in here. So would we have five different subdistrict, you know, subdistricts here versus one?

CHAIR SINENCI: Right. And that's where it could...yeah, you have several ahupua'a within your larger district too. So it could...I guess it could go both ways. So I...I think with the language, when applicable, could address those...those areas, because the ahupua'a

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boundaries and your district boundaries are not always the same. Some of them move within...within the districts...

COUNCILMEMBER KING: Well, we...so what do you mean by where applicable? Are you talking about where possible?

CHAIR SINENCI: Yeah. Where...so where several, like you said, ahupua'as [sic] might be within your district.

COUNCILMEMBER KING: Yeah. So rather than having one system, one subdistrict, we would have, you know, multiple subdistricts --

CHAIR SINENCI: Yeah.

COUNCILMEMBER KING: -- attaching to the...the Upcountry subdistricts. So I don't...I don't know how the Department's going to manage that.

CHAIR SINENCI: Department? Oh, they already...right. This is just, again, Aha Moku saying where the ahupua'a boundaries doesn't always conform with the district boundaries.

COUNCILMEMBER KING: Yeah. And it would be fine if it was more efficient, but it's...it feel...it kind of feels like the...and I thought that's what the Department was saying, that it wouldn't be as efficient as, for instance, looking at South Maui as one subdistrict. I think it's a...it's a great concept, but then we have to address multiple districts within what is now one subdistrict.

CHAIR SINENCI: Any other comments, Members? Is this something we need consensus on? Chair Lee?

COUNCILMEMBER LEE: I really am not clear on this. Eva, can you explain this again? What the goal is...what the goal is here?

MS. BLUMENSTEIN: Yeah. The...the original strategy proposed is just to increase connection between the different DWS districts. So an example would...and the objective would be to maximize reliability of water services, that's in the second column. So that would be, for example, you want to be able to connect districts so you can move water from one area to another when there's a drought, hurricane, fire --

COUNCILMEMBER LEE: Okay.

MS. BLUMENSTEIN: -- or whatnot.

COUNCILMEMBER LEE: Okay. So when you...so when you include the words, add per Aha Moku, what happens when you add those words?

MS. BLUMENSTEIN: Well, I'm...I'm a little confused also about the...if this is...it seems more that now the policy is geared to keeping water within an ahupua'a. So I don't think

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it's...it's the same objective as the...the planning objective that I'm stating, the reliability. So I think it's two different...

COUNCILMEMBER LEE: Yeah, that's where I get confused. I can...I can see the original intent, but I don't understand why you would add Aha Moku. That's the part I don't get, Mr. Chair.

CHAIR SINENCI: Yeah, that's just their addition from Aha Moku. They're just adding within the same ahupua'a. Again, with our talks, Chair, with the Aha Moku Councils about sustainability, this was just one of the...trying to, as much as possible, keeping water within the ahupua'a for aquifer recharge and the like. So I thought when applicable would be kind of a good compromise. But if the Members want to include it, that's fine too. Any other comments?

COUNCILMEMBER LEE: You know, Chair...Chair? I get the feeling that we decide on not supporting a policy that keeps water in...in separate districts. I thought we have voted on that a number of times, but somehow it rears its head like again, like over here. So I'm...I'm wondering why? I mean, is...is everybody...is it going to come up in different...with different perspectives or different angles or...because the basic idea of keeping water in separate districts I thought we didn't support...well, there wasn't enough support for it.

CHAIR SINENCI: Okay. We can...

COUNCILMEMBER LEE: But here we go again, we have another one that...

CHAIR SINENCI: Yeah, and we can...thank you, Chair. We can just remove it. This is, I think, again, the last section where we have it. So if...we can delete it if...if you guys want. I just...just bringing it up because this is...this is why we extended the Water Use Development Plan to reach out to the...to those communities. So no consensus then to removing within the same ahupua'a? Okay. Moving right along. Staff, we'll go ahead and delete within the same ahupua'a. Okay. Next Members, from the ahupua'a [sic], research land title when acquiring property for water system use or development to ensure lands were legally transferred to the current owner. And Members, so for this one we...we already inputted this into the Archaeologist II as a...as a duty when we approved the Archaeologist II. So if this was...we added Managing Director. So consensus?

VICE-CHAIR JOHNSON: Very favorable consensus.

CHAIR SINENCI: Okay. Great. Okay.

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Moving right along. And we're now down to our last two, Members.

COUNCILMEMBER KING: You keep saying that.

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CHAIR SINENCI: Did I say the last two? Sorry. I thought we was...okay. The final two, conduct study of water system ownership and management models, such as water authority and public company. Use water...Wailuku water system and East Maui water systems. This is from community input. Department, Blumenstein?

MS. BLUMENSTEIN: I think this is sort of a...refer to the TIG report or something beyond.

