

WATER RESOURCES COMMITTEE

Council of the County of Maui

MINUTES

January 6, 2016

Council Chamber, 8th Floor

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Gladys C. Baisa, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll
Councilmember Elle Cochran
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Mike White

NON-VOTING MEMBERS:

Councilmember Don S. Guzman (in 11:50 a.m.)

STAFF: Kimberley Willenbrink, Legislative Analyst
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

ADMIN.: David Taylor, Director, Department of Water Supply
Edward S. Kushi, Jr., First Deputy Corporation Counsel,
Department of the Corporation Counsel
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Jock Yamaguchi, Executive Assistant, Office of the Mayor

OTHERS: Alex Haller
Jonathan Starr
Bill Greenleaf
David DeLeon, Government Affairs Director, Realtors Association of Maui
Alice Lee, President, Go Maui, Inc.
Doris Lang
Gordon Firestein
David Jenkins
Tyson Saucier

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Thomas Cook
Tiare Lawrence
Lawrence Koss
Mike Moran, President, Kihei Community Association
Mercer "Chubby" Vicens
Kaloa Robinson, Project Manager, Stanford Carr Development,
LLC
Tom Blackburn-Rodriguez
Michael Howden, Permaculture Maui
Ryan Churchill
Trinette Furtado
Ellie Rae
Terez Amato Lindsey
Richard J. Coleman
Dr. Joseph Kohn, We Are One, Inc.
Dave Arakawa, Executive Director, Land Use Research
Foundation
Penny Levin
Lucienne de Naie
Albert Perez, Executive Director, Maui Tomorrow
Faith Chase
Hokuao Pellegrino, Hui O Na Wai Eha
Rosemary Robbins
Lawrence Carnicelli
Valerie Lasciak
Dick Mayer, Board Member, Kula Community Association
Rene J. Coleman
Joyclynn Costa, Representative, Aha Moku Hamakualoa
Tom Croly
Clare Apana, Ku`e Petition Continue
Gwen Ohashi Hiraga
Dianne Shimizu
(11) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*
Susan Halas, MauiTime
Colleen Uechi, The Maui News

ITEM-11: WATER AVAILABILITY POLICY (CC 15-229)

CHAIR BAISA: ...*(gavel)*... Will the meeting please come to order? Good morning, everyone, and Happy New Year. The Water Resources Committee is having its first meeting of the year. Today is Wednesday, January 6, and it's approximately four minutes after 9:00 in the morning. I'd like to thank everyone for being here promptly because we've got some exciting work to do today. I'd like to remind everyone to

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please put their cell phones on the mode where we won't hear it ring if it does ring. I'd appreciate that so we don't have interruption during our important deliberation today. I'd like to introduce the Committee voting Members that are here this morning. I have my Vice-Chair, Mike Victorino.

VICE-CHAIR VICTORINO: Aloha and Happy New Year, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. I have Mr. Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. We have our Council Chair, Mike White.

COUNCILMEMBER WHITE: Good morning, Chair, and welcome back.

CHAIR BAISA: Thank you very much. I appreciate the break. We have Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR BAISA: Good morning. And we have Mr. Don Couch.

COUNCILMEMBER COUCH: Aloha and good morning, Chair.

CHAIR BAISA: Good morning. And we have Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha and good morning, Chair.

CHAIR BAISA: And that means that my Committee, all my Committee's here. This is wonderful. Thank you very much. The non-voting Members of this Committee are Don Guzman and Riki Hokama and they must be busy with other business this morning. They're not required to be here because they're not voting members. From the Administration, we have Dave Taylor, the Director of Water Supply.

MR. TAYLOR: Good morning.

CHAIR BAISA: Good morning. And joining us, coming around the corner, is Ed Kushi, our First Deputy Corporation Counsel. Good morning, Ed.

MR. KUSHI: Good morning.

CHAIR BAISA: Thank you. And our Committee Staff, of course, we have Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair, and Happy New Year.

CHAIR BAISA: Same to you. Thank you. We have Clarita Balala, our Committee Secretary. And in our District Offices, I understand we have Denise Fernandez on Lanai and

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Ella Alcon on Molokai. Today's agenda, folks, is the Water Availability Policy, better known as "Show Me the Water," and its item number is WR-11. The Committee is in receipt of County Communication 15-229, from Presiding Officer Pro Tempore, Michael Victorino, transmitting a proposed bill entitled A Bill for an Ordinance Repealing the Water Availability Policy. The purpose of the proposed bill is to repeal the "Show Me the Water" law, Ordinance No. 3502 (2007), as amended by Ordinance Nos. 3818 (2011), 3934 (2012) and 4158 (2014). I want to thank all of the members of the community who have either come out to testify or who have submitted written testimony relating to the matter. And I have gotten a ton of testimony. I want to explain carefully what we're going to try to do today because I think there is a lot of confusion as to what we're trying to achieve today. We are here today, your Committee, to receive testimony on the item that is before the Committee, and the item that is before the Committee is whether to repeal this ordinance or not to repeal this ordinance. It's that simple and cut and dry. Do we throw out this bill and say this is bad and we don't want anything more to do with it, or do we keep it? Now what I would like to hear from you today, those of you that are participating, and I've got a lot of public testimony, and the Members have also, is whether you want to repeal or not repeal, but along with that, we have received a whole lot of suggestions as to how they would like, people would like to see the bill amended if we keep it. So I want you to keep that in mind that for me, number one, the decision today is repeal or not repeal. If we decide to repeal, then it's over. If we repeal the whole bill, it's over. There's no point in trying to fix it if we're getting rid of it. If we decide not to repeal, then, of course, we need to sit here and spend the time and figure out how can we make this bill better and then we can get into amendments. So I just want to clarify that because I received a ton of testimony about fixing. Well you can't fix it if we're going to repeal it and that's the decision before the Committee. That is the bill that was introduced by Vice-Chair Victorino. I also want to thank Mike for introducing this bill because there's been a whole lot of discussion and this bill is referred to frequently as a real problem. We've had people say, well it's a big factor in the lack of housing. And so I'm glad Mike introduced it because it has given us and this Committee the opportunity to listen. And we've asked everyone to please, and then we've invited, come an explain to the Committee, and so the public hears too, what effect this bill has had in our community. Is it a good effect? Is it a bad effect? Is it a mixed effect? And this way, the Members of this Committee can make a decision based on fact and information rather than, I heard somewhere. So that's what we've been trying to do with this. So today, again, we really need to hear from you. Should we repeal the bill or should we keep the bill? And if we keep the bill, you probably want it fixed, how do you want it fixed? So I just wanted everybody to be really clear because I think there's confusion about what we're going to try to do today. So we're going to move forward here. Council Services Staff has prepared a comprehensive history of this ordinance with links. So if you would like to look at that history, if you e-mail the Water Resources Committee, we can get that to you. We have received at least 6 pieces of written testimony in support and 51 pieces of testimony in opposition to the repeal. Now that, since that time our total has risen to more than 80 testimonies that have been processed. So it's been a whole lot of testimony and Committee has a big decision to make here today. So, again, we're ready to listen to you. A copy of the chapter, folks, is in your binders for reference, along with correspondence dated

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August 25, with the Director's first required report. We're going to start public testimony and testimony will be limited to the item on the agenda today. And, again, I've tried to explain what that item is. That item is to repeal or not to repeal. If you wish to testify, please sign up at the desk located in the 8th floor lobby or at one of the District Offices. Testimony's limited to three minutes. At two and a half minutes, the light will turn yellow, and at three minutes, the light will blink red. If you are still talking at the three-minute mark, I will kindly ask you to stop. When you are testifying, please state your name and if you're representing a group, we'd like to know that too. We have established a connection to the District Offices to be fair and we will rotate through each of the sites.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR BAISA: First of all, we'll start with the Lanai Office. Denise Fernandez, do you have anyone wishing to testify?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR BAISA: Thank you, Denise, and Happy New Year. We'll go to the Molokai Office. Ella Alcon, do you have anybody wishing to testify?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR BAISA: Thanks, Ella. Happy New Year. Ms. Willenbrink --

MS. ALCON: Happy New Year.

CHAIR BAISA: --it appears...thank you. It appears that our first testifier in the Chamber should be ready but can somebody tell me what's the situation in Hana?

MS. WILLENBRINK: Yes, ma'am. There's no Staff in Hana this week.

CHAIR BAISA: There's no staff in Hana, okay. And it's okay for us to proceed without that?

MS. WILLENBRINK: Yes, ma'am.

CHAIR BAISA: Just want to reassure the public that we're not doing anything that we shouldn't be doing. Okay. Ms. Willenbrink, if you'd call the first testifier, please.

MS. WILLENBRINK: Thank you, Chair. Our first person signed up to testify in the Chamber is Alex Haller, and he will be followed by Jonathan Starr.

CHAIR BAISA: Good morning, Alex.

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MR. HALLER: Good morning, Chair, County Council, and our community members. My name is Alex Haller and I'm here today in support of our County Council discussing sustainable water solutions before they repeal the "Show Me the Water" policy. East Maui has received rain nearly every day for the last two years. Our government can increase our island's water supply by incentivizing homeowners and developers to invest in rainwater catchment systems and rain gutters. We should collect, store, and use the rain that falls on our roofs because this is a sustainable practice. As more and more homes are taken off the water grid, our government will have water resources available to invest in infrastructure for new affordable homes. If our Federal and state governments incentivize solar, then it seems reasonable for state and county governments to incentivize rainwater catchment systems. And we've heard a lot about this policy affecting new houses being built but, in my opinion, I think affordable houses are not being built because the cost per square foot of construction is too high. One solution to lowering the cost per square foot of construction is for elected representatives to ask subcontractors two ways to reduce construction costs on taxpayer projects. Budget questions should not stop at the end of the fiscal year because our elected officials can learn how to eliminate construction inefficiencies if they ask the right questions. And I learned that firsthand, myself, growing up the son of a landscape contractor for 20 years. There are things we can do to eliminate construction costs which will reduce the cost per square foot of construction. Our representatives can use this feedback to inform the architects and engineers on preferred practices to reduce our construction costs for future taxpayer projects.

CHAIR BAISA: That's it?

MR. HALLER: Uh-huh.

CHAIR BAISA: Thank you very much. Members, any questions for this testifier? Any need to clarify? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Jonathan Starr, followed by Bill Greenleaf.

CHAIR BAISA: Good morning.

MR. STARR: Good morning and Happy New Year.

CHAIR BAISA: Same to you.

MR. STARR: My name is Jonathan Starr. I'm speaking on my own behalf today. Some of my community service, I serve on the State Commission on Water Resource Management as the Maui representative. I am speaking on my own behalf, though, not in, for the Commission. I've also served as Chairman of the Maui Planning Commission and Chair of Operations Committee on the, at that time, autonomous Board of Water Supply. The "Show Me the Water" Bill was a very well-meaning attempt to try to come to grasp with the water use and sources but it has not, was not implemented in a way that would really be productive. It has more served to create an uneven, unlevel playing field where those who have control of the plantation ditch

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systems and the successors to those people have been able to convert agricultural water at will to large development, and developers who have a lot of money to spend creating source are able to take that money and create source for large-lot subdivisions and inefficient type of projects and resort type of projects. One of my own desires and wishes over the years--I'm a property owner in Wailuku--I've wanted to build rental housing on an affordable basis for people who work for County, State, Federal or hospital on their salaries. That's impossible to a large extent because of the "Show Me the Water" Bill because it's not a project that generates so much money that it can create its own water system. I feel that what we're doing now is making it harder for the smaller, local developers and the projects which were infill and use less water, I feel that if there is a bill regarding water utilization and priority, it should be prioritizing water-efficient projects, infill projects, projects that use lower than the average use in a district and that will help build housing for the people who live and work on Maui and need that housing, and will create less large lawns and golf course and resort developments, which are really not designed for our community. Thank you very much and aloha for a great 2016.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Mr. Starr, before you leave, I have a question.

MR. STARR: Yes

CHAIR BAISA: I'd like to synthesize the conversation and I'm trying to get it to focus, okay. So what I'm, I want to make sure I understood your intent. I hear you saying this bill has caused these issues so then, if we repeal it, do you feel we need to replace it with something else or amend it or can we kinda just get to that?

MR. STARR: I would like to see a strong policy that helps to create housing and development projects that use our water resources, which are precious and finite, very sparingly and rewards those who build to that kind of constraint. Other communities and states have done that and are able to be much more efficient and effective with the water resources. I spent some time trying to figure out if there was an easy way to amend or modify the bill so that it would become an efficiency bill instead of basically a gatekeeper for the powerful and those able to afford expensive water. And I wasn't able to figure out personally how to do it, though it may be possible by a better mind. It is complicated because there are a number of different parts and different pieces of language and it seemed that whenever I tried to find a way to change one it would affect someplace else. So perhaps the best path might be to let it go and come back with a better policy. If that is difficult, then it should be altered, but I think that's going to be very difficult.

CHAIR BAISA: Thank you very much. I appreciate the clarification. Members, anybody else need clarification? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Bill Greenleaf followed by David DeLeon.

CHAIR BAISA: Good morning. Happy New Year.

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MR. GREENLEAF: Good morning, Chair. Good morning, Councilmembers. My name is Bill Greenleaf. I'm speaking on behalf of myself. I'm here to advocate for not repealing "Show Me the Water." As far as amendments go, I would, I see that there's a great divide in the community. I'd like to see a bridge built. I know in the past, when affordable housing was part of projects and wasn't built and there was no way the County had to make that happen, that's created some distrust as far as repealing this. And I'd like to see a coalition of community members and developers sit down and talk it out and I'd like to see some of, we desperately need affordable housing, and I'd like to see that built as a project first and use what we learn from building such a project to guide the amendments going forward. I refer back to Director Taylor in 2014, when we came within one day of running out of water Upcountry, that was quite an eye opening piece that was in the newspaper. So water, it's not only a precious resource, we all need it to live, but on Maui it's a resource that I believe needs more infrastructure. We have a lot of water. We need more ways to capture it and I'd like to have the citizens and the developers also talk about that subject. And I think if we all work together, we can come up with a solution and at the same time, we'll build a bridge to a healthier community where we're, have reason to trust each other and get to know each other better and really build community here in this beautiful place where we live.

CHAIR BAISA: Thank you very much, Members, any need to clarify the testimony? Seeing none, thank you, Bill.

MR. GREENLEAF: Thank you. Thank you, Madam Chair.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: David DeLeon, followed by Alice Lee.

CHAIR BAISA: Good morning.

MR. DeLEON: Good morning. Aloha and Happy New Years.

CHAIR BAISA: Thank you.