CHAIR SINENCI: Yeah. And --

MS. BLUMENSTEIN: The TIG.

CHAIR SINENCI: -- and...correct. Members, it looks like...I guess some of the discussion came up with the Canadian pension fund as one such issue to consider. And this being a long-term document, just kind of putting it in here where we're looking at ownership and...and different management models, including, I guess, the TIG report or even looking at a water authority or public-private company usage. We just wanted to add this one in because of the long term of this...this plan.

MS. BLUMENSTEIN: Yeah, I would defer to Director actually, because this is proposed for DWS only and it wasn't in the original strategies.

CHAIR SINENCI: Director Pearson?

MR. PEARSON: Yeah, I'm not sure how to address this. Is the purpose of conducting the study to take over the system? Or I guess other options are a water authority and a public company. I guess...

CHAIR SINENCI: Right. And...

MR. PEARSON: I can't be opposed to this comment, I guess, but as Eva said, it wasn't part of the Water Use and Development Plan.

CHAIR SINENCI: Yeah. Yes. And again, just putting...you know, having that foresight. Again, this is a 30-year plan we're addressing, and we wanted to...to include this for down the line future. Again, we're looking at...currently looking at the Wailuku water system acquisition, possibly the East Maui water system acquisition. So we're not sure which is the best avenue to pursue when...when addressing these. And so again, just...this...including this in the long-term plan.

MR. PEARSON: Oh, okay.

CHAIR SINENCI: Yeah, we can add if...if this is something that the Council will have to fund, we can...Members, we can include the Council in the agency column. Long term, so we could also look at changing short term to long term too, in the last column. Members, consensus to adding this language?

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VICE-CHAIR JOHNSON: Consensus.

CHAIR SINENCI: We have one consensus. This is just having the foresight down the road and including this in a long-term plan.

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Did I hear other consensus? Okay. Chair Lee, consensus? Okay.

COUNCILMEMBER LEE: For the team, consensus.

CHAIR SINENCI: Okay. Great. Thank you. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SINENCI: And then...oh, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Since the...the study would be to look at ownership and management outside of the Department of Water, I'm wondering if we should also...so in addition to the Council, include in the agencies like the Mayor's Office or, you know, like OED or another County agency that --

CHAIR SINENCI: That's --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- this funding --

CHAIR SINENCI: -- Finance.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- could be under that...so that it's not under the Water Department and funded by current water rate...water rate payers. You understand?

CHAIR SINENCI: Yeah. So adding Council. Did you want to add the Managing Director or Finance? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Probably --

CHAIR SINENCI: Or the Mayor's...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- not Finance.

CHAIR SINENCI: And the...and the Mayor's Office you...you mentioned, yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: Director Pearson has his hand up.

CHAIR SINENCI: Okay. Director Pearson?

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MR. PEARSON: Member Rawlins-Fernandez, I truly appreciate your comments on that. The Mayor's Office is the one that is currently the driver to acquire the Wailuku water system, and if anything took place in East Maui, I would think that that would be the same. So I truly appreciate your comments on that. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the Mayor's Office is the agency. I support that.

CHAIR SINENCI: Okay. Consensus, Members? Adding the Mayor's Office.

COUNCILMEMBER RAWLINS-FERNANDEZ: Not Finance.

CHAIR SINENCI: Okay. We're...not Finance. Okay. Okay. Great. Consensus? Okay. Thank you. Okay. Moving on, explore policy of allowing fire sprinklers in lieu of fire hydrants for fire protection. And Director Pearson?

MR. PEARSON: I would oppose that because fire sprinklers are not going to be adequate to put out some fires, and now we're talking health and safety, and I'm completely opposed to that. Fire sprinklers can reduce fires, can help with safety and...but we cannot look at replacing hydrants with fire sprinklers. And that's also a Fire Department issue separate from the Department of Water Supply. So I'm completely opposed to that...or the Water Supply is completely opposed to that.

CHAIR SINENCI: Okay. Great. Now, Members, we can go ahead and delete that. And that was input from the ag working group. Okay. So Staff, we'll go ahead and delete. Okay. Moving right along, Members. Sorry, I meant two areas, but we're close.

COUNCILMEMBER KING: I do...Chair, I do have to leave at 5:00 so...because I've got to be somewhere at 6:00.

CHAIR SINENCI: Okay. Yeah, and these are supposedly real quick. Okay. Number...number 60 on alternative water sources, proposing the underlined language for your consideration. Number 60, for...provide incentives for residential or small commercial rainwater catchment systems such as roof systems, tanks, underground storage systems for landscape use. Evaluate water quality issues prior to adoption of strategy. Director Pearson, any comments?

MR. PEARSON: I'd rather defer to the expert on this one.

CHAIR SINENCI: Eva?

MS. BLUMENSTEIN: I'm not sure if I'm the expert on it, but yes, I would add...I mean, the small residential catchment system, that's kind of the current Department program with rain barrels for...for qualifying structures with gutters. Beyond that, I would include in lead agencies the Department of Public Works because now it's stormwater and infrastructure, that's beyond the Water Department's purview, talk about roof systems and underground storage systems and whatnot. And the...the funds...the estimated

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cost that we had in there, 45,000, that...that was not for larger systems. That we...we deem them cost prohibitive to...to explore near term, but it's certainly something that should be looked at over...over the long term. So just saying that that 45,000 is probably not applicable.

CHAIR SINENCI: For the larger...for the larger units, you mean?

MS. BLUMENSTEIN: Right. Yeah, this was the pilot program that we're currently doing.

CHAIR SINENCI: Okay. Other comments? Did you...Eva, did you want to increase...think we should increase that, or this is just particularly for that one incentive?

MS. BLUMENSTEIN: Yeah, I think...I mean, I don't have an estimate of what the cost would be. This is for the rain barrel program only.

CHAIR SINENCI: Okay. Members, keep...keep the rain barrels, or did you guys want to add larger storage systems? It was part of Appendix 10, number 44. So we put it here, underground storage system for landscape...water quality issues prior to adoption. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I participated in that pilot project, I got a rain barrel, and it was really good, I liked it. I tried to get another one for my other spigot, but I think the company wasn't selling more. But maybe...I mean, I'm supportive of it. Maybe we can look at other ways to do it, like teach folks to build their own rain barrels out of recycled material or...or other things that can be done. Another thing that came up when I got mine one was in case if your roof is made out of like Architect 80 or things that wouldn't be good to water, leafy greens and stuff like that. So we use it just to water the flowers and stuff that we don't eat. But I'm supportive of keeping it in, but maybe just leaving it a little bit more open ended.

CHAIR SINENCI: Okay. So open ended meaning --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR SINENCI: -- like did you want to add more data to the column MDWS pilot program?

COUNCILMEMBER PALTIN: Yeah. I mean, I guess more...more...at this time not as specific, like they...if they want to just provide incentives for residential or small commercial rainwater catchment systems, and then evaluate water quality issues prior to adoption of strategy. And not with the specifics of such as roof systems, tanks, underground storage systems for like landscape use. And just let them decide, and then maybe put...don't put the money or something until they make the decision.

CHAIR SINENCI: Okay. Members, are you open to keeping this, but omitting such as roof systems, tanks, underground storage systems for landscape use? Consensus? Okay. I got consensus. Okay. Staff, did you get that? Member Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick, for small commercial, what definition of small commercial are we using?

CHAIR SINENCI: That was part of the community input. I don't know if this was from the farmers, small commercial rain...rainwater catchment systems.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is there a reason we wouldn't want medium commercial?

CHAIR SINENCI: Right. I...I see where you mean, like if it's...they just...they just added small commercial. So did you want to...medium would be okay too.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was...I was...I was kind of joking. I don't know what medium commercial would be, but that was kind of my point. So I don't know what small commercial means here. I think it might be...there...there may be some kind of definition in our Code that's already existing that perhaps we can add. And I...I...I guess I don't...I don't know why it would be exclusively for small commercial and not for all commercial.

CHAIR SINENCI: Right. Did you want to delete small and just put or commercial rainwater systems? And again, this was from the ag working group, and that...and their...their request was just to have more options.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I just...I don't...I don't know why. If...if you had information on why they wanted to limit it to small commercial and not to all commercial, then I was...I wanted to kind of hear the rationale.

CHAIR SINENCI: I guess...yeah, they didn't need...where they didn't need a lot of water. Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah, I'm sure if...you already said that, but the option to say explore those incentives, rather than provide, because at least the Water Department doesn't have that...you know, the data on how cost prohibitive it would be and regulatory constraints and whatnot. So kind of don't want to set it up for failure. Maybe explore instead of provide.

CHAIR SINENCI: I'm okay with explore. Members?

COUNCILMEMBER LEE: Yeah, me too.

CHAIR SINENCI: Okay. And then that way that...that would address the small commercial, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, maybe explore, and then remove small. Because --

CHAIR SINENCI: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- other...you know, larger than small commercial also have landscape, and so if water reuse can be used for landscaping, then I would think that we would want to encourage that.

CHAIR SINENCI: Okay. Members, can we go ahead and...open to delete small, and just keep explore incentives for residential and commercial rainwater catchments. Consensus? Okay. Great. Thank you, Members.

MS. SIEGEL: Chair, this is Staff.

CHAIR SINENCI: Yeah.

MS. SIEGEL: When we did the deletion for such as roof systems, tanks, underground storage systems, were we also putting in the additional language that Member Paltin had, or just deleting that verbiage?

CHAIR SINENCI: No, we didn't delete evaluate water quality issues prior to adoption of strategy. That was still in there.