MR. DeLEON: I'm Dave DeLeon speaking on, for the REALTORS® Association of Maui. Our 1,400-member association recommends that the Council eliminate the existing County Water Availability Policy. At the end of the last meeting on this subject, the Water Director, David Taylor, explained, in effect, that this is not a necessary rule. Rather, this policy grew out of an assumption, the development was draining our last water resources and the pipes would soon run dry. That assumption that Mr. Taylor explained was based on an extremely conservative analysis of what development was proposed and what water resources remained. He described himself as not coming from that Chicken Little perspective. To further paraphrase the Water Director, the Water Director indicated we have adequate resources now. Not only is the existing policy unnecessary, it blocks the development of housing, much needed housing, by

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targeting subdivisions. So instead of "Showing Me the Water," our community is asking you "Show Me the Housing." You could say that the failure to develop affordable housing that our community can afford was a failure of planning, but the Maui Island Plan clearly sets out the number of homes we will need to shelter our community at around 30,000 new homes by 2030. The question, so the question is, are we going to use the Maui Island Plan as our north star to guide our planning principles and actions, or are we going to ignore it? The plan suggests that we need to be building about 1,400 homes, housing units of some sort, a year. The plan is three years old. So that suggests we're about 3,000 units behind the curve already, just since the plan was approved. We're not going to make headway towards correcting that deficit by leaving in place an unnecessary rule that essentially blocks small and medium-scaled housing development. It's not enough just to erase this policy. We're going to, we're only going to realize the housing we need if the community starts investing in the requisite water resources and transmission in a serious way. We have enough water for now, but we don't have enough water for, to handle the demands that the Maui Island Plan anticipates. That's going to take serious, focused investment. Why make that investment? Because shelter is a fundamental human need. Mahalo.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you for being here, Mr. DeLeon. If, am I hearing you that we need to relook at this ordinance so that we can meet the needs of the Maui Island Plan as far as the building of homes?

MR. DeLEON: Well, either repeal or drastically amend it. We don't have suggestions on what that amendment is, however. We're not going to try to propose that.

COUNCILMEMBER CRIVELLO: Okay.

MR. DeLEON: I think some other minds have been working on that and they'll bring suggestions.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Any other need to clarify? Seeing none, thank you.

MR. DeLEON: Mahalo.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Alice Lee, followed by Doris Lang.

CHAIR BAISA: Good morning.

MS. LEE: Good morning, Chair Baisa and Members of the Water Resources Committee. Happy New Year. My name is Alice Lee, testifying on WR-11 and I am testifying on

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behalf of Go Maui, a nonprofit entity which advocates for workforce housing for our residents. As most of you know, the Water Availability Ordinance, commonly known as "Show Me the Water" was enacted in 2007, going on nine years now. To repeal or revise this law could hardly be called a rush to judgment. Over this long period of time, the County has not produced new water source in Central Maui. I know the County is working on it. For instance, the expansion at the Iao Treatment Facility will hopefully be completed in two years if there are no challenges to it or lawsuits filed against it. The replacement wells for Shaft 33 should not be considered new source. The Maui Lani wells were developed by Maui Lani. Laws that are not working should be changed or replaced. "Show Me the Water" is a serious impediment to the production of workforce housing. With a net increase in population of over 1,200 people per year and a deficit of thousands of housing units accruing, it's becoming almost irresponsible to allow this impediment, "Show Me the Water," to continue in its present form. At the very least, a compromise is needed, actually, desperately needed. Yesterday I e-mailed this Committee a proposal which essentially consists of three amendments. Two are clarification items and the third would exempt market-rate units from "Show Me the Water" if the developer has executed a Residential Workforce Housing agreement with the County. I'm also proposing that the engineering report review section currently in the ordinance be retained. We at Go Maui believe this is a fair and reasonable remedy that incorporates the concerns of a wide range of community interests. For the most part, these proposals were actually proposed by the Mayor's task force on "Show Me the Water," which started earlier this year. Your favorable consideration of our proposed amendments would be greatly appreciated. So, Madam Chair, Go Maui is taking the position that amendments, that we can support amendments to this ordinance, "Show Me the Water," we can support amendments. We wouldn't be opposed to repealing the ordinance but more importantly, if this ordinance is supported by the community, then we should try and improve it. Thank you.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you for being here and thank you for your testimony. You mentioned about being part of the Mayor's informal, I guess, water task force and if I recall at our last Committee meeting, one of our testifiers had mentioned about the lack of transparency and maybe lack of participation from such groups as Maui Tomorrow. Are members of those groups participating or have participated in this task force?

MS. LEE: Thank you, Councilmember Crivello. We started, well I actually, from Go Maui, approached the Mayor and asked him if he would support an informal task force to work on reviewing the "Show Me the Water," and he said yes, and this was in February of last year. And so we thought we would put together various representatives from the community and have discussions on this. Now as an administrative body it's, number one, it's administrative, and secondly, it's informal, so it wasn't subject to the Sunshine Law. However, we opened it to anyone who wanted to come. We had the meetings at the Mayor's Lounge. We had four or five meetings from--well, first of all, let me tell you who was on the Committee. It was a farmer, Warren Watanabe, two

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developers of housing, Michael Howden, who is a farmer and, I believe, a member of Maui Tomorrow, myself and a representative from Ms. Baisa's Office. And the Maui Tomorrow representative, actually, I had initially asked Irene Bowie to be on the Committee but then she said oh, she was going to be moving. And then I asked her to recommend a replacement for herself and she recommended Michael Howden. So I called Michael, who is here today, and he graciously accepted and participated with us. And the recommendations that I sent to all of you yesterday, that I referred to in my testimony, many of them came from the task force. The only thing that wasn't voted, I mean, the only thing that the task force did not really vote on was to retain the engineering report section. The task force actually recommended that that be deleted but I'm here as Go Maui and Go Maui feels that should be retained in the ordinance if you do not repeal it, okay.

COUNCILMEMBER CRIVELLO: Thank you for that clarification. Thank you, Chair.

CHAIR BAISA: Thank you, Ms. Crivello. Any further need to clarify? Seeing none, thank you.

MS. LEE: You're welcome.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Doris Lang, and after Doris, Gordon Firestein.

CHAIR BAISA: Good morning.

MS. LANG: Good morning. I'm going to make it really simple and let the day continue on and I just wanna say on behalf of myself that I request no repeal and no amendments.

CHAIR BAISA: Thank you very much. That's very clear. Members...Mr. Couch?

COUNCILMEMBER COUCH: Madam Chair, can you have her identify herself, please?

MS. LANG: Doris Lang.

CHAIR BAISA: Okay. Anybody else need clarification? Thank you so much for being here. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Gordon Firestein, followed by David Jenkins.

CHAIR BAISA: Good morning.

MR. FIRESTEIN: Good morning. My name is Gordon Firestein.

VICE-CHAIR VICTORINO: Madam Chair, can he move the microphone a little closer? Thank you.

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MR. FIRESTEIN: Yes. My name is Gordon Firestein and I'm here representing myself. It's all too rare that a law embodies simple common sense. And in my opinion "Show Me the Water" is exactly that. So I'm here to urge you not to tamper with it in any way. Please don't amend it, don't repeal it. You know, there are plenty of good arguments for this law. It took 3 years, 14 hearings and 9 drafts to get it right. And you're all aware that there's a project called Makila Rural Community that's proposed for West Maui. I live in Launiupoko, just mauka of where that project would go, and I'm horrified by the prospect that the developers would not need to demonstrate sufficient water for the new development, especially since they are proposing to draw from the same water source that supplies the existing homes on that mountainside. So I'm grateful that the County had the wisdom and the foresight to create the "Show Me the Water" law in the first place. So I implore you to do the right thing and leave it just the way it is. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Tyson Saucier, followed by Thomas Cook.

CHAIR BAISA: David Jenkins?

MS. WILLENBRINK: Oh, did I put David...

CHAIR BAISA: Yeah.

MS. WILLENBRINK: David, I put you away already.

MR. JENKINS: You bumped me.

MS. WILLENBRINK: I'm sorry.

CHAIR BAISA: Sometimes we shuffle the papers wrong. Okay, if you'd introduce yourself, please?

MR. JENKINS: Yes. Good morning, thank you.

CHAIR BAISA: Good morning.

MR. JENKINS: My name's David Jenkins, Lahaina resident. I'm testifying against repeal of this act. You'd think that living on an island, everybody would agree for the need for a sensible water policy. However, with apologies to Buffalo Springfield, something's happening here and what it is is actually crystal clear. The lack of affordable housing on the island is being wielded as a potent political weapon by developers, realtors, labor unions, who want to build market-price housing in the sunnier, drier parts of the island where demand is strongest, and that makes sense from their point of view, but where they find it difficult, because it is difficult, to show the water. They know that you legislators have to weigh in the balance competing points of view from all

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different parts of the community about economic development. And one very big thumb that they can put on the scales to press down in favor of unregulated development, is affordable housing, and that's why it's being mixed up with the water issue. They want us all to believe that if their hands were not tied by this pesky ordinance, they'd be free to build more affordable housing despite the lower profits it brings them. Yeah, right. They want to sell you on the idea that there is a direct causal relationship between this sensible regulation and the failure to build affordable housing since 2007, when the ordinance was passed. So this attempt to weaken the law is not hard to decode. Mayor Arakawa has said that with 3,000 affordable units under built, which is a suspiciously round number, because actually the truth is that nobody knows how under built we are on affordable housing because we don't keep good records, once the overall entitlement has been passed, we don't keep good records of whether or not the affordable units actually get built. And I think that's the point that Mr. Greenleaf's made. Couple of specifics on the amendments, Section 1(c), Private Water Systems, being exempt, it's all the same water. It's, all comes from the same place and it just seems extraordinary that what's being included is that if it's private water, it's given a pass, if it's County water, it's controlled. Same with subdivisions and building permits being allowed to go on. Water should be the starting gun, not something's that produced at the end of the process. So in summary, to me, opinion, it's clear that this is an attempt by the developers to essentially gut a sensible regulation for their own benefit and to establish the direct link with affordable housing is actually very self-serving at the expense of the rest of the community and water safety.

CHAIR BAISA: Thank you very much.

MR. JENKINS: Opinion.

CHAIR BAISA: Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Yes, now we'll call Tyson Saucier, followed by Thomas Cook.

CHAIR BAISA: Good morning.

MR. SAUCIER: Good morning. I am Tyson Saucier, resident of Haiku. I'd like to thank the Water Director, thank you, Ms. Baisa, and the rest of the Council in the session today. I am here to say do not repeal the bill, do not make amendments. I am not surprised that this is, this was put forth to just cancel out a bill that has been good for the water and good for the fact that no more water resources have been used, other than like someone said earlier today, A&B and the EMI and the Wailuku Water Company, their affiliates have, they do have, maybe a leg up on some of the other developers out there because they do have water resources which are available to them, at the very least. I wish for no repeal and no amendments to this because I do not see something to add to this or change of it. First, we're just gonna cancel it out and "Show Me the Money" instead of having, you know, bringing on other water resources. I live in Haiku, whereas when we do have droughts, we are asked to cut back on our water usage and

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that's fine, but there are not, there's been nothing done to bring on new water. I understand that as soon as, if you repeal this bill, there will be, you know, good lines and good work going on but there's nothing that says that the affordable housing is going to press forth first and from what I've seen in the past when affordable housing is attached to a thing, yes, that some of the units are built, maybe, but that's not a high concern. Of course, the market value is the bigger concern and also that there's nothing really tying not getting the affordable units done to stopping process and procedure on the other market-value commodities. Let me see, all that, all else that I have to add is that any lack of respect for the water resources will be taken back to anyone that is running for reelection in the next cycle. And that's what I have to say. Thank you for your time.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you.

MR. SAUCIER: Cool. Have a great day.

CHAIR BAISA: You too. Okay, Ms. Willenbrink?

MS. WILLENBRINK: Thomas Cook, followed by Tiare Lawrence.

CHAIR BAISA: Good morning.

MR. COOK: Aloha and good morning, Chair, Councilmembers. My name's Thomas Cook. I'm here as an individual today to speak. I'm voting...I wish I could vote, I'm here to give testimony in support of repealing the "Show Me the Water" Bill. I think it's best to repeal it and address the bill. I think that we need to address our water resources. The bill has served a purpose over the last eight years. My understanding when it was initially passed, the formula that the Water Department was calculating was basically the number of meters maxed out and how much water that would use. Subsequently there's a more practical analysis and this is my assessment, I could be incorrect, that it's, statistically, like how much water is actually being used and how much water resources we have. I encourage the Council to work with the Water Department to develop in an intelligent, modern way, our water system, so it's as interconnected as possible, it's a safe and reliable as possible. They need to be funded over a long period of time. You know, it's a 20-year timeframe to develop, upgrade and develop our water system.

CHAIR BAISA: Yes. Oh, yes.

MR. COOK: I'd like to keep the dialogue different, I mean, this is about the water. Housing is an issue. We have bills and ordinances and laws and I'm very supportive of us working collaboratively together. I admire the gentleman earlier who encouraged that. It's like, that's what we really need to do is sit down and work together, but my two cents is repeal this bill and do another clean bill, rather than just add a bunch of stuff to it. So thank you for the opportunity to share my opinion. Thank you for your efforts and your work. Aloha.

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CHAIR BAISA: Thank you. Thank you very much for that clear position. Members, any need to clarify? Seeing none, thank you.

MR. COOK: Thank you.

CHAIR BAISA: Ms. Willenbrink? Let's take one more testifier then we'll check with the District Offices.

MS. WILLENBRINK: Thank you, Chair. Tiare Lawrence.

CHAIR BAISA: Good morning.

MS. LAWRENCE: Aloha, Councilmembers. Hau`oli Makahiki Hou. I am Tiare Lawrence. I am testifying on behalf of the Aloha Aina Project, a hui dedicated to the protection of our land, our resources and cultural landscapes. I'm here to urge you to reject the proposed amendments and to not repeal the "Show Me the Water" Bill. I believe that this is just another attempt by developers and the Mayor to help fast track housing projects that do not benefit your typical local person. In West Maui alone, 80 percent of the homes sold went to out-of-state buyers. I believe with this new year that you, the Council, should primarily focus on holding the developers accountable with the build out of all affordable housing projects that have entitlements and support a moratorium on new development until the affordable housing crisis is resolved. I am frustrated that the County doesn't even know how many affordable housing is currently owed. As we all know, Oahu and Maui are in dire need of affordable homes and low-income housing. Instead of trying to amend or repeal a bill meant to protect a precious resource and a bill that supports the build out of affordable homes, how about, instead, you advocate for a "Show Me the Housing" bill? If any amendments are to be made to the "Show Me the Water" Bill, I would like to request you to add hotel and mall developments to this bill. Let's instead strengthen it, make it better. I respectfully would like to offer the following solutions. Create legislation to amend the affordable standards, help create legal strength on housing contracts with developers, support funding sources for perpetual, affordable efforts like Na Hale O Maui and Habitat, create a workforce housing chart as to what is still current and owed, what projects are dead and what projects will be difficult to get requirements because of a lack of County legal standing. I suggest you add expiration dates to entitlements. Also, the Upcountry water moratorium from 1979 still affects many local families trying to survive and even keep their land for their families, I'd like to elaborate on that if one of you guys are willing to ask me the question. And, also, careful community planning that reserves Maui's limited land and residential resources for true affordable housing projects as embodied in the Water Availability Policy itself is likely needed more than ever before, particularly in light of the impending impacts of climate change, Maui County's unparalleled rate of population growth and ongoing unresolved issues regarding water allocation.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Do we have your testimony in writing?

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MS. LAWRENCE: No, but I'll be happy to send it.

CHAIR BAISA: I would like to receive that.

MS. LAWRENCE: Yes.

CHAIR BAISA: I think you've got some really good ideas in it and I'd like to look at them when I have more time.

MS. LAWRENCE: Absolutely. Can I just elaborate on one thing since ...

CHAIR BAISA: I'm sorry, but, you know, you're done and this works, we ask questions. So if you could --

MS. LAWRENCE: Ask me.

CHAIR BAISA: --send me that, I, you know, we'll seriously take a look at it.

MS. LAWRENCE: Absolutely.

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: And I...yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry. Can I get her to elaborate on that one point --

CHAIR BAISA: Absolutely.

COUNCILMEMBER COCHRAN: --that she wanted to expand upon --

CHAIR BAISA: Absolutely.

COUNCILMEMBER COCHRAN: --please? Thank you.

MS. LAWRENCE: As a Upcountry resident, you know, my ex-husband, his papa has been on waitlist for water for 20 plus years --

CHAIR BAISA: Yes.

MS. LAWRENCE: --and there is many local families in the Kula area, especially, that want to provide housing for their grandchildren and their children, and I think one way that the County can help resolve some of the housing crisis and housing issues is to help get these families off of the waitlist because these developments are coming in left and right. But then you have people like Papa Frank Jacintho, who is 87 years old, been on that waitlist for over 20-plus years. So please consider that.

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CHAIR BAISA: Thank you very much.

MS. LAWRENCE: Mahalo.

CHAIR BAISA: Anything further, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you for that clarification.

CHAIR BAISA: Anybody else need clarification? Thank you very much.

MS. LAWRENCE: Thank you.

CHAIR BAISA: Ms. Willenbrink, we're going to the District Offices, let me check. I'll check with Lanai Office. Denise, do you have anyone wanting to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR BAISA: Thank you very much. Molokai, Ella, anybody waiting to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR BAISA: Okay, we'll check with you after we've gone through a bunch more here. We have a lot of people waiting to testify. Okay, Ms. Willenbrink?

MS. WILLENBRINK: Yes, Lawrence Koss, followed by Mike Moran.

CHAIR BAISA: Good morning.

MR. KOSS: Thank you. Good morning. Thank you. I'm gonna have to read it.

CHAIR BAISA: That's okay.

MR. KOSS: My apologies.

CHAIR BAISA: Just get your microphone close.

MR. KOSS: Does that work? Okay. My name is Larry Koss. I live in Wailuku. I was counseled in advance of this meeting to craft my message with heart and truth. Compliment the Council versus scolding and let it know that our future lies in its hands. In all candor, I feel so sad and upset, it's taking me everything I got to even be here and that's without exaggeration, so I can't promise any of that. I'm deeply concerned that we're even having to take time and energy here to save this ordinance that former Councilmember Michelle Anderson is a distinct minority advocating for Maui's people and smart growth and the environment worked so hard to get passed. Alas, it seems like a giant step backwards from "common sense and sustainability" to repeal what she and many others worked so hard to establish as guidelines for pono use of our resources to it having now to save "Show Me the Water" is just one among

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many issues facing Maui that signals a love affair with spec-marketed development at the expense of the true well-being of this community and its aina. With all due respect, this is not development in my view, rather devolvement, and is the handwriting not on the wall here when we witness the imbed relationship between commercial tourism, spending billions of dollars advertising the latest unspoiled paradise only to feed the spec-marketed construction and realty industry, which in the end, inevitably does just that, spoil the paradise beyond recovery? I live one block from this courthouse toward Iao Valley in a sweet cottage behind a 12-foot dust fence, 25 feet from its back door. On the other side of which a fleet of bull dozers and other heavy equipment have been making horrendous noise for eight months now from 7:00 a.m. to 5:00 p.m., six days a week, at times literally shaking myself in my cottage and actually fracturing the foundations of some neighbor homes. This fleet is prepping for the construction of 133 2-story townhouses, which with 200 more in Maui Lani comprise a 333-unit project by Oahu-based Towne Development, none of which are designated affordable. A project visible, by the way, from the office window of Councilmember Victorino. In the realm of context, I'm also aware that on February 5, 2015, Maui Long-Range planning listed 17,800 permits for new single and multifamily homes, of which 11,911 were designated committed and 6,900 partially entitled. Again, none designated affordable. This devolvement, in my view, benefiting and profiteering from upscale newcomers to Maui will translate into 41,000 more cars, 204,000 tons of annual carbon emission from cars alone, and 46,000 more people, thereby increasing Maui's population by nearly a third. And what is the thinking here, I wonder? So here we are trying to save "Show Me the Water," pitting a dire need of affordable housing against a vital resource, fresh water. And here we are with a number of shills supporting spec-marketed construction forever, some especially friendly with A&B --

MS. WILLENBRINK: Three minutes.

MR. KOSS: --and some giving misleading information with regard to water availability. Does this portray a true commitment to water, true commitment to pono? I think not. Indeed, when considering Maui, with our unique visibility among global visitors traveling here from, not merely for her scenery but for something inevitable that touches their heart, has an opportunity to model perhaps more than any other place in the world, how a community can live in whole balance and well-being. There is a way to achieve this if we haven't crossed the line with no return already and that's a conversation I would prefer to be a part of. I would offer that letting a spec-marketed housing construction industry off the hook for affordable homes does not serve us. In fact, where I'd wave the --

MS. WILLENBRINK: Four minutes.

MR. KOSS: --magic wand, I'd compel affordable homes to be built first before upscale newcomer homes.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you.

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MR. KOSS: Thank you very much.

CHAIR BAISA: Appreciate you being here. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Chair. Mike Moran, followed by Mercer "Chubby" Vicens.

CHAIR BAISA: Good morning, Mike.

MR. MORAN: Good morning, Chair. Welcome back --

CHAIR BAISA: Thank you.

MR. MORAN: --and glad to see you have not given up on the holiday attire. Good to see some bright red in the otherwise drab room here this morning. Mike Moran for the Kihei Community Association in strong opposition to Councilman Victorino's proposed repeal of the County Water Availability Policy, WR-11. As we have stated before, because something occurs, is it not disingenuous to claim an action is the cause? Because I am here to testify, if a Committee member is absent, can we reasonably state it is because he or she does not want to hear my testimony? I hope not. For some time, we have read and heard all the unsubstantiated claims that "Show Me the Water" Bill impeded the development of affordable and low-cost residential projects. These claims seemingly try to confuse our concerned County residents with false causality claims while ignoring the elephant in the room, the great recession. You saw the same technique used by the same entities who claim the reason for the dearth of new affordables was the 50 percent requirement for them in new residential developments when they also ignored the great recession's effect on the entire economy at that time and for years after, during recovery. Now that they have accomplished that, basically reducing affordable homes from a 50/50 split to a 75/25 in favor of non-affordable homes for our working residents, they're looking for even more. Do not get fooled again. Now, again, the recession is basically over and development is booming again. Because of this overall economic change, the false claims were made, saying we fixed that bad law and now we are building again. Fool us once, shame on you. Fool us twice, shame on us. Please examine the current law and read what it tells us and why it should not be repealed, such as real affordable projects are exempt from the current law. How can that impede affordability if it protects current sources of our water? Our population is exploding. Climate change is having greater effect. Let's proceed cautiously. Diverted stream flows are finally being rectified, which can result in less water for development. Read what types of developments are exempt under current law before you consider repeal. Instead of working to gut this bill, where is the push to get the approved and entitled projects constructed? The great recession is over. Why are these not being built? Mahalo.

CHAIR BAISA: Thank you very much. Members, any need to clarify? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Good morning and thank you for being here, Mr. Moran.

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MR. MORAN: Thank you.

COUNCILMEMBER CRIVELLO: You made mention or, I guess, reference to some of the changes we've made to the workforce policy about the 75/25 instead of the removal to 50. Are you aware of numbers of agreements that have been submitted ever since this change was made?

MR. MORAN: I don't have statistics but, again, I feel that ignoring the great recession, which seemed to have stopped all development, it had nothing to do whether a development would be affected by this bill, there was just no money, nothing was getting built at all.

COUNCILMEMBER CRIVELLO: Well, thank you. I guess that's your opinion but, you know, since the date that it went effective, we've, have now applications that have gone through the process, just for your information, a total of 878 units for development. Included in that is 418 affordable units, and that's just been since April of 2015.

MR. MORAN: And we certainly ...

COUNCILMEMBER CRIVELLO: And according to the --

MR. MORAN: Sorry.

COUNCILMEMBER CRIVELLO: --developers, I guess they're saying it helps them. I'm not sure if we can understand that 'cause I'm not a developer.

MR. MORAN: Yeah, and, of course, I'm not either, and we realize it's a very complex situation. But we're certainly strongly, strongly in support of affordable homes, particularly affordable rentals.

COUNCILMEMBER CRIVELLO: Right.

MR. MORAN: And you guys did give approval to one right in South Maui, which I understand is all affordable rentals, so things are moving along. Thank you for the question.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Thank you, Ms. Crivello. Any further need to clarify? Seeing none, thank you --

MR. MORAN: Thank you.

CHAIR BAISA: --so much for being here. Ms. Willenbrink?

MS. WILLENBRINK: Mercer "Chubby" Vicens, followed by Kaloa Robinson.

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CHAIR BAISA: Good morning.

MR. VICENS: Good morning, Madam Chair, and Happy New Year to all the members of the Committee.

CHAIR BAISA: Thank you.

MR. VICENS: I am Mercer "Chubby" Vicens, testifying on WR-11, A Bill for an Ordinance Relating to the Water Availability Policy. Our present housing shortage has resulted in increased home prices. Multiple generations of families living together, such as mine, in crowded conditions, and a number of our residents moving away from Maui entirely, such as mine. I commend the Council for your recent work in amending Maui's Workforce Housing Ordinance, which represents a major step towards the realization of more workforce housing in Maui County. A second regulatory issue in need of amendment to spur the construction of new workforce housing units is the present Water Availability Policy. While I support the repeal of the Water Availability Policy, I realize that a total repeal of this ordinance may be, may unlikely to occur. As an alternative, I support amendments to exempt residential subdivisions with the Maui County Residential Workforce Housing Agreement from the Water Availability Policy. One of the primary hurdles in the development of workforce housing is the need to make up the difference between the cost to develop the affordable unit and the lower sales prices for the workforce housing units. The Maui Workforce Housing Ordinance addresses this need by requiring that housing projects include, and therefore, subsidize the development of workforce housing units. It is my understanding, however, that the current Water Availability Policy represents a significant hurdle in the development of new housing projects on Maui County. Thus, absence [sic] the development of new housing projects, workforce housing units may not become a reality. They will not be built. I support the amendments to exempt residential subdivisions with the Maui County Residential Workforce Housing Agreement from the Water Availability Policy as this will result in the development of more housing units and including workforce housing units, which we sorely need throughout the Maui County. Thank you for this opportunity. To be very clear, Madam Chair, I would like to see the bill that is before you today, per your instructions, be repealed, and then discussions take place on how we can amend the bill to make it a better bill, a more palatable bill. There's been a lot of discussion today about when do you build a house. I formerly represented a company, a large developer, here on island, who is currently doing the Kamalani Project and first the 171 units that will be built and will be shovel ready by the mid-2017, scheduled for groundbreaking on January 14th, 171 affordable units will be built first --

MS. WILLENBRINK: Three minutes.

MR. VICENS: --and then market units to follow. So, therefore, you know, if developers keep their word and do what they say they're going to do, there should be no problem in the affordable housing market. However, that is not the case, as we well know. So we're putting our mouth where our money is, and although you end up losing money in the initial stages of the development, we hope to make it up in the market side later on. I

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thank you for all the hard work. I thank you for your listening, and I look forward to sharing your mana'o on how we, as a community, can become stronger. It's not us and them, it's we. I love this community and I would like to see us move forward --

MS. WILLENBRINK: Four minutes.

MR. VICENS: --together. Thank you very much, and I appreciate you allowing me this time to speak.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? I would like to say that it's good news about the affordable housing that's being dedicated. Thank you.

MR. VICENS: Thank you very much. And for those that don't believe, come and see it. Thank you.

CHAIR BAISA: Thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Kaloa Robinson, followed by Tom Blackburn-Rodriguez.

CHAIR BAISA: Good morning.

MR. ROBINSON: Good morning, Chair. Good morning, Council. Aloha. My name is Kaloa Robinson. I am a project manager speaking on behalf of Stanford Carr Development. We ask that you repeal this ordinance. When I last appeared before you, I asked you to consider the repeal of 14.12 for the sake of socio-economic growth and diversity, building sufficient infrastructure to support that growth, and increasing affordable housing for the workforce. Today, I focus on the later issue of affordable housing. Affordable housing is most efficiently achieved through the mix of affordable and market units. By implementing reasonable ratios of affordable and market housing we can effect, as I said last month, more affordable housing, not less. As it stands, it is far too difficult to consistently build 100 percent affordable housing units or projects, and it is much more difficult to find a bank to finance the construction. Furthermore, providing this mix of market and workforce housing reduces long-term maintenance costs and, thus, long-term affordability and sustainability. The benefits of these types of projects have far reaching benefits to the community at large. Today developers have a couple of tools for creating these affordable projects. One is Maui County Code 2.96, which was recently amended, and State law, Chapter 201H. Both, 201H allows the governing agency to grant exemptions to developers from certain codes on a case-by-case basis. If today a repeal is off the table, we ask that you consider a revision to allow for affordable housing projects that enter into agreements pursuant to both Chapter 2.96 and 201H. Mahalo and Happy New Year.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Tom Blackburn-Rodriguez, followed by Michael Howden.

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CHAIR BAISA: Good morning.

MR. BLACKBURN-RODRIGUEZ: Good morning, Chair Baisa, and members of the Committee, and Happy New Year. I realize it probably took me longer to walk down here than to actually deliver my testimony. I apologize for that. And for those of you who are interested in my personal situation, I'll be in the lobby later on. But today, I would like to say my name is Tom Blackburn-Rodriguez. I am the executive consultant for Go Maui. I'm the former President and founding member of Na Hale O Maui, which so far has put 34 families in homes, nonprofit organization, not using any other subsidies other than their hard work. And today I'm gonna be testifying as an individual. I'm not testifying in favor of repealing the water ordinance. That may not be possible. I am suggesting that it be amended so that it is not a block to building more affordable housing and meets our current conditions, water estimates and economy. I am testifying in support of amendments to the Water Availability Policy that will exempt market-rate units of a residential workforce housing project from the "Show Me the Water" Ordinance. I urge this policy change because under our system of encouraging the building of affordable workforce housing, we have to recognize that we expect the market-rate units to subsidize the affordable units. In fact, market-rate homes make it possible for affordable housing to be constructed and then sold at a price that meets the qualifications of eligible families. And I think we have a lot of questions to ask about what those affordable limits are and having access to the reality for Maui families. That is a subject of another conversation. Thank you for the opportunity to testify. Thank you for continuing to seek ways to partner with the community and make this government a partnership, not a situation of us versus them and finding enemies and pointing fingers. I agree that it is not them against us, it is we. We have to keep that in front of us all the time. The great recession may be over for the 1 percent. Unemployment rates are at least double or triple what is being published as we know, and for the common man and the common woman, the recession is not over and will last for a long, long time and many people will never find jobs again. I want to, again, thank you for the opportunity to testify and participate with you. I encourage the building of housing for local families who cannot now find decent shelter to buy or rent and live doubled up, or tripled up, or on the beach, or outside Piilani Gardens on the walkway to the Kihei Swimming Pool. This is about people. Thank you very much. Happy New Year. God bless you and thank you so much for the hard work that you are attempting to do today. Aloha.

CHAIR BAISA: Thank you very much, Tom, appreciate it. Members, any need to clarify the testimony? Seeing none, thank you.

MR. BLACKBURN-RODRIGUEZ: Mahalo.

CHAIR BAISA: Walk carefully. Why don't you let the next person come down before you head up? That might help. We have a traffic problem here. It's encroaching the County Building now.

MS. WILLENBRINK: Chair, this is Michael Howden, and after him will be Ryan Churchill.

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CHAIR BAISA: Okay. Good morning, Mike.

MR. HOWDEN: Good morning. I'm Michael Howden. I'm representing Permaculture Maui. I'm former two-term Chair of the Maui County Board of Water Supply. I am against repeal and/or amendments to the Water Availability Bill. I think we really need to look at what, in truth, our precarious water resources, not only throughout our County, but throughout the State. Tiare referred to the effects of global warming, climate change, on the availability of water and that's quite real. And I would, I really appreciated her testimony, and I think that you might want to look very carefully at what she had to say. The other thing is that this is not...if we really want to see workforce housing, if we want to see what is truly affordable housing, I think we need to focus on that and we need to look at County, and quite probably, State partnerships in this so that you created models such as what Tom used to work with where you have land trusts, where people don't own the land but the land is leased to a developer for 60-65 years, as they do on Oahu. But we absolutely need to address crying needs for affordable housing and housing in general. I think homelessness will become more and more a pervasive problem, and it's not because people aren't trying, it's simply that they're kind of shut out economically. I'd like to comment briefly on the Mayor's task force, the ad hoc committee on water, which Alice Lee graciously invited me to and I will say, also, Lucienne de Naie. When I'd spoke with Lucienne about this and I asked Alice if Lucienne could sit in on our meetings, we were quite welcome. What I think people missed, and it was quite an interesting committee to be sitting with, you know, very ardent developers and the Go Maui posture for development, is that people never really acknowledged how precarious, how tenuous our water resources are and that's what we really need to work with. Our infrastructure's way, way behind the curve. Some of what Alex Haller had to say in terms of catchment systems and encouraging that kind of stuff, I think, is right to the point. So thank you very much.

CHAIR BAISA: Thank you very much, Mike. Members, any need for clarification? Seeing none --

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: --thank you.

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Oh, there is one. I'm sorry, Ms. Cochran, I missed you. Or you guys ...

COUNCILMEMBER COCHRAN: Or Mr. Couch? Oh, oh, thank you.

CHAIR BAISA: Okay, go ahead.

COUNCILMEMBER COCHRAN: And thank you, Mr. Howden, for being here. You're currently still on the Board of Water Supply?

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MR. HOWDEN: Oh, no, long gone.

COUNCILMEMBER COCHRAN: Oh, okay.

MR. HOWDEN: Yeah.

COUNCILMEMBER COCHRAN: But you said two-time Chair of it?

CHAIR BAISA: Yes.

MR. HOWDEN: Yeah.

COUNCILMEMBER COCHRAN: And I ...

MR. HOWDEN: That was a few years ago.

COUNCILMEMBER COCHRAN: Okay.

MR. HOWDEN: Yeah.

COUNCILMEMBER COCHRAN: So during your tenure, if you can just elaborate just a little bit, if you will, in regards to your folks', I guess, dialogue and communication with directors of, not just Water obviously, but Planning, Public Works and Environmental Management, which I'm seeing in the Charter are ex-officios of that Board of Water Supply, and how did you folks, you know, think about this crisis we're in and how to address it?

MR. HOWDEN: Actually, there seems to, like universities, where you have territory in different departments and the departments generally don't communicate and they're very strong about what their boundaries are, I think in county government, you don't see that level of interface among the different departments who desperately need to listen to each other. I mean, you have reclaimed water under Environmental Management for better or for worse. That's a great waste of water and it's poisoning our near-shore waters, it's killing our reefs, you know, the injection well thing. So, I mean, you need kind of a major paradigm shift to really look at how we can better use our resources. I mean, I like what, you know, Chubby and everyone was saying in terms of like it's we, you know, and we need to come to a solution and so much, so often, for many of us, we don't have the time to come in and participate, and you really wonder if anyone's really going to listen. I mean, so many years you bring stuff forth, you say, oh wow the Iao and Waihee Aquifers are, the salinity's rising over 20 feet in the last 20 years and yet there's still problems with accessing water, you know. Mr. Chumbley seems not to want to give away water that's really a public trust water that he doesn't own and that EMI doesn't own. And I think you need to come to resolution of those kind of problems as well.

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COUNCILMEMBER COCHRAN: Thank you. Thank you for your participation, Mr. Howden. Thank you, Chair.

MR. HOWDEN: Thank you.

CHAIR BAISA: Thank you. Any further need to clarify? Seeing none, thank you.

MR. HOWDEN: Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Ryan Churchill, followed by Trinette Furtado.

CHAIR BAISA: Good morning.

MR. CHURCHILL: Good morning, Council Chair, Vice-Chair, and members of the Committee. Happy New Year. My name is Ryan Churchill and I am supporting revisions to or repealing of the Water Availability Bill. I've had the opportunity to work with this bill since its passage in 2007 in multiple capacities. Since the bill's passage, I have secured over a dozen written verifications of long-term reliable source from the Water Directors, qualified for exemptions under the ordinance, drilled wells, patched reservoirs to satisfy conditions of the ordinance, and once actually appealed a decision made under the ordinance and prevailed. I believe I have a good understanding of the bill, how it works or how it doesn't work. I'm not sure what the original goals were for the ordinance, but I don't think the bill has done anything beneficial, either to protect water resources or to encourage more affordable housing. Based on my experience, I believe the bill adds an unnecessary and duplicative process. The State Department of Health, Water Commission and PUC each have rigorous approval processes in place, not to mention developers need water service to make their housing product marketable. Developers aren't out there trying to build homes to sell them without water. The bill adds delay to the process. Sometimes it takes years to get a determination from DWS on if an existing water source is a long-term reliable source or not. We've got an example here where it took four years for the Water Department to respond to a request on that determination. The bill favors large developers and landowners who have the resources to develop new water sources and the bill may actually be damaging water resources since the bill encourages the continued development of small, private water systems and wells scattered all over the island versus a cohesive government-managed water system. And it discourages investment in Maui due to the risk associated with discretionary discretions from a Water Director if a project has a long-term reliable water source or not. Although I support repeal of the bill, if that, not will happen, I also support changes to improve the functionality of the bill so we can work with it. In addition to the other proposed changes you are contemplating today, I suggest a proposed revision be made to specifically exempt large-lot subdivisions and these aren't large-lot subdivisions like a 2-acre Ag lot with a house. This is a large lot as defined by the County Code where that lot will be subdivided in the future into subdivision or other housing. What's happening is the "Show Me the Water" Bill restricts subdivisions in preparation for a future subdivision.

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And so I don't have really the time to explain the details on that, but I provided a proposed modification in my testimony today. I hope you consider amendments to the bill or repealment [sic] and I'm available for any questions. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, just real quick. Good morning, Mr. Churchill. You supplied written to us?

MR. CHURCHILL: Yes.

COUNCILMEMBER COCHRAN: Oh, okay. Just ...

CHAIR BAISA: It's just that we ...

COUNCILMEMBER COCHRAN: Find it in our stack. I'll find it.

CHAIR BAISA: Yeah. I was gonna say, we haven't had a chance to go through the stack that was given to us when we sat down. So some of this ...

MR. CHURCHILL: And the back page has the comments on the large-lot issue.

COUNCILMEMBER COCHRAN: Okay. Thank you.

CHAIR BAISA: Thank you very much.

MR. CHURCHILL: Thank you.

CHAIR BAISA: Any other need to clarify? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Trinette Furtado, followed by Ellie.

CHAIR BAISA: Good morning.

MS. FURTADO: Aloha mai. It's kinda arctic in here so kala mai. Aloha, my name is Trinette Furtado and I live in Hamakualoa in Haiku, you know where. I would first like to mahalo Councilwoman Crivello for the information she gave us earlier. Apparently it's much easier to get information from our Councilmembers than it is from departments that actually have oversight over this information. I feel that the impediment is not the policy but the developer's refusal to fulfill the responsibilities as required by law and, thus, I oppose any repeal or amendment to WR-11, our Water Availability Policy. Currently, landowners are required to secure bonds under development projects to ensure funding for needed infrastructure, including water, so that the County's indemnified from any future liability that should legally and technically fall on the developer. Repeal of this policy or any amendments attempting to redefine this responsibility is a blatant pass-the-buck maneuver that clearly

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displays a contempt for County policy and further, contempt for the people of Maui County. Repealing definitions like long-term reliable supply of water to shift the responsibility of ensuring such a supply for said project away from the landowner jeopardizes current water customers who would see a sharp rise in their water rates and have to deal with limited resources and higher demand in times of drought if new developments weren't held accountable as the policy stands. The County has a responsibility to its current residents to ensure that construction projects prove sufficient infrastructure for them before approval. It's simply bad planning and management to allow the sale of lots before a water source is confirmed. Finally, I want to remind you and caution you that you have a responsibility, not only to consider our Water Use and Development Plan when assessing development applications and plans, but also to remember your legal responsibilities to adhere to the State Water Code and our Public Trust Doctrine concerning this valuable resource. As OHA stated in their testimony that you had, 2nd of Kekemapa of last year, private commercial gain is not a protected purpose under the Public Trust. Appurtenant land rights, kuleana land rights, all of the water reservations for Department of Hawaiian Home Lands, native Hawaiian traditional and customary practices, these are the things that need to seriously be considered before commercial gain. I strongly urge you to require these developers who are blaming the water policy as the reason for not building years' worth and many units of affordable housing to show us the housing before they receive further permits to build new projects or developments. There are well over a thousand units that are still owed to us that have already sold market-priced units within those developments, and we have yet to see the affordable units in them. That being said, I absolutely oppose the proposed amendment to WR-11, as submitted by Vice-Chair Mike Victorino, and I urge you not to adopt his bill requesting them. I mahalo you for your time and Hau`oli Makahiki Hou.

CHAIR BAISA: Thank you very much. Members, is there any need to clarify the testimony? Mr. Victorino?

VICE-CHAIR VICTORINO: Yes, thank you very much and thank you, Ms. Furtado, for being here and your manao but I have not proposed any amendments at this time. I have not proposed any amendments. All I asked was to repeal the bill. If you're saying that, I'm cool. But I am not, I have not put any amendments forward at this point.

MS. FURTADO: You ...

VICE-CHAIR VICTORINO: I want that clarified. Thank you

MS. FURTADO: You have in your bill for the ordinance to repeal three separate definitions that are currently within the water policy.

VICE-CHAIR VICTORINO: Repeal the bill, that's exactly what I'm doing. Thank you.

MS. FURTADO: And amend the definitions.

CHAIR BAISA: Let's not have a thing going on here, okay. Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Madam Chair. Do we...excuse me.

CHAIR BAISA: Ms. Furtado, if you can hang on, Mr. Couch is trying to get something.

COUNCILMEMBER COUCH: Do you, do we have that in writing?

VICE-CHAIR VICTORINO: Yes, right here.

MS. FURTADO: Yes.

COUNCILMEMBER COUCH: Okay.

MS. FURTADO: Yes. It was earlier this morning.

CHAIR BAISA: Again, it's a matter of being handed a large amount of paper as we sat down this morning according to our procedures and rules, so we haven't had a chance to read it all but we will. Thank you very much.

MS. FURTADO: Thank you very much.

CHAIR BAISA: Ms. Willenbrink, we're going to take one more testifier and then we're going to check with our District Offices and then we're going to take our morning break.

MS. WILLENBRINK: Thank you, Madam Chair. Ellie?

CHAIR BAISA: Good morning.

MS. RAE: Good morning. Aloha, my name is Ellie and I am here as a very nervous and concerned citizen of West Waiko Road in Waikapu.

CHAIR BAISA: Don't be nervous. We're just regular folks.

MS. RAE: Well, I'm nervous because on my way home today from dropping my son off from school, I was driving up West Waiko Road and we have these beautiful monkey pod trees on the road and there was some people there to cut down the monkey pod trees. And so I stopped and I said, please don't cut down the monkey pod trees and they said, sorry, ma'am, I have my orders. And so I stopped for a second and I backed my vehicle up and I looked around and I saw what seemed to be a power line or, I don't know exactly what kind of line it was, but it was kinda close to the tree but not too close. So I went back up to the man and I said, well, how much would it cost to move that post like 40-50 feet back? And he said, well, that's not why we're cutting down the tree, ma'am, we're cutting down the tree because the roots are going into the development. And so I am here today to ask that you oppose any repeal of policy at this time and please hold the landowners accountable for their subdivisions because whoever built that subdivision should've known that these monkey pod tree's roots are going to be there and they should've been able to see that. We're going to have to deal

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with this at some point in time and come up with a plan to be able to make the development and still have the monkey pod trees that have been there way longer than we have and help the water because the man told me, after I said, well, once you cut down the tree, the roots are still going to be there. He said, yeah, then we're going to go over it with herbicide and we're going to kill the roots. And I said, wait a minute, we're having a "Show Me the Water" meeting right now down at the courthouse [sic] and if we're concerned about our water, we shouldn't be putting herbicides on the ground that gets into our water supply, that poisons our water supply. And developers should know this and humans should know this and so I think it's really important that we try and figure out how we can hold landowners accountable for protecting our water supply and this includes homeowners, developers, corporations, farmers, humans, accountable for making sure we have water for me and my family and for your families and for future families of this island because that's what we're all striving for, is the future of Maui. And so I beg of you, I know that all of you know somebody in Park and Recs Department because that's who he told me to call.

CHAIR BAISA: Ellie, if you could please address the subject today. It's the repeal or not, no repeal.

MS. RAE: I did say I oppose any repeal of the policy at this time and I please ask that you hold the landowners accountable for taking care of their responsibility of the land that they own and making sure that we --

MS. WILLENBRINK: Three minutes.

MS. RAE: --have water to show for the whole island --

CHAIR BAISA: Thank you.

MS. RAE: --to have.

CHAIR BAISA: Thank you.

MS. RAE: So mahalo nui loa for your time. And, again, I'm a very concerned citizen from West Waiko Road, and please somebody stop the chainsawing of the trees there, please, because without them --

MS. WILLENBRINK: Four minutes.

MS. RAE: --we have no clean water. Thank you.

CHAIR BAISA: Thank you very much. Members, is there any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink, I'm going to check with the Lanai Office. Lanai, Denise, is anyone there to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

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CHAIR BAISA: Okay, thank you. I will probably not check with you again until we're just about done here so let us know if anyone shows up. Molokai, Ella, do you have anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR BAISA: Okay, thank you. So I, again, will not check with you until the very end, but if someone shows up, let us know. You know how to do that. Thank you. Okay, Members, we have reached our morning break time. I'm going to ask you to please take as short a break as you need and come back so that we can reconvene. We have a number of people still that want to testify and we'd like to complete all of this before noon today so we're on a short leash here. So the meeting is now in recess. Please get back as soon as you can. . . .(gavel). . .

RECESS: 10:33 a.m.

RECONVENE: 10:45 a.m.

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order? Ms. Willenbrink, if we could proceed?

MS. WILLENBRINK: Yes, Madam Chair. Our next testifier is Terez Amato Lindsey, followed by Richard J. Coleman.

CHAIR BAISA: Good morning.

MS. LINDSEY: Good morning. Good morning, Councilmembers and Chair, and thank you for the opportunity to testify before you this morning. My name is Terez Amato Lindsey. I was raised, pretty much, in Wailuku, but for the past 19 years, more than half of my life, I've lived in a 2-bedroom apartment in North Kihei. Twelve and a half of those years have been as a single parent of four kids. Let me tell you, if it had not been for a failed economy that tanked our housing market and my mother's misfortune of a car accident that resulted in an insurance settlement that she could give me for a down payment, I would never have been able to own my own place and raise my children in the island, the only island, that I have ever known as my home. The middle class is the backbone of our island economy. They are our school teachers, our police officers, our firefighters and medics, our laborers, our bookkeepers, of which I am, our mechanics, and our visitor industry service providers. They are not our big developers or our real estate tycoons. Yet in today's housing market, when the middle class is already being squeezed into poverty and workforce housing is at an all-time low and family homelessness is at all-time high, our developers are using our meager building requirements to further push for deregulation, not so that they can build more to meet the community's plan, but so that they can build more without having to provide for the needs of our community. We see it all the time already. Developers try to cut corners, ask for fewer regulations to eliminate our community plans, and get hall passes for shoddy evaluations of the long-term environmental and infrastructure impacts of their projects every possible

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chance they get. They don't do this to reduce costs so that the community will have a lower price point, they do this to lower their cost so they can make a bigger profit. And when it comes to workforce housing, developers start their construction projects by focusing on the expensive stuff and push the almost insignificant affordable housing requirements off to the very end, sometimes not meeting those requirements at all, into the tightest, densest configurations possible so it takes up the least precious space on a project's plan. Today, at a time when only 25 percent of a project is required to meet affordable housing requirements, it's no wonder our children have to leave home in search of a better life. Let's be clear, only one house per four meant for the backbone of our island economy, that's outrageous. And our developers will lie to you with their bleeding heart story and say, oh, it's because the rules are too strict. This "Show Me the Water" regulation is too tough. We just can't build anything because of it. But I tell you, "Show Me the Water" is good, prudent legislation exactly as it was originally written. It was put in place...may I have one more minute, please?

CHAIR BAISA: Try and keep it as short as you can, please.

MS. LINDSEY: Okay. It was put in place, not to make it more difficult for developers, but to spark responsible development that ensured adequate resources for community that taxpayers would be able to afford. Repealing or amending this legislation will not make your jobs easier as Councilmembers, it will not suddenly cause workforce housing market to explode with affordable homes, and, rather, it will weaken environmental protections put in place to protect our precious and limited resources. Please do not repeal or amend "Show Me the Water." And I have more, but in the sake of time, I'll stop it there.

CHAIR BAISA: I think we got the message.

MS. LINDSEY: Thank you.

CHAIR BAISA: Thank you very much.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Members, any need to clarify --

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: --her testimony?

VICE-CHAIR VICTORINO: Yeah.

CHAIR BAISA: Mr. Victorino, go ahead.

VICE-CHAIR VICTORINO: Yeah. Could we, would she leave a copy of that, or would, so that we could have a copy of her testimony, please?

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MS. LINDSEY: Absolutely. I would be happy to. Thank you.

VICE-CHAIR VICTORINO: Thank you very much, appreciate it.

MS. LINDSEY: Have a wonderful day.

VICE-CHAIR VICTORINO: You too.

CHAIR BAISA: Thank you and Happy New Year.

MS. LINDSEY: Happy New Year.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Richard J. Coleman, to be followed by Dr. Joseph Kohn.

MR. COLEMAN: Good morning.

CHAIR BAISA: Good morning.

MR. COLEMAN: My name is Richard Coleman from Kula. I will keep this very short and simple. There's been a lot of good arguments both ways but, in reality, we have a very limited, precious resource on this island, it takes years for those aquifers, for the water that falls on this land to be absorbed and come through. Extra development is taking the water needed for the families now. I urge you not to repeal or amend this bill. It was hammered out, it's a good bill, it has been very strong in helping this island and we are just that, folks, we're an island. We are the water on Maui. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify that? I thought it was pretty straight up. Thank you very much.

MR. COLEMAN: Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Yes, Dr. Joseph Kohn, followed by Dave Arakawa.

CHAIR BAISA: Good morning, sir.

MR. KOHN: Aloha and thank you for the opportunity to speak and thank you for doing such a good job. I want to appreciate, honor and respect your calling these meetings to review these issues and to make intelligent, informed decision with all the information that's possible to have. I'm here to add some information.

VICE-CHAIR VICTORINO: May I have his name?

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CHAIR BAISA: Your name, please?

MR. KOHN: My name is Dr. Joseph Kohn, K-O-H-N. I'm a resident of Wailuku, in private practice, and I'm the founder of We Are One, Incorporated. It is time to end the scarcity paradigm. While there is local scarcity of water, at least access, we're in the middle of the Pacific Ocean and there's certainly no scarcity of water. The long-term future is very clearly about desalination. It's the only way the population of the Earth is going to survive. And so those are long-range plans that need to be considered. It's time to end...oh, there is no scarcity of money. There is very poor distribution, as we're all aware. The 1 percent are doing great and the 99 percent are suffering. It's time to change that on an ongoing basis. They need to pay their way and we're the ones who are footing the bill. That's gotta change because we don't have the money to foot the bill anymore but they do. It is time to institute the abundance paradigm, such as the, or abundance of sea water that can be converted to supply fresh water to the entire island for agriculture and for everything else, without even touching the aquifers. It'll take some intention to make that happen. Full, gainful employment is possible with future development in sustainable ways. We talk about housing for a thousand where what we need is housing for 10,000. It's time to stop thinking small and to create on the footprints that already exist of housing, larger developments to house more people in sustainable ways that are cooperatively constructed, cooperatively maintained where everyone benefits and everyone participates. I'm gonna list, just some other issues for further consideration. Four-hour [sic] workweek is one way that you get full employment. A leisure economy is the future as delineated by Buckminster Fuller, a visionary, and I offer his visions for consideration. We should be visioning for seven generations plus, we should be conserving irreplaceable nature resources, that means land and ag land so that we can be sustainable suppliers of our own food. We should build on the current footprints up, not out. We should be creating win-win situations where everyone wins. We should build self-contained, we should build sustainable, build redundant safety systems, accept full, personal responsibility by everyone involved, provide opportunities, respect the culture --

MS. WILLENBRINK: Three minutes.

MR. KOHN: --and use all resources responsibly, be innovative, use sustainable technologies. Thank you for your very kind attention.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Seeing none, doctor, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Madam Chair. Dave Arakawa, followed by Penny Levin.

CHAIR BAISA: Staff, if you could please gently, or somebody, remind the folks in the lobby that we're, their sound comes into the building. I'm sorry, David, just want to make sure we can hear you.

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MR. ARAKAWA: Okay, very good. Happy New Year, Madam Chair and Councilmembers. My name is David Arakawa and I represent the Land Use Research Foundation of Hawaii and, however, because I am an Arakawa, I must compliment Councilmember Cochran on her blue palaka blouse. I'm wearing my pink ...

CHAIR BAISA: Same club today, same club today.

MR. ARAKAWA: Yeah, I'm wearing pink palaka in honor of this beautiful island.

CHAIR BAISA: I thought you wore it for me.

MR. ARAKAWA: Oh, yeah, that too. Oh, now I know I wear it for you too.

VICE-CHAIR VICTORINO: Oh, boy, you making some plenty points here.

MR. ARAKAWA: Thank you, thank you to all of you, your Staff, and the Water Department and the public for addressing this important issue. Little bit about LURF. LURF and its members recognize that water is a precious, natural and cultural resource that must be protected, preserved and managed as a public trust. LURF members are long-time stewards of Hawaii's lands, waters and natural resources and are active participants in all of Maui watersheds. So our LURF members are active members and partners of all of the Maui watershed partnerships, along with DLNR and the Water Department. LURF supports the proposed bill and any amendments that will facilitate housing, affordable, residential workforce, and market housing, particularly any amendments to exempt residential subdivisions which have County agreements for workforce residential and market housing. I'll just try to make four quick points. The first point is that the current water policy, we believe, is unnecessary because Maui island has a sustainable yield of 427 million gallons of water a day, which is more than adequate to serve Maui's current and future water needs, which is approximately, I believe, between 30 and 40 million gallons per day. The second point is that the Water Department still has, even if you pass this law, the Water Department still has the authority to regulate water. They're very powerful in this respect. They have the power. We call it the gaji power, it's like the joker or the trump card. They have the power to deny water meter permits. With a stroke of a pen, they can just say, no, not enough water. They still have that power, even if you repeal, pass this bill and repeal, that is their most powerful tool. Secondly, they have the power to regulate water use through law, rules, regulations, conservation, which you folks have done, reclamation, which the gentleman had talked about, and reuse measures. Thirdly, they, their responsibility is to develop water resources, infrastructure, consistent with the Water Use and Development Plan. I served as Corporation Counsel for Honolulu for eight years and that is the responsibility of not only the County but the Water Department to provide water and infrastructure. Thirdly, the County's current "Show Me the Water" Policy has created, along with the former Affordable Housing Policy, has created a de facto moratorium on the development of affordable housing and people have talked about that, that when you build affordable housing, you build it at a loss. The developer takes a loss on it. So the market housing helps recoup that loss. That's how affordable housing works and

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every county has affordable housing rules and regulations that are consistent with that.

MS. WILLENBRINK: Three minutes.

MR. ARAKAWA: Okay. And lastly, we would, again, support any exemption if there's no repeal of this law, we'd support any exemption for subdivisions which include a mixture of affordable housing, residential workforce housing, and market housing pursuant to an agreement that is signed with the County, housing agreement signed by the County. And lastly, I'd like to reiterate the idea posed by my football coach, my former football coach, Chubby Vicens. Believe it or not, I played football for him. Let's all work together. Let's all work together. Water is so important to Maui and its future. Let's all work together--and so is housing--so thank you very much.

CHAIR BAISA: Thank you very much, Mr. Arakawa. Members, any need to clarify the testimony? Seeing one, thank you, and thanks for the pink palaka. Ms. Willenbrink?

MS. WILLENBRINK: Penny Levin, followed by Lucienne de Naie.

MS. LEVIN: Aloha mai kakou.

CHAIR BAISA: Good morning.

MS. LEVIN: Good morning, Happy New Year. My name is Penny Levin and I'm testifying as an individual, as a student, as a conservation planner and a student of ecology and aina. I want to consolidate and contextualize some of the past testimonies, particularly from an ecological perspective. I want to say also that I love Maui and I think that the social issues embodied in affordable housing are critically important for us to address. But I think that we need to inject an ecological reality check. Appreciate Mr. Arakawa's testimony but the amount of water that we have available has been based on an estimate from quite a long time ago that is not accurate. We have, really, no idea what our capacity is. We make new wells but that doesn't make us new water. Our aquifers are like watermelons, they can only give up so much water, and we can only put so many new straws or new wells into the aquifer before we don't find water anymore. And so what happens with our depleted aquifers then is, our drought cycles are exacerbated because we don't have the capacity to be resilient. There's no buffer. And so we extend our drought when we do that. With all due respect to the gentleman on desalinization, Hawaii's reefs are incredibly sensitive to changes in salinity, within just a few degrees. And so what we don't know about is what might happen with salt effluent from desal, affecting our reefs. Our aquifers replenishment takes 100-200 years depending on the geology that is below the soil. So what we're talking about in terms of divvying up what have now, we're not measuring the decades we are behind in the percolation of water through the geology of our islands to get back into the aquifer and replenish it. So each time that groundwater level goes down, the table depletes itself, we're also behind the game. We have no aggressive programs to improve the capacity of our islands to be better able to capture water naturally. And that means removing invasive species, that means

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increasive [sic] need in forest cover, reforesting riparian areas along all of our gulches and streams so that we increase infiltration. It means better capture. Every time we build more, there's more cement, there's less water capture, less water percolation. So overall, there's a larger picture we have to look at. The last time I looked, there's were over 21,000 homes permitted for build in Maui, not just affordable housing, but all housing. Many of them, they're on the books for 20 years or more. If they're 15 years or older, as one of the testifiers said, let's take them off the books. But that means we also have to look at not just the affordable housing, not just the proposed developments that are coming up, but all the 21,000 that haven't been built, and that's a whole lot of water. In fairness, taro farmers have to go through, a permit process requires them to measure the capacity of the stream, spend years in contested cases to get an allocation. Why don't we do that, measure what we have first before we also do this for development?

MS. WILLENBRINK: Three minutes.

MS. LEVIN: So I'd like to propose that we actually put aina in the center of our decision making. I really urge you to do that because when that is in good health, we are also in good health and our economy is also abundant. We can make economic and political decisions to either destroy or rejuvenate ourselves. And I urge you to really consider whether taking away this "Show Me the Water" Bill will actually set us up in one direction or another. Thank you.

CHAIR BAISA: Thank you. Members, any need to clarify? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Lucienne de Naie, followed by Albert Perez.

CHAIR BAISA: Good morning.

MS. de NAIE: Good morning. Happy New Year to everyone.

CHAIR BAISA: Same to you.

MS. de NAIE: Hope you had a wonderful holiday, everybody, and ready to start fresh here. My name is Lucienne de Naie. I'm testifying as a private individual today. I would like to suggest that we sort of start at the top. Our Water Use and Development Plan is supposed to be the master blueprint for our water future. Ours was last updated in 1992. We made a stab at it in 2009. It's not done yet. There's an advisory committee working now. I suggest that you just table this matter until that plan is complete because that's the big picture and this is like one little part of that big picture. It's like, you're kinda trying to put together a puzzle where you don't know what the picture is supposed to look like. Also, I hear a lot of people today calling for, let's not repeal, let's just amend it so that everything with the workforce housing agreement, which is virtually all residential subdivisions in Maui, are exempted from the bill. So, I mean, I just want folks at home, do you think it's a great idea that Waiale South is coming forward, 900 units? We shouldn't ask if they have any water. We shouldn't

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ask to, you know, to show a reliable source of water. The Tech Park is coming forward, 750 units. We shouldn't ask them to show any reliable source of water. Why would we do that? That's just like a bad idea. Well, I think we all know, that's not a bad idea, that's some common sense. Also, maybe we should make sure that the ordinance, it's a little unclear what kind of subdivisions are affected. It doesn't particularly say that only residential subdivisions, but it kind of implies that they are. Maybe industrial and commercial subdivisions should also be added so that, you know, they're doing their part to actually add to our search for water. And then when we look at the idea of working together, I think that's a wonderful concept but I think that would begin with setting up a real advisory committee for this bill that includes people from OHA, Hawaiian Home Lands, the folks that are suing the County or suing the State to get water for their taro farms because they're, you know, competing with other interests. Those people were not represented on the task force that met before the Mayor's task force so perhaps this Committee could take it upon themselves to set up a real task force where people could work together. And then when we look at the idea that the, you know, this is about people, well, of course, it's about people and you're asking people to gamble with their life savings to buy a lot and if there's no assurance that that lot is going to get water, you know, that's a big risk to take. Why shouldn't the Department of Water Supply assume its responsibility and ask those tough questions? Mr. Arakawa says they already can. Somehow that message didn't get out before this ordinance was passed. We had things going forward with no reliable water supply and then they strong-armed the County, give me those meters now because you approved my subdivision. That's one of the reasons why Public Works was totally behind this bill. They wanted that bonding authority to make sure that those water sources were built by --

MS. WILLENBRINK: Three minutes.

MS. de NAIE: --someone. Anyway, to conclude I think we really need to take a realistic look here. The amendments proposed, I don't think are realistic. The repeal doesn't leave us with anything. We have no master Water Use and Development Plan. Let's table this matter until we have the big picture and then move forward. Thank you.

CHAIR BAISA: Thank you, Ms. de Naie. Members, any need to clarify? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Albert Perez, followed by Faith Chase.

CHAIR BAISA: Good morning, Albert.

MR. PEREZ: Good morning, Chair Baisa. Good morning, Committee members. I'm Albert Perez, Maui Tomorrow Foundation, and we are opposed to the proposed ordinance that would repeal the Water Availability Policy, and we ask that the Committee file this communication. We all want affordable housing but do we want affordable housing without water? What this bill is really about is allowing developers to escape the responsibility for water source development and it will not create more water, it will only force the County to spend money for source development once the

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lots are developed and the infrastructure is put in, as has happened in the past before this policy was put in place. It will raise property taxes and make housing less affordable for everybody and it will risk over allocation of our water resources. So somebody needs to pay for water source development and in the past, the developers would put in the infrastructure and then expect the County to pay. In other words, the property taxes paid for water for private developers, and that's a subsidy. So "Show Me the Water" Policy put a stop to that. Right now, the Water Availability Policy exempts 100 percent affordable housing and that's a good thing. We need affordable housing and we do provide water sources for 100 percent affordable housing. However, current policy says that only 25 percent of new housing needs to be affordable. So that's, 75 percent is unaffordable. In other words, for every one affordable house that we're letting go in, there are going to be three unaffordable houses built. We're subsidizing developers by putting in water sources for unaffordable houses just to get one that's unaffordable [sic]. And this, at a time when most of our housing is known to be going to out-of-state buyers, and that's not justifiable, we should keep our Water Availability Policy strong so all the water sources that the County provides, go to affordable housing. If anything, the policy should be strengthened, not weakened. Why should these requirements not apply to all uses? The Water Availability Policy was adopted during a time of drought and future climate forecasts for Maui County are increasingly dry. So let's not over commit or even risk over committing our resources at taxpayer expense just because we're not in a drought right now. And then I wanted to address, one thing I talked about in my testimony last time, the Water Availability Policy requires the director, the Water Director, to review and comment on 15 different factors and that's a good thing. If that policy is repealed, depending on the Administration, those factors may or may not be considered. So it's a good thing to have them in writing to prompt people to look at those factors so they won't just be ignored. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Faith Chase, followed by Hokuao Pellegrino.

CHAIR BAISA: Good morning.

MS. CHASE: Good morning, Madam Chairman and all the County Councilmembers. My name is Faith Chase. I want to say right away that I oppose the repeal or any amendments to WR-11. It's kinda hit me by surprise, I just got back from travelling and considering moving off island 'cause it's too expensive right now to buy a home. I think this is audacious with all the public trust conversations we have about water. EMI, Wailuku Water Company, I'm flabbergasted that we're even here. There definitely needs to be a balance of conversation when it comes to water. I don't think we're there yet. As far as the developers go, I actually know quite a few. I was right there with friends on both sides of the Olowalu recent controversy. I don't think that the giveback component by developers is sufficient. I don't care if they say they take a loss. I haven't seen enough community giveback to, you know, worthy any attention. The word luxury since 1940s has been just distorted. It has led to an imbalance in

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rentals and house prices. That needs to be fixed. I just want to share a really quick story about a uncle, a Huelo flower farmer, who came to Keanae School, I don't know, maybe Bob Carroll was at that meeting, 1999, he, Earthjustice lawyers came to try to help in the beginning of the conversation for Keanae taro farmers, which I have family who are taro farmers in that area. He, we were talking about data collection as some, one of the earlier, Penny mentioned, and he said, okay, I understand, you telling us for gather data, yeah, so that we can figure out, so we can tell everybody what the water is inside the stream. Okay, so, but I kinda confused 'cause, you know, the stream by my house that feeds my property is empty, is zero water. And everybody laughed, you know, and the Earthjustice lawyer said zero is good data. And, honestly, all those rivers that he was referring to in 1999 at little Keanae School at a 8:30 p.m. meeting that he drove out to, those rivers are still empty. So the data still reads zero and I just want to point that out. And I just have to laugh a little bit reading some other, listening to other people's testimony and this term, shovel ready. I think that's really ironic because I can think of a different shovel as far as all these plans and all these testimonies you guys are talking about. Thank you.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Obviously not. Thank you. Ms. Willenbrink?

MS. WILLENBRINK: Hokua Pellegrino, followed by Rosemary Robbins.

CHAIR BAISA: Good morning.

MR. PELLEGRINO: Aloha mai kakou. Happy New Year to all of you.

CHAIR BAISA: Thank you.

MR. PELLEGRINO: Mahalo for this opportunity to come before you and speak. My name is Hokua Pellegrino and I'm a 36-year resident of the ahupuaa of Waikapu. Been a taro farmer for more than half of my life and I'm the Vice-President of Hui O Na Wai Eha, which played a very integral role in development of the "Show Me the Water" Bill. I'm going to keep it short and sweet and just, basically, I ask you folks to please keep the bill as is, intact without repealing it or adding any amendments. As I spoke the last time I came up here, we really don't want to put the cart before the horse in this type of situation. As we know, water is a valuable resource here in our island, it's finite. And our organization and many other individuals, community members, and many former, you know, colleagues of yours that sat here in the Council with the development of this, truly value the protection of this resource in perpetuity. I support affordable housing and I support locals having the opportunity to continue to live here, which includes my keiki in the future. But we can't build if we don't have water, you know, I think that's, it's a simple fact. To me, the bill has worked. We still see affordable housing come up. There's a wonderful affordable housing that was developed right in Waikapu after the, you know, the development of this bill, and it's important that we look at the particular projects that have occurred under this bill and the success of that. And, so, again, I humbly ask all of you folks to think

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carefully as you make any decisions in regards to the "Show Me the Water" Bill and I ask that you keep the bill intact. Mahalo and Happy New Year again.

CHAIR BAISA: Thank you, Hokuao, appreciate it. Members, any need to clarify? Seeing none, thanks.

MR. PELLEGRINO: Mahalo.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Yes, Madam Chair. Rosemary Robbins, followed by Lawrence Carnicelli.

CHAIR BAISA: Good morning.

MS. ROBBINS: Good morning, welcome back. Good morning, everybody. We've heard a lot of talk this morning. I want to think that that's talk of good heart, the people who have taken the time to come and to have submitted written data is helpful. I'm here, though, with the bill itself. I'm also one of the members of the Upcountry oversight contaminated water issue back from the early 2000s. It was a different Water Director then, same Mayor as we have now. So there's new and experienced folks that are participating, having participated in this. The bill that Mr. Victorino asked for in August of 2015 is, after having had two or three other amendments over the years from 2007 when it was passed, and there was a group of ten of us who had worked very hard on that and thought that we had set some parameters, together with the Water Department, so that we wouldn't be in the bind that we are today. Remember that the people on the 7th floor are wonderful about helping. They'll give you a desk, they'll give you binder filled with the appropriate papers. Do take advantage of that. They're doing that with the goodness of their hearts. And they have put in brackets the omissions that the current phase of this is recommending. I've done those brackets, same page, in red so they are easily identifiable. One of the first things they want to get rid of is an approved engineering report, means a report prepared by a licensed professional engineer experienced in such fields as water resources, hydrogeology, water supply or environmental engineering. Why would we want to get rid of that is the question that I'm hearing from people who have read this? Another one of those is long-term reliable supply of water, which is a written statement, and kind of the talk out there is talk is cheap, show me the water, like it said. Also that the Water Director ends up having permission to grant or withhold granting repeatedly in the shall not approve, shall approve, may dispose, must whatever, all these red brackets that are in here, this is the document itself now. Another one of those is a current and complete title report issued by a licensed title company showing all persons vested with record title in the land subdivided, want to get rid of that. And then over on the last page, there is one other section that's out. Folks, I just wanna, I came and read all of those and just to let you know --

MS. WILLENBRINK: Three minutes.

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MS. ROBBINS: --yeah--the, some of the comments may be less gentle than some people would've said it but it says stop the bait-and-switch, fight to cure this cancerous greed, proof of the water should be the water and it should be identifiable at starting gun, not at the time that the deal is done. So you've got people who are distressed, people who are angry and people, including this Committee, who are willing to hear--

MS. WILLENBRINK: Four minutes.

MS. ROBBINS: --pass this or not and then move forward apropos of whatever the decision would be today. We understanding that --

CHAIR BAISA: Yes.

MS. ROBBINS: --correctly? Yeah, okay, thank you.

CHAIR BAISA: Members, any need to clarify the testimony? Seeing none, Rosemary, thank you.

MS. ROBBINS: You're welcome.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Lawrence Carnicelli, followed by Valerie Lasciak.

CHAIR BAISA: Good morning.

MR. CARNICELLI: Good morning, Madam Chair, Council. My name is Lawrence Carnicelli. It's all good to see you guys in person rather than on Facebook over the Christmas holiday. Per your request, to kind of cut straight to the chase, it's a little bit, it's kind of like a good double negative, are you for the bill or against it? You know, so it's like, with all due respect, Mr. Victorino, I'm against your proposed bill as currently proposed. It seems as though, in just listening to the testimony today, there's sort of three schools of thought. One is just, okay, leave the "Show Me the Water" Bill alone, or repeal it and replace it with something, or amend it. Kind of seems like that's sorta, it feels a little bit haphazard to just repeal it and then try to figure out something later, you know, it's like, it is, is 'cause the part that's one of the unintended consequences that I talked about last time I testified with the "Show Me the Water" Bill is it seems like it's become a quasi land-planning tool. And so that's the part that I think to just remove it altogether would be, you know, sort of just pulling the carpet out. So the fact that there's, you know, an aspect of that, that I think that it needs to stay there. The other part, too, is it's not in a vacuum and so if, you know, Mr. Victorino or somebody else here, decides to make amendments, I think that part of the equation needs to be planning, you know, Mr. Couch's sub-committee or, and/or the actual Workforce Housing Ordinance itself 'cause there's flaws in those as well. So it's almost like, you know, this discussion has become water versus affordable housing. And, oh, by the way, it's not affordable housing, we all want affordable housing, it's workforce housing. So, you know, so workforce housing versus, you know, water has

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become this, you know, polarized thing and, as the football coach said, I think, I don't know if he's still here or not, you know, we all do need to kinda come together on this. But the Workforce Housing Ordinance, that also needs to be amended because there's some flaws with that as well. So I'm not necessarily giving any proposals per se but I think that those are some of the things that need to be discussed should there be an amendment proposed.

CHAIR BAISA: Thank you. Thank you very much.

MR. CARNICELLI: Thank you.

CHAIR BAISA: Members, any need to clarify? Seeing none, Ms. Willenbrink?

MS. WILLENBRINK: Valerie Lasciak, followed by Dick Mayer.

MS. LASCIAK: . . .*(from the gallery)*. . . I decline my opportunity.

CHAIR BAISA: Thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Dick Mayer, followed by Rene J. Coleman.

CHAIR BAISA: Good morning.

MR. MAYER: Good morning and Happy New Year, Chair and--

CHAIR BAISA: Thank you.

MR. MAYER: --Councilmembers. I'm speaking on, with two different perspectives. I'm also, I'm representing the Kula Community Association. My name is Dick Mayer. I'm representing the Kula Community Association Board, which met last night and it also met a month ago to discuss this and they would like me to express the following opinion. We urge that you do not repeal the "Show Me the Water" Bill and reject this proposal for the following reasons. We need to protect existing residents. If water is being used and is used extensively, particularly in the Upcountry area, but it could be for other parts of the island as well, we want to make sure that we are not going to be further restricted under drought conditions. This year we've had a lot of rain, nobody's even talking about, but we have to remember that that is not the permanent situation, that often times we have drought situations. We have people on the water meter list, and I would just like to urge you to look at that list someday and realize that 30 percent of the people on that list in the first 100 are asking for subdivisions. The next 100 or so, it's even higher percentages. If those subdivisions go through and there's no protection, we, people further down that list, individual families, may not be able to get their water meters for a very long time. We need to make sure we have enough water. And finally, Hawaiian Home Lands. In our community, we have a large Hawaiian Home Lands area. At the end of the pipeline, we want to make sure that that Hawaiian Home Lands area has sufficient water to conclude the development of their project. In addition to those comments, I would like to make some of my own,

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separate from the Kula Community Association. One is, we have something called the Water Use and Development Plan. The County is obligated to complete that plan. The present plan is from 1990, 26 years ago. The Department is now in the process of developing a new plan. I would urge you, and this is an alternative from what Chair Baisa first suggested. She said either repeal or not repeal today. I'm asking you to table this whole motion 'till the Water Use and Development Plan is completed. That will give you information in a general way to craft the proper policy that this County needs to regulate housing, but not just housing, subdivisions, excuse me, golf courses, hotels, industrial parks, malls, et cetera. We have to know whether we have enough water for each of these uses, not just subdivisions, as the present ordinance describes. And the Water Use and Development Plan will indicate where water is available. Mr. Arakawa, from LURF, mentioned that we have 400 million gallons a day and we're only using 30 million. What he totally ignored was the large amount that's used by private developers and, in particular, the large agricultural operations which may use as much as 200 million out of that 400 million. We have to know where the water is, how much is available, by areas of the island, by areas of the County. A second thing, we should get from the respective departments a list of all of the already entitled projects. For example, one project may have gone through, claiming to get water from, let's say, the Wailuku Aquifer area. What happens when another project comes in and said we also were going to water from that aquifer? We need accumulative numbers. And so I'm asking you to request from the Water Department, the Housing, the Planning Department, and the Public Works Department, how they're going to make sure that the already entitled projects, many of them are out there, will have enough water, and to get those lists sent to you. And I urge you to request that from those departments. Also, are there some developers who have not met their requirements, who have previously been given entitlements with requirements of 50 percent in the old days, reduced to 25 percent, which of those developers have or have not provided the affordable housing that they, the workforce housing, that they promised? And I would urge you also, in, when you, if you do table this motion --

MS. WILLENBRINK: Four minutes.

MR. MAYER: --that you begin considering--and I'll just finish up with this sentence--that if you would consider not just housing, but also the industrial parks, the golf courses, the hotels and all the other users of water, many of which are far greater than domestic users in people's homes. That's when we'll have a final Water Use and Development Plan that's properly guiding the development of housing and water use in our County. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you very much, Dick.

MR. MAYER: Thank you and Happy New Year to all of you.

COUNCILMEMBER COCHRAN: Chair? Sorry, sorry.

CHAIR BAISA: Yes, Ms. Cochran?

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COUNCILMEMBER COCHRAN: Mr. Mayer, and we have your written?

MR. MAYER: I did not write this up but I ...

COUNCILMEMBER COCHRAN: Okay. Can you submit, maybe when you coordinate it all --

MR. MAYER: I will try to do this and I ...

COUNCILMEMBER COCHRAN: --in a nice ...

MR. MAYER: Yes. In particular the recommendations, the information that I wish you to get.

COUNCILMEMBER COCHRAN: Yes.

CHAIR BAISA: Thank you.

MR. MAYER: Thank you.

CHAIR BAISA: I think that would be very helpful. Thank you, Ms. Cochran. Any other requests? Seeing one, Ms. Willenbrink, let's proceed.

MS. WILLENBRINK: Yes, Madam Chair and Members, there are three more people signed up to testify. Rene J. Coleman, followed by Joyclynn Costa.

MS. COLEMAN: Good morning. Thank you.

CHAIR BAISA: Good morning.

MS. COLEMAN: I come before you as a voter --

VICE-CHAIR VICTORINO: Can I have your ...

MS. COLEMAN: --of this County.

CHAIR BAISA: Would you please give us your name? It's just for the record.

MS. COLEMAN: My name is Rene J. Coleman.

CHAIR BAISA: Thank you.

MS. COLEMAN: I come before you this morning as a voter of this County, a resident of this County. My grandparents were born here. My parents were born here. They took me to California. My grandfather raised me, telling me not to return to the Hawaiian Islands, that it didn't have the resources to support its own people. He left here in 1959. You've mentioned this morning twice the date of 1990 that this action was

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initiated. I ask you today not to repeal it but to look deeper, below our ground level, below our aquifer to our heart. This is a very tiny spot in the middle of the ocean. We do not have the resources that many of our other islands in this chain have. We don't educate our public in how to save water. We don't educate our developers in how to save water. If we did, we wouldn't still be installing systems that hold gallons and gallons and gallons of water in every home and business built. We need public education on how to reduce these things, how to save water. It's beyond just how to appropriate the use. If we don't teach our public how to save our water, all of this will be for naught. Please don't repeal this bill. Please don't make any changes to it until that final proposal is made so, as our other people have said, we can see the whole picture. Please respect what we need to know as citizens here. We need to know how to save our water, how to make affordable housing happen. There is no affordable housing left on Maui. The other day I drove by a fast food company that had a sign out, looking for employees at a starting wage of \$19.50 an hour. My husband retired as a U.S. Postmaster at \$16.25 an hour after a 30-year career, 25 years ago. Something in those numbers just does not compute in my head. If we have to pay \$19.50 an hour for a high school student to sit in a fast food window, it says a lot about what we have for affordable housing and it shows our lack of water. Water drives this community and has for years. I'm an Upcountry Kula resident. I drive by our water storage, open storage, daily and see it almost empty, even during this time of good rain. Please protect our water. Protect it from the corporate communities and agricultural communities that are stealing it. Bring it back to those rivers and streams for our taro farmers and for our people who really live here, not the millionaires who build homes and spend four or five days a year here. Thank you very much.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Madam Chair. Joyclynn Costa, and our final person signed up to testify in the Chamber is Tom Croly.

CHAIR BAISA: Good morning.

MS. COSTA: Good morning. My name is Joyclynn Costa. One of my many roles within my family and community is the Hamakualoa Ahu Moku representative for the island of Maui. This position was created by the Hawaii State Legislature under Act 212 and Act 288. Each representative's key role is to assist in the management of our resources, advising the State Department of Land and Natural Resources. On a more personal note, I find it to be irresponsible on the part of any elected office by the people, for the people, to erase good work that was mindful of not just smart growth, but the preservation of hope for the ability to grow in the future for short-term gains. Jobs, housings, economic gains and other short-sighted ideas should not, nor should be tolerated, for the sacrifice of such a precious resource such as water. It should, instead, increase the conditions of it to better develop the growth of this resource by requiring bringing back our rain forest, eradicating invasive species to protect our watershed in East Maui and plans to grow water. Instead, this idea would be another

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loophole investors, who really have no regard for we the people, who call this our home, to jump through and injure our delicate ecosystem. Any water source they provide should instead be regulated, monitored and be required to be only surface. The idea of digging wells to provide adequate compliance doesn't work. Leave it to the, leaving it to the developer to provide what they, that they meet the requirements through their hired consultants makes no sense. This is why we are in the situation we are in now. If you have the money for consultants and hired hands, you can get anything you want in this County. The people are the most expert you can get because we live here. We are the canary in the mine and you don't seem to mind that we are saying enough. An example of expert consultation work to gain entitlements from this very Council is Wailea 670. In the words of developer and consultants, there were no major cultural impacts. They presented 25 cultural sites with a few hundred features within. Due to the action of people and the grace of the developer, the property was reassessed and found it contained 500 sites and thousands of features just in the south section alone. My question is, would this Council have given them the entitlements if they knew then what we know now? What more, with water, if you, Councilmembers, find you got it wrong, there will be no turning back, irreparable harm. Do you have a contingency plan for that? I strongly oppose the idea and consideration to repeal the "Show Me the Water" law and instead request to strengthen it with even more conditions and requirements.

MS. WILLENBRINK: Three minutes.

MS. COSTA: Anything less would be an insult to your employer, we the tax people. God bless you.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Madam Chair. Tom Croly, and one additional testifier signed up, Clare Apana.

CHAIR BAISA: Good morning, Mr. Croly.

MR. CROLY: Aloha, Chair. Aloha, Committee. Tom Croly, testifying on my own behalf. At the last Water Resources Committee meeting I listened very carefully and with great interest to all the testimony regarding the Water Availability Policy and today's testimony, all very educational. There's so many important considerations to make in the use of this precious resource. But in all this impassioned testimony, what I learned is the fundamental basis of this ordinance was brought very clear by the comments made by the Water Director at the end of last meeting and I think most people probably were gone and didn't even hear that. And that was that when this policy was brought forward, it was based on kind of faulty calculations. We were using calculations of how much water we would have--and I really shouldn't speak for the Director here--on what entitlements there were and if everyone turned their faucet on at full blast and so forth, and that just didn't seem a good basis for making decisions. I support amending or changing this policy in some way to make it work

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better and address some of the concerns that have been put forward. It's not possible to predict how, when each entitled project is going to be built and how much water that project is going to utilize. I live in Maui Meadows. Maui Meadows was entitled 50 years ago. There's still lots in Maui Meadows that are still not developed. There's still a lot of property in Maui Meadows that still hasn't, you know, come to its maximum use of its water but it's taken 50 years to get to that point. So for us to say, hey, we're gonna reserve water now for the next 50 years because this project is now entitled, that just doesn't make sense to me. I do believe the Water Director should make an annual report as to the current status of the water meters being issued in the subsequent year and the current availability of water and what he can ensure. I don't think that we should make a policy that goes out 50 years down the road and says, well, based on these entitlements 50 years down the road, we might run out of water so we're not going to give any more entitlements. That is not, you know, sound. I do agree with much of the testimony that's been given that the island needs to complete its water development plan. Such a plan will make clear that Maui's infrastructure needs improvement and we all know that in order to do that we need money. And I do think that this Council should raise the cost of water meter fees dramatically, as recommended by the Director, in order to pay for that infrastructure. Now, whether we raise them across the board or whether we say we're going to waive them for affordable housing and make them much higher for these non-affordable housing, that's a policy decision that you guys need to make but I think that's the place where we should be working towards improving the infrastructure and the future of our water as opposed to just some calculation that is fundamentally flawed at its foundation. Thank you.

CHAIR BAISA: Thank you, Mr. Croly. Members, any need to clarify? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Our final testifier this morning in the Chamber is Clare Apana.

CHAIR BAISA: Chair would urge you that if you want to testify, please sign up. We're trying to gauge how much we can get done this morning. Good morning.

MS. APANA: Good morning. Good morning, Councilmembers. I would like to start by reading a few places in a just received document that I believe you received this morning and it's from the Office of Hawaiian Affairs. And in it I see that they have done a very nice critical review of the issues at hand and provided legal references that show that, their position, and I will read that and please bear with me, okay. OHA believes that the wholesale repeal of the Maui County Water Availability Policy may eliminate important and beneficial County water planning mechanisms that facilitate sustainable development consistent, sorry, sustainable development. In it, in their letter, they go on to say, what are the State and County responsibilities to the public trust waters and who are those people that the County must answer to or protect water for? And they go through a list of people, including kuleana water users and the office, I mean, and the Hawaiian Homes beneficiaries, and they made a point to say, this does not include those commercial concerns for monetary gain. This does not include commercial concerns for monetary gain. That is not your kuleana. I have to

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agree with the people who have come up here to say...you know, I think Mr. Victorino, you brought up an issue here and what it has pointed to is that we do not have a water plan, that is long overdue, and going forward without this water plan, I wish that you would put this energy into holding the Water Department and the Director, hold his feet to the fire to get that job done instead of taking a good law and putting all this energy into it, to repeal it. Why not leave it in place because it has done what was intended to do, which was make sure that water is available before getting subdivision approval? Those bonds that are given before getting those subdivision approvals are so important because then the County's not held, left holding the bag to pay for somebody's private well or a, give water, more water than is available to a subdivision. That's a very important step. Spend your energy holding the Water Department to what they're supposed to do. They're supposed to have a plan. In this letter from OHA, they make that clear. There should be a better plan for Maui, especially with the rise in population that we are experiencing. And I just have to say that in the 2-year report that was given, I do not think that we were afforded the benefits of this policy by the kind of report that was given and especially for --

MS. WILLENBRINK: Four minutes.

MS. APANA: --Hawaiian Homes and the water that is first and primary given to the people of Hawaiian Homes. That report was shameful and I wish you would hold him, hold the Water Department to their task. They're supposed to report every two years on this Water Availability Policy and they have done a very shoddy job and now you come to take this away when it has not even been put into place. So I just want to tell you that the Office of Hawaiian Affairs believes that taking, repealing this bill is not in their, in the best interest of the beneficiaries and not in keeping with the State and County laws. Thank you.

CHAIR BAISA: Thank you. Thank you very, very much. Members, is there any need to clarify her testimony? Seeing none, Clare, thank you very much.

MS. APANA: Thank you very much.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: There's no one else that has signed up to testify in the Chamber.

CHAIR BAISA: Okay, Members, people in the gallery, anybody else needs to testify, would you please come forward immediately? Okay, I'm going to check with the neighbor offices and find out if anybody showed up. Lanai, Denise, has anybody come to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR BAISA: Thank you, Denise. Molokai, Ella, has anyone shown up?

MS. ALCON: There's no one here on Molokai waiting to testify.

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CHAIR BAISA: Thank you very much. One last chance. Seeing nobody coming, Members, there is nobody in the gallery or in the District Offices that would like to testify that has not had the opportunity. So without objection, Chair will close public testimony for today.

COUNCILMEMBERS: No objections.

CHAIR BAISA: So ordered.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR BAISA: Okay, Members, you have heard an incredible amount of wonderful testimony today. I want to thank all of the testifiers, those who submitted testimony, as well as those that are here. It's very gratifying to get this kind of response to a request for testimony. It really helps the Members, as we have to make decisions. So, Members, let's have some discussion and then I will call on Mr. Victorino and see where he wants to go. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and I believe you are aware but I have some information that I wanted to submit via open session here as our Sunshine Law dictates to us. And so I have paperwork, if I can have Staff help me disseminate --

CHAIR BAISA: Sure.

COUNCILMEMBER COCHRAN: --to our, my fellow Members.

CHAIR BAISA: Sure, not a problem.

COUNCILMEMBER COCHRAN: Thank you very much. And so the first set of handouts, Members, is my office had compiled just this morning from Long Range Planning maps and it's all available online, but it is pretty much, it's only current through February 2014 of all the different projects, Single Family, Multi-family, Timeshare/Hotel, in all our different districts, and it breaks down the numbers in total committed, entitled projects that are out there. So I thought it's a helpful reference for us as we're hearing people saying that we, nothing's going through and what have you. On, and then I have a second handout--sorry, Kim, I know you have owie leg too--and this one is a set of questions, Chair, that I am submitting again via open session through your Committee to the departments. So if I may, it's only five bullet points of questions that I'd like to submit on record through your Committee.

CHAIR BAISA: We'll be happy to do that.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: Chair will say okay.

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COUNCILMEMBER COCHRAN: Thank you very much. So the subject is WR-11, Water Availability Policy, and I would like to request a report to be transmitted by the Administration to include the following information. One, all previously approved and entitled housing development projects from 2005 to present that have affordable and/or workforce housing requirements, including the developer's name, contact information, the dates of their entitlements, and the development location. Two, for each already entitled/approved development project, indicate the water source. Three, for each already entitled/approved development project, how many total housing units were approved and how many units of affordable and/or workforce housing units were required. Four, for each entitled/approved development project, indicate how many of the required affordable housing and/or workforce housing units have been completed and which have yet to be built. And, five, indicate the name of any developer/landowner who is delinquent/behind in meeting their affordable/workforce requirements. So this, Chair, are requests via your Committee here today to Department of Housing and Human Concerns, Public Works and Planning Departments. So if ...

CHAIR BAISA: Thank you, Ms. Cochran. I'll be happy ...

COUNCILMEMBER COCHRAN: And this is all in writing and each Member, including yourself and Staff, have a copy of what I'm speaking to. And, sorry, lastly, number three, I have the, it's a handout that actually came through HHT, Ms. Crivello's Committee, but I think it's very pertinent to the subject matter and what people have been discussing all day long. So I'd like to just put that into the record and into your Committee so we have this to, or as a resource to look at. And it also goes along with my roll of maps. So, my staff's been very busy this morning trying to keep up with all this but so I have maps that actually show, remember our red, yellow, green --

CHAIR BAISA: Yes.

COUNCILMEMBER COCHRAN: --areas on all, in our districts, red lights, you know, we got entitled, good to go, and not yet. So I have maps and this we can, I guess, I don't know if I should submit this or keep it on hand for ...

CHAIR BAISA: Why don't you keep it available in case --

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: --anybody asks for it?

COUNCILMEMBER COCHRAN: Okay, so I have that --

CHAIR BAISA: So if anybody needs ...

COUNCILMEMBER COCHRAN: --handy --

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CHAIR BAISA: Yeah.

COUNCILMEMBER COCHRAN: --dandy and dug out of our online filing system. And lastly, Chair, this is a request from myself to you and it's in reference to the, one of the initiators of this legislation, Ms. Michelle Anderson, that was here not too long ago and who is still willing to be a part of the discussion as a resource person if you would allow her to be involved that way. She is still willing, as of this morning, she has asked if you would grant that, she's okay to be a participant, as long as, of course, you approve that request.

CHAIR BAISA: We'll definitely consider that request and we're grateful for her, you know, putting herself out there.

COUNCILMEMBER COCHRAN: Okay, yeah, okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COCHRAN: Alright, well, that's all my submittals. Thank you, Chair.

CHAIR BAISA: Thank you very much. Chair would like to note the presence of Councilmember Don Guzman. Thank you for joining us.

COUNCILMEMBER GUZMAN: Thank you, Chair. Although I'm not a voting member of the Committee I am --

CHAIR BAISA: That's okay. We welcome you.

COUNCILMEMBER GUZMAN: --very thankful to be here --

CHAIR BAISA: This is a biggie.

COUNCILMEMBER GUZMAN: --for the discussion. Thank you.

CHAIR BAISA: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. You know, there's been a lot of testimony talking about the Water Use and Development Plan. I would like to ask the Director where we are on that and what's the, you know, what's the status?

CHAIR BAISA: Okay, before we proceed, the Chair would like everyone to know that this meeting cannot go beyond 12:15 because the Chair has an appointment with a person from the Big Island that has to catch a plane so I can't be here all afternoon. We also have a site visit at 2:30 this afternoon in Lahaina so my Members will need to have lunch and then get out there. So let us be very efficient in the use of our time. Mr. Taylor?

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MR. TAYLOR: Thank you, Member Couch, and your question and some of the testimony was about the Water Use and Development Plan. Our staff is working on the Water Use and Development Plan. We're trying to finish it in the next, I'll call it, six months to get something that's titled Draft Water Use and Development Plan, to start that process of going public meetings and the Board of Water Supply and eventually to Council. That being said, this Committee has essentially been reviewing drafts of chapters of the Water Use and Development Plan since August 2001. I haven't been calling them that but every time we put on one of these PowerPoint presentations with these 20-year projections, they all start with these policy questions. They end with the same policy questions where we try to put into perspective what we talked about from a technical standpoint with the Council's policy choices. All of the presentations really follow that format. Those are essentially chapters of the Water Use and Development Plan that as we do the technical work, we put on presentations, we walk the Council through it, we ask for feedback, you start seeing in our budgets and in ordinances us pushing to find out, you know, what the limits are. How much can we charge? Do you support this? So it's a little different than what you're used to. Usually you get something, you know, it's this thick that says draft plan and you start with it. We've been running these pieces back and forth to you, literally now, for four years to get feedback from you so that when you finally get a draft plan. What we want is you to say, yeah, we've seen this before, this is the direction we wanted them to go in. The Water Use and Development Plan could go in a lot of different directions and for us, just in a vacuum say, this is what we think and then have you not even like the foundation of it, is not an effective use of anyone's time. So what we've been doing is treating you as our editor and as we write, you know, draft technical chapters, we've been running them by you. So although it isn't technically finished, you have been briefed on it, you've been voting on it in ordinances and budgets, and by the time it is finished, our expectation is you won't be very surprised because you've been talking about it for four years now.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR BAISA: Okay. Members, any further discussion? If not, the Chair would like to give Mr. Victorino an opportunity to talk about his proposal here.

COUNCILMEMBER WHITE: Chair?

COUNCILMEMBER COCHRAN: Can I ask ...

CHAIR BAISA: Okay, Ms. Cochran?

COUNCILMEMBER WHITE: Ms. Cochran had a ...

COUNCILMEMBER COCHRAN: Sorry, for Director Taylor, I guess, questions of Director Taylor at this point?

CHAIR BAISA: Yes, go ahead.

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COUNCILMEMBER COCHRAN: Okay, thank you, and thank you, Director Taylor. I'm just wondering if you know that, I guess, currently entitled projects that are good to go, are any of those holding up projects that would like to go but now cannot get water allocations because of the, you know what I mean, the projects ahead, I guess, ahead in line of them? And I'm kinda talking like maybe Kahoma Village in Lahaina.

MR. TAYLOR: Okay.

COUNCILMEMBER COCHRAN: Or is there other examples in our County?

MR. TAYLOR: The way the process works, by law, is that when someone comes in to pay for their water meter, when they're ready for their water meter, at that time, the Department makes a determination, are we ready to commit to serve you and this water meter forever? That's always happened with or without this bill and that still happens. What the "Show Me the Water" Ordinance does is, say for specific class of projects, a determination like that is made at the subdivision point. So there are certainly projects that at the subdivision point are hitting this bill and are not able to go forward. There are other projects that don't get triggered by this bill, that as long as we're ready to make that commitment when they want their meter, they will, you know, they can move forward at that time. That's mechanically what this bill does --

COUNCILMEMBER COCHRAN: Okay, so, I guess ...

MR. TAYLOR: --or what this ordinance does, I'm sorry.

COUNCILMEMBER COCHRAN: Right. But, I guess, I'm still trying to figure out, so they're, that process, what you're saying, isn't holding up someone else from moving forward? You know what I mean, like, okay, they got their subdivision approval, they have their water allocations and everything's, but they still just haven't quite put the shovel in the ground kinda stage and yet here's some other people behind them going, we're ready, we got our finances, we're good, but you're going, but we don't have water for you.

MR. TAYLOR: I'm not exactly sure what you mean by, somebody who has a water allocation. From the Department's standpoint ...

COUNCILMEMBER COCHRAN: Well, just water or existing users or, and I think it just boils down to where, and a lot of this testimony people were saying, where has the Water Department come up with more source for people? And then one testifier said the whole intent of this was to put things on hold while we, the County, can get up to speed and up to par with more source development to take care of everyone's needs. And that hasn't happened either. So on the County's behalf, Department, Water Department's behalf, that hasn't moved forward. So I think, Chair, overarching this bill, it's not about the bill, it's a lot of different moving parts, obviously, and so I think, but Water Department has a huge role to play in this in fixing what people are seeing as broken around here in getting housing, affordable, workforce, whatever you want to call it, the local people with roofs over their heads. And so I'm just trying to find out if,

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I guess, I don't know about if people, if things are being tied up and on hold and preventing these projects that we're looking to get built from moving forward. And is there a way that Water Department can, you know, assist?

CHAIR BAISA: Ms. Cochran, I understand where you're coming from. If you can hold on? May I have Mr. Victorino have a few minutes --

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: --and then we can continue?

COUNCILMEMBER COCHRAN: Sure.

CHAIR BAISA: Mr. Victorino --

VICE-CHAIR VICTORINO: Thank you, Madam Chair.

CHAIR BAISA: As the cause of all this.

VICE-CHAIR VICTORINO: Yes, I did, and, you know, I've always been one, when it was homelessness or whatever, stirred the pot and got people out here that never show up, that rarely show up, to give their manao, and that's fine, you know. Yes, I think for the local people, I don't care what they say, I do. There has been a critical shortage of housing and while "Show Me the Water" has been one of the bigger hindrance, not the only one, I'll admit to that. There are many other hindrance but that has been one of 'em. I believe this has stirred, at least enough discussion, that first and foremost, I think the Water Use and Development Plan, which has been long overdue, I mean, that's been something that since I walked in we've been working on and we've had so many different changes on it. We need something that is definitive that, and the public and the Council can work with. So, I agree with some of the testifiers, that needs to be completed, never said that wasn't a part of the plan, that needs to be done. So I'm willing, Madam Chair, and listening to everybody today, my whole take on this and my motion, and I will make a motion right now and then we can discuss further. My motion is to file County Communication 15-229, file that, in other words, we will not repeal the ordinance and we need to wait for the workforce, I mean, not workforce, excuse me, for the Water Use and Development Plan and other amendments that I think will necessitate us moving ahead with housing.

CHAIR BAISA: Chair will accept that amendment. Is there a second...I mean that, sorry, motion. Is there a second?

COUNCILMEMBER COUCH: Second.

CHAIR BAISA: We have a second by Member Couch. Now we can have discussion. Any more, Mr. Victorino?

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VICE-CHAIR VICTORINO: No, I just hope my Members understand that, and the public, that I've stirred the pot and I think now we know where we need to go. And I think if we all work together, it's not about me, it's about we. It's always been about we but now everybody's run in and said, oh, let's work together, whether they're developers, whether they're the other side of the fence, we all now wanna work together. I'll hold their feet to the fire. I wasn't elected here just to be a bump on a log. I was elected here to get the job done. Let's all work together and get the job done. Thank you, Chair.

CHAIR BAISA: Okay. I guess everybody wants to comment. I see Ms. Crivello's hand. Go ahead.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'm not sure if this could be added to the motion or not but in part of the discussion what I've heard is this water plan has been in development or talked about since 1990 and I wonder if we can put some sort of a timeframe as to when we expect the completion of this water plan so that if that should be our working document, if that can be made available or do we need to have that?

CHAIR BAISA: I'll ask first of all, the maker of motion, and then I'll ask Mr. Taylor. Mr. Victorino?

VICE-CHAIR VICTORINO: I'm not sure and I have to ask Corporation Counsel if we can connect 'cause this was to repeal --

CHAIR BAISA: Correct.

VICE-CHAIR VICTORINO: --the bill.

CHAIR BAISA: Correct.

VICE-CHAIR VICTORINO: And I am saying, we're not going to repeal --

CHAIR BAISA: Correct.

VICE-CHAIR VICTORINO: --the bill. So there is no, there's no, by not repealing the bill, the Water Availability Act still exist.

CHAIR BAISA: It remains the way it is.

COUNCILMEMBER CRIVELLO: Yeah. I'm asking about your, in your motion you included about the water plan to be...

VICE-CHAIR VICTORINO: No, no, I didn't. I just said --

CHAIR BAISA: To repeal.

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VICE-CHAIR VICTORINO: --just repeal.

MS. WILLENBRINK: Madam Chair?

CHAIR BAISA: Oh, to file.

COUNCILMEMBER CRIVELLO: To file, that's your motion.

VICE-CHAIR VICTORINO: Yeah, just to file. Yeah, I'm just filing.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR BAISA: So it, all of this disappears.

COUNCILMEMBER CRIVELLO: Sorry.

VICE-CHAIR VICTORINO: Okay, please, I'm sorry to confuse everybody.

COUNCILMEMBER CRIVELLO: Yeah, you did.

VICE-CHAIR VICTORINO: I apologize.

CHAIR BAISA: Ms. Oana, any comments?

MS. OANA: No.

CHAIR BAISA: No comments, okay. Our Corp. Counsel, and by the way, we didn't even note the change. We have Jennifer Oana, who has slipped in here for Ed Kushi. Thank you for joining us. No comments, Director?

MR. TAYLOR: No comments.

CHAIR BAISA: No, no comments. Okay, let's go down with my Members. Any more comments? You have the motion on the floor. Motion is to file, which means that all this goes away until such time, and Chair's willing to, you know, look at that. We'd like to have a Water Use and Development Plan so that if we do make changes or decisions, we have something to base it on. Any comments from our Members? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. I'm willing to go along with this motion but only if we can get some sort of commitment from either you or the maker, Mr. Victorino, who made this bill, is to come up with some, something that works, but I need, you know, there's a great discussion here, we've got both sides and we want, we don't just wanna just say, okay, we're done, move along. I would like to get something --

VICE-CHAIR VICTORINO: Madam Chair?

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COUNCILMEMBER COUCH: --discussed. So, thank you.

CHAIR BAISA: Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah, Madam Chair, you have my assurances and I've told you that and I'll tell everyone here and the public that you have my assurances that we will be working on this right after trying to bring all the parties together to see what we can come up as far as some changes within the bill. But I will say that I will predicate it with the water availability, I mean, excuse me, the Water Use and Development Plan--I'm getting twisted with all these different issues--the Water Use and Development Plan, which will be, like some of the testifiers said, an integral part. With that, then the puzzle can be probably put together a lot easier and with some definitive picture being done with it. So I would say, yes, Mr. Couch, I will be working on it, and along with Chair Baisa and others, I will work with this. However, I would like to see, and I cannot put that as part of the motion because we're totally different, I would hope that we could get a commitment from the Department by no later than June of this year, that that Water Use and Development Plan will be brought to us for us to look at and complete.

CHAIR BAISA: Well, I can tell you that the Chair strongly supports that promise, you know. As everybody knows, I'm in my final year here on the Council. As Water Chair, I've been given this wonderful opportunity, and I am going to stay on this. And I will work closely with our Director and with Mr. Victorino and anybody else I have to but we don't have time. We have got to wrap this up. We need a Water Use and Development Plan. We need to have guidance. As everybody knows, we are not allowed, as Councilmembers, to tell any director what to do, but I would strongly encourage our Director to pay attention and let's get this done. I think it's for everybody's benefit and, you know, we've heard all this wonderful stuff about working together today. I think this is something we can demonstrate that we can work together and we can come up with ideas. So I'm in strong support. Members, any further comments? Mr. Guzman, yes?

COUNCILMEMBER GUZMAN: Thank you, Chair. Although I wasn't, I'm not part of this Committee --

CHAIR BAISA: That's okay.

COUNCILMEMBER GUZMAN: --I was, been following it on ...

CHAIR BAISA: We welcome, you're a Member. You're gonna vote --

COUNCILMEMBER GUZMAN: Thank you.

CHAIR BAISA: --eventually.

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COUNCILMEMBER GUZMAN: Thank you. And I was watching on Akaku, the testimony that was being conducted today. What's most disturbing to me is that the response from the Water Director regarding the Water Use and Development Plan. That's the first, I guess, the first inception of it or ever it's, ever been touched, was 23 years ago and for him to say that we've been drafting it on the floor the last 4 years, I was not aware of that or ever was told that we were drafting the Water Use and Development Plan. So, by far and beyond, I would like to see a draft presented to this floor so that I have more of an idea what our capacity is in the County and what resources we have. I hate song and dance. I will not tolerate it this year. I want to see a Water Use and Development Plan. So if you could indulge me, Chair, and kindly request the Department to produce a draft, whatever draft they have, I don't care, I want to see it in writing. Thank you.

CHAIR BAISA: Thank you, Mr. Guzman. And the Chair will make it a priority that we get a status report on it and that we track it very carefully. And if I have to schedule it as an agenda item, I will --

COUNCILMEMBER GUZMAN: Thank you.

CHAIR BAISA: --as soon as I can. Also, it's not on the agenda for today so we want to be a little careful about Sunshine Law violations. But we do have a motion on the floor and if anybody else would like to speak on the motion, Chair will entertain that. If not, I'm ready to call for the vote.

VICE-CHAIR VICTORINO: Call for the question.

CHAIR BAISA: Okay. All those in favor of the motion on the floor, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR BAISA: Opposed? It looks like we have a full Committee of seven voting in favor of the motion, so it passes.

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VOTE: AYES: Chair Baisa, Vice-Chair Victorino, and Councilmembers Carroll, Cochran, Couch, Crivello, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

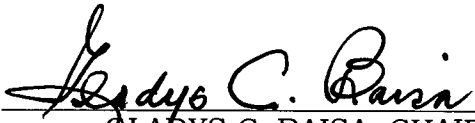
MOTION CARRIED.

ACTION: Recommending **FILING** of County Communication 15-229.

CHAIR BAISA: The Chair would like to thank everybody once more for all of the participation and I assure you that this is not the last you heard about this matter because the Chair is making it a priority, as well as my Vice-Chair. So without further business, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 12:11 p.m.

APPROVED:



GLADYS C. BAISA, CHAIR
Water Resources Committee

wr:min:160106:alp

Transcribed by: Annette L. Perkett

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CERTIFICATE

I, Annette L. Perkett, hereby certify that 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 22nd day of January, 2016, in Haiku, Hawaii.



Annette L. Perkett
Annette L. Perkett