MS. SIEGEL: Okay. I'll fix that now.

CHAIR SINENCI: Okay. Thanks, Nicole. And Members, just as a reminder, we did go ahead and cancel our October 19th meeting. Okay. Moving right along. Yeah, just...we did have Appendix 10, number 46. Number 38, number 40 were all included already. Okay. There we go. Explore desalination of brackish or seawater and mixing with R-1 if possible for agriculture [sic] and landscaping irrigation where practical. We wanted to go ahead and add that language. And that was proposing to add the underlined language. Ms. Blumenstein or Director Pearson, any comments on adding...

MS. BLUMENSTEIN: Yeah, so this was the preliminary strategy that was again vetted in that Ka Pa'akai Analysis, but it was not selected as a final strategy because there was a lot of community concerns about desalination energy costs and brine disposal, and whatnot. So that's why we did not include it as a recommended strategy. If you want to include it, then it would definitely not be an internal study. I would guess, based on current rates that's, you know, over \$500,000 or something like that in a...in a study. And it...it could include mixing with R-1, but I think it's more about assessing desalination as...as an alternative to conventional groundwater development and the technology and the costs of...of doing so.

CHAIR SINENCI: Okay. Member Paltin?

COUNCILMEMBER PALTIN: I just wanted to also voice my opposition to this whole strategy. My...my preference would be deletion.

CHAIR SINENCI: Deletion of the entire...and...and to not explore desalination?

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COUNCILMEMBER PALTIN: Yes. I agree with what Ms. Blumenstein said, and if we're at the point where we can't support our own community with the water resources we have, we're...we're at too much already. There's a lot of expenses our entire population is going to come up with in climate change, shoreline retreat, and we can't be expending that type of energy and money and everything just for water. You know, there is a point where like he wa'a, he moku, he moku, he wa'a. It's...it's a totally separate thing with ocean water for water features and ocean water for drinking. So that would be where I am.

CHAIR SINENCI: Okay. Members, any objections to deleting explore desalination of brackish or seawater?

COUNCILMEMBER LEE: No.

CHAIR SINENCI: Okay. Do we have consensus to deleting this section, Members? Okay. Consensus. All righty then.

COUNCILMEMBER LEE: Are we done?

CHAIR SINENCI: I...I think so. I mean, everything else...real quick, Staff, was there...oh, she's going to go ahead and delete. Staff, was there anything else? Because I know after the area specific strategies, the yellow highlighted ones were already adopted. Was there one more purple community input one? Community input, regional domestic and agriculture [*sic*] uses to be satisfied prior to transporting water to growth areas. This was the regional...for your...Department, any...any comments to this community input?

MS. BLUMENSTEIN: Well, there's the water transport again.

CHAIR SINENCI: That's...it's snuck up on us again, Chair Lee.

MR. PEARSON: I defer to Alice Lee.

COUNCILMEMBER LEE: I think we're going to have to remove that.

CHAIR SINENCI: Okay. Any other comments from Members? Consensus to...to...again, we can address it in...in upcoming policies. We can pursue it in...in upcoming policies as far as transport. Consensus to removing the community input? Okay. Then Members, I think that was the only one. The rest, as I said, was in yellow. And again, thank you for staying late. Sorry I took you over our allotted time. Again, I tried to finish so that...I won't be here for the October 19th one, so we cancelled that...our next APT meeting. With that, Members...

COUNCILMEMBER PALTIN: Chair, just as they were scrolling, is Honopua correct? Is that a place, or was it Honopou?

CHAIR SINENCI: Honopou. Staff?

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MS. SIEGEL: I'll need a minute to pull the document back up, Chair.

CHAIR SINENCI: Okay. If...did you see...I don't see...I don't think there's a Honopua, there would be a Honopou.

COUNCILMEMBER LEE: Yeah, in East Maui, East Maui.

CHAIR SINENCI: That would be Honopou...

COUNCILMEMBER LEE: Page 43.

CHAIR SINENCI: Okay. Members, we can go ahead and correct Honopou. Okay. Great. Thank you.

MS. SIEGEL: Staff will take care of it. I'm just opening the document again.

CHAIR SINENCI: Okay. Mahalo, Member Paltin, for that. Okay. Again, mahalo to the Department, Eva and Director Pearson, for staying on with us late. Thank you again for staying late to finish up. This was probably the last thing we needed to do for the...prior to the two readings at full...full Council. So with that, Members, that brings us to the end of our agenda.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: KK)

ACTION: DEFER pending further discussion.

CHAIR SINENCI: And the APT meeting of Tuesday, September 28th is now adjourned.
...*(gavel)*...

ADJOURN: 05:15 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Agriculture and Public Trust Committee

apt:min:210928:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 62 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 25th day of October 2021, in Kula, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck