

WATER RESOURCES COMMITTEE

Council of the County of Maui

MINUTES

July 13, 2016

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Gladys C. Baisa, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll (left at 10:47 a.m.)
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Mike White (arrived at 9:11 a.m.)

EXCUSED: Councilmember Don Couch

STAFF: Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

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

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

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: David Taylor, Director, Department of Water Supply
Pamela Townsend, Planner, Department of Water Supply
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Rosemary Robbins
Dick Mayer
Faith Chase
Lucienne de Naie
(2) additional attendees

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

WR-4 WATER USE AND DEVELOPMENT PLAN(CC 15-159)

CHAIR BAISA:.. *(gavel)*.. Will the regular meeting of the Water Resources Committee please come to order. My name is Gladys Baisa. I'm the Chair of the Committee. Today is July 13, 2016, and it's approximately 6 minutes after 9:00. I'd like to ask everyone to please put your cell phones in the silent mode if you've got them with you. That will be

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very helpful. And I'd like to introduce the voting Members that are here today. I'd like to introduce Mike Victorino, my Vice-Chair.

VICE-CHAIR VICTORINO: Good morning and aloha, Madam Chair.

CHAIR BAISA: Good morning, Mike. And we have Mr. Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. Elle Cochran --

COUNCILMEMBER COCHRAN: Aloha.

CHAIR BAISA: --from West Maui.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR BAISA: Looks like we're covered from all over, huh?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR BAISA: And we have Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Council Chair Mike White who will be joining us shortly. And those folks who are not Members of this Committee...well first of all, Mr. Couch is excused today, and he is attending a conference, a planning conference in Manila and representing the County, and I find that very interesting and wonderful that we're able to do that. Mr. Guzman and Mr. Hokama are not voting Members of this Committee and therefore do not need to be here today. With us from Administration, we have Dave Taylor. He's the Director of Water Supply.

MR. TAYLOR: Good morning, Chair.

CHAIR BAISA: Good morning. We have Pam Townsend who is the Staff Planner with the Department of Water Supply.

MS. TOWNSEND: Good morning, Chair.

CHAIR BAISA: Good morning. And we also have Jen Oana, the Deputy Corporation Counsel.

MS. OANA: Good morning, Chair.

CHAIR BAISA: Good morning. And thank you very much for being here. Also have my Staff, I have Greg Garneau, Legislative Attorney.

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MR. GARNEAU: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Pauline Martins, our Committee Secretary. Thank you very much for being here. In our District Offices, we have Denise Fernandez in Lanai. And I know that this has already been checked, girls, we'll get back to you in a little bit. We have Ella Alcon in the Molokai Office and Dawn Lono in the Hana Office. Today, folks, we have one item on our agenda, that's WR-4, and that's the Water Use and Development Plan. The Committee is in receipt of County Communication 15-159, from me, relating to the County of Maui Water Use and Development Plan as required by Chapter 174C, Hawaii Revised Statutes. We last discussed the Water Use and Development Plan at our meeting in January of this year. And in a most recent meeting where we discussed water availability, the Committee talked a lot about the water development plan and really wanted to know where it was and what's in it before we acted on other things that we're thinking about acting on in the next few months. And so the Water Department has worked very hard and they have produced a status report and a plan, a timeline for the Water Use and Development Plan to help inform us and the public as to what is going on with this plan. So we'll receive an update and status report. If there are no objections, I would like to have the presentation prior to taking public testimony; however, I would like to ask the folks in...and I see only two in the audience here if they are okay with waiting until after the presentation? I see nodding heads so I think we're okay. How about in the District Offices? Mr. Garneau, would you check?

MR. GARNEAU: Hana Office? Hana Office, can you hear me?

MS. LONO: Yes, I can hear you.

MR. GARNEAU: Are there any...

MS. LONO: Good morning. This is Dawn in the Hana Office.

MR. GARNEAU: Thank you. Is there anyone there to testify?

MS. LONO: There is no one here waiting to testify.

MR. GARNEAU: Okay, thank you. In the Lanai Office?

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

MR. GARNEAU: Thank you. And in the Molokai Office?

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

MR. GARNEAU: Thank you.

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CHAIR BAISA: Thank you, Mr. Garneau.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: And thank you, ladies.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Yes?

VICE-CHAIR VICTORINO: Point of personal privilege, if I may?

CHAIR BAISA: Yes.

VICE-CHAIR VICTORINO: I would like to, before we get started with today's meeting, thank you very much for allowing the Policy and Intergovernmental Committee to have, Affairs Committee to have two meetings which you gave up your meeting time to allow us to get caught up. So I wanted to thank you, before we started this meeting, for your consideration and your generosity in allowing us the opportunity to finish up what I call some very important work for the County. And, you know, your generosity made it possible. Without that, we'd probably be still behind the eight-ball trying to figure it out. But thank you very much, Madam Chair, I really appreciate it.

CHAIR BAISA: Thank you, Mr. Victorino. No thanks necessary. It was a matter of grave importance, and a plan of course we can wait another few days, but the matter that was before was urgent and on a time schedule so we had to deal with it. So my pleasure. And I also tell my colleagues that, you know, if you're ever in that situation, let's ask each other, because we all know that we want to get priority work done for the Council, that is...and the County, that is our job. So thank you again, Mr. Victorino. We can start now with the presentation. So I'd ask, Mr. Taylor, if you want to give any introductory remarks before we start?

MR. TAYLOR: No, Madam Chair. I'll turn it over to Pam who's going to give the presentation.

CHAIR BAISA: Okay. So we're ready to go right into the presentation.

. . . BEGIN PRESENTATION. . .

MS. TOWNSEND: Great. Thank you, Chair, Members of the Committee. Good morning.

CHAIR BAISA: And, Members, we all have hard copies of this. I know we have it on iPads, and if anybody would like to follow along, please feel free to. You can do it either on your iPad or in your hard copy, but she'll be taking us through the presentation. Also, while we are doing the presentation, if anything grabs you and you really want to talk about it, let's do it as we go, because I find when we wait to the end, we kind of forget

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what we're talking about. So if there's a burning issue, let's deal with it. Just let me know, raise your hand and we'll stop. Go ahead, Pam. Thank you so much.

MS. TOWNSEND: Thank you. My name's Pam Townsend. I'm with the Water Department obviously, with the Water Resource and Planning Division. And Eva Blumenstein is on vacation, so thanks for having me. So we wanted to update you on what we've been up to and progress we've been making with the plan, and also provide sort of a preliminary look at some strategies.

CHAIR BAISA: Pam, do you think maybe you could move that mic a little closer? It's really important that we can hear you clearly. Thank you.

MS. TOWNSEND: Okay. So the plan is going to be part of the Hawaii Water Plan when it's adopted. We had the Lanai plan adopted in 2011, and we receive status reports on a periodic basis. The Maui Island Water Use and Development Plan process started about really over ten years ago, and a plan was produced that focused only the Maui DWS Central system and that went into a lot of detail. It was approved by Council but then not approved by CWRM. So CWRM had requested a plan that comprehensively includes all water providers and users. So we started the process again in about 2013, and then really had some change of staff and jumpstarted again in 2015. So we've been updating CWRM, the Board of Water Supply and yourself somewhat periodically.

CHAIR BAISA: Ms. Townsend, pause for one second. I'd like to note the presence of Chair White. Thank you for being here.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR BAISA: I told them you'd be a skoosh, a bit late. Thank you. Go ahead.

MS. TOWNSEND: Thank you. So the overall timeline here--it's really a tentative timeline--is to complete a draft for the Board of Water Supply review late this year. They then have 180 days for a review and recommendation to Council. Tentatively the plan would come to you in around May of 2017, and then County Council must hold at least two public hearings on it. Optimistically the plan could move forward to CWRM for final adoption in around August of 2017, so that's really about a year from now. As time permits, we've been...we will be working on the Molokai Water Use and Development Plan, especially when this plan gets into the hearing process.

CHAIR BAISA: Members, any questions on that? Otherwise, we'll just go...keep going unless I hear from, see a sign that you wave your hand. Okay, go ahead, Pam.

MS. TOWNSEND: So the purpose of the Water Use and Development Plan is really just to inventory the demands of all users, and ensure that the future water demands are planned for, and provide guidance to CWRM as well as to your Council. The plan will allocate water to land uses consistent with the policies, and the growth areas, and the population growth rates in the Maui Island Plan. That plan was adopted in 2012. The

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community plans also provide guidance during the process in cases where they're consistent with the Maui Island Plan which is really the overriding policy document. So the Water Use and Development Plan will identify strategies and programs to meet demand, and also for management and development of water resources. The Water Use and Development Plan, it won't be focusing on individual wells and infrastructure, and it's not a CIP level, and that is really different than the Central plan that you got previously.

CHAIR BAISA: Pam, if at any time you need a break, just let us know, okay?

MS. TOWNSEND: I'm okay. I just need to get some water.

CHAIR BAISA: Obviously you're fighting some kind of a respiratory thing. Also got some cough drops up here if you need, let me know.

MS. TOWNSEND: Okay.

COUNCILMEMBER COCHRAN: Chair? Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Can I interject at this point?

CHAIR BAISA: Sure.

COUNCILMEMBER COCHRAN: In the red highlighted, allocate water for land use. You know after all these big fires we've been having, will that be taken into...is it taken into consideration anywhere in the, you know, format of this document at all? 'Cause I've had some requests from the community in regards to reservoirs, you know, sort of holding ponds per se for perhaps future, and we all know where the hot spots are. It occurs all the time, it's just never as bad as it has in the last few weeks. But so is that in there or is that considered land use?

MS. TOWNSEND: We're really taking direction from the Maui Island Plan so the Maui Island Plan has programs for fire protection. You know we would look at fire...at water for fire protection but we're not looking to...we're really looking to allocate water to uses and locations in the Maui Island Plan. So I'd have to say it's not directly taken into account.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you. Thank you, Chair.

CHAIR BAISA: Okay. Any others? If not, go ahead.

MS. TOWNSEND: Okay. So the Water Use and Development Plan would identify strategies and programs to meet demand and for management and development of water sources. Again, it's not going to focus on wells or individual infrastructure and it's not a CIP level. It doesn't amend any existing codes, or it doesn't get to the level of detail

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of the availability policy for example which requires verification of a long-term supply. So one thing I would say is while the plan will look at strategies for reliability, until those strategies are actually put into place through your CIP program, you don't really have, it's not guaranteed that you're going to have a reliable supply. So you, the availability policy really still serves its purpose even after the Water Use and Development Plan is adopted. So in a nutshell the plan is going to encompass all water sources, users, and systems. It's going to focus on resource availability and the mix to serve future demand. The planning has to be done by hydrologic boundaries rather than community boundaries, but there'll be a lot of information in the plan that can be applied to the community plan update process so that'll be useful. The planning horizon will be till 2035, and we're going to have a couple scenarios. One will be population growth rate increase which is based on the Maui Island Plan. We have a 2014 updated socioeconomic forecast which has updated the growth rates; however, the overall population totals haven't changed, those are dealt out by the State, so we'll be maintain...so really the population growth rate isn't changing even though we have an updated forecast. We'll also do a scenario based on full land use build-out which is not realistic, because, you know, is that really going to occur and when would that occur, but we will do it. And then also one based on drought and climate change. And drought's a very important issue to everyone. So unlike the Central DWS plan we put out previously, this plan is really going to focus a lot on public trust purposes. CWRM has advised that the plan has to be a lot more specific in, or very specific in characterizing traditional and customary practices, and the impacts of the plan on those practices. So that's something that we'll be putting more effort into. So on this slide, you can see a lot of different providers and purposes listed. And as you can see, Maui DWS is no more or less important than any of the other water users. We're just sort of lost there in that top brown square. And we actually only use a fraction of the total water that's used on the island. So again, the Water Use and Development Plan is intended to address all users, and that's why it's not really going to go into a lot of detail about our systems.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Yes? Go ahead, Mr. Victorino.

VICE-CHAIR VICTORINO: Yeah, you know when you go back to the potable providers, let's start with that before we get into ag and the other areas. These potable providers, do they give us a monthly report as was once asked for? Do they still give us monthly reports?

MS. TOWNSEND: We do get monthly reports. We also get them from CWRM directly.

VICE-CHAIR VICTORINO: Directly?

MS. TOWNSEND: Yeah.

VICE-CHAIR VICTORINO: Okay.

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MS. TOWNSEND: So that's what we've been relying on.

VICE-CHAIR VICTORINO: Okay. So they provide that to both CWRM and the County of Maui?

MS. TOWNSEND: Right.

VICE-CHAIR VICTORINO: Okay, thank you. Thank you, Madam Chair.

CHAIR BAISA: No problem. Any other questions? Seeing none, go ahead, Pam.

MS. TOWNSEND: So turning to the planning process specifically, we use an integrated and iterative process to identify options and strategies for meeting water needs, consistent with the planning objectives in the Maui Island Plan. The planning objectives were developed through the community process and sort of come out of the Maui Island Plan. Those include things like resource protection, equity, water efficiency, cost, plan viability, and so on. And people can still make comment on those so those aren't set in concrete. So the current public process that reflects the integrated planning process, we held two sets of meetings this year regionally, along with meetings for targeted interests. It was towards, you know, information that we needed so we tried to target people and groups that we thought were, had specific concerns as well as to get information that we needed for the plan. So we met with Ahu Moku, also one of their regional mokus, agriculturalists. We had a meeting with realtors that was requested, and we had a couple of meetings where we got together a bunch of people with diverse interests to talk about policy issues and strategies. So the first set of meetings was focused on issue identification, even though we've heard a lot of issues through the prior meetings. Since it's been a couple years, we wanted to go back out and hear from people again and make sure that we understood the issues. And then the second was focused on strategy options. This fall, we're going to schedule a third set which will be focused on a defined strategy and then get input on that before it comes to the board. We have updated our webpage now with all the materials that were handed out at the meetings. We have the meeting summaries, and we also have a survey. At the second set of community meetings, we had a matrix that we provided to people with some various options, strategies, measures, and so on. And so we've consolidated that into a survey online. So hopefully the Members will go online and take a look at that and maybe do the survey. We'll also be sending out an e-mail and some press about the availability. So...oh, that's not good. For some reason --

VICE-CHAIR VICTORINO: Lost all your words.

MS. TOWNSEND: --the text isn't showing up. Okay, well unfortunately for the public you can't see this, but it will be online at mauiwater.org and also on the County website under the Committee. So some of the key...this has to do with Native Hawaiian rights. Some of the key issues that we've heard is Native Hawaiian rights are important, public trust purposes, stream protection --

CHAIR BAISA: Beth [sic], maybe you can...

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MS. TOWNSEND: --water transport...excuse me.

CHAIR BAISA: If you don't mind, you can read from your hard copy. We want the public to hear what they're missing, please, 'cause they are important.

MS. TOWNSEND: Okay. So under key issues we have respect Hawaiian water rights and State law, ahupua`a management, recognize groundwater and surface water connectivity, protect resource and consider effects of water transport, and make sure we consider water adequacy for DHHL. Some of the opportunities on the slide I'm reading from here for the Water Use and Development Plan to address these would be to collaborate, to identify and project water needs for kuleana, appurtenant and traditional customary practices, meaningful consultation about resource use and management, protective policies, consider alternatives to water transport, integrate DHHL plans and reservations, and resource allocations outside the courts.

CHAIR BAISA: Members?

MS. TOWNSEND: So the Water Use and Development Plan provides opportunities and to better understand problems and also the range of solutions. And we can also hopefully build trust and collaboration through the process and also provide a framework for resolving problems outside the courtroom, especially in West Maui as regards to the instream flow standards.

CHAIR BAISA: Members, okay? Moving on.

VICE-CHAIR VICTORINO: Yeah.

CHAIR BAISA: Okay, go ahead.

MS. TOWNSEND: Oh, I see what the problem. The problem was I didn't press the...

CHAIR BAISA: Oh, very good.

MS. TOWNSEND: I guess it was too high tech.

CHAIR BAISA: We understand. We're...

MS. TOWNSEND: Okay. So people can...

VICE-CHAIR VICTORINO: Good practice.

CHAIR BAISA: Beth [sic], we're all learning about our iPads so we understand.

VICE-CHAIR VICTORINO: It's okay, no problem.

CHAIR BAISA: Beth [sic]?

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MS. TOWNSEND: Okay. Well, everyone, thank you. Okay, there, well. So key issues, resource protection and restoration. We heard from the community that resource protection is the priority and should really provide a foundation for the plan. And in researching the plan and working on it, it's almost looking like a watershed management plan to some degree. So there's a need people say for more scientific study to understand water resource sustainability. And really resource protection enhancement is of equal importance to water development. To support the ahupua'a management, the relationship of watershed and surface and groundwater systems from the upper forest to the reef needs to really be addressed. Fragmented land ownership and uses was really seen as a problem for watershed management. One area of interest is, for the plan and for us, is identifying partnerships such as the ridge-to-reef effort in West Maui, that can help to extend our resources. Again at the community meetings, addressing drought and climate change was raised at I think virtually every meeting as a major concern. Okay. Reliability. So generally reliable water supply is impacted by drought or water quality problems or operational issues. Reliability's really been historically an issue with Upcountry, our Upcountry system, but based on the long-term rainfall patterns and also climate change projections, we're seeing that drought might become more of a way of life on the island and to some degree in the areas that are already drier. So we're waiting for the climate change projections to give us a little more information on what areas might get wetter and what areas might get drier. So a policy question really is how reliable should the water supply be, how much backup should be planned for? Also, how can public sentiment to reduce stream diversion and water transport, how can that really be squared, so to speak, with reliability? And we've also heard comment very prominently at the community meetings that various regions of the island should live within their means. So in other words, dry areas should really reduce landscaping water use and so on. That's something that people see. We had one person that mentioned I know that's, you know, Wailuku River water, I know that that water is watering over here, and that really, you know, bothered that person. So conservation tools can really have a big impact. For our systems, average annual demand has tended to decrease proportional to meter installations, and I think that's something that was mentioned in Honolulu also. So on our side, we've implemented leak detection and some commercial system or commercial user audits and a lot of educational activities. So while some people say well, education might not result in direct conservation, it's still I think important. People brought out in the meetings to have a mindset, to get that mindset going. So some of the policy questions are whether to tie conservation programs and regulations to regional water constraints? And how aggressive should conservation be and by what users? And also how can private systems in ag be more involved in the solution? We've been doing a lot of funding of programs, but obviously we only have a portion of the customers and there's a lot of other water users. So there's a lot of administrative issues that we're dealing with in preparing the plan. And I just want to talk about the two in red having to do with legal and agriculture. So overall, legal cases tend to introduce uncertainty into the consideration of options and strategy. So it just makes it a little more confounding as to, you know, what might work. We have to look at more options. For East Maui the hearings officer amended the recommendation to restore 18 MGD to

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streams. And of course with the transition, that's going to be relooked at, it hasn't been adopted by CWRM yet. For Na Wai Eha, there was a petition filed to amend the instream, interim instream flow standards upwards so to put more water back in the streams. In West Maui where we don't have numerical standards, it's not really our role to do the instream flow standard analysis. That's something that CWRM's working on, although they are behind schedule unfortunately. But what we need to do is a good-faith effort at talking to the different stream users and analyzing potential kuleana needs and traditional customary practices. So we do have a baseline through a USGS study of stream flow conditions. But the assessment of options for use of surface water becomes a little more difficult, because we don't have agreements on standards. But we're hoping that through the process, through this process, we might be able to at least outline some strategies that are agreeable to all parties and hopefully avoid a legal challenge --

VICE-CHAIR VICTORINO: Madam Chair?

MS. TOWNSEND: --when the process gets going.

CHAIR BAISA: Hang on. Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah, Madam Chair, and thank you. My question to you is why is West Maui and...well, I can understand East Maui, but why was West Maui under CWRM and not under us? Why the, why they are the ones setting the standards and we're not involved? And you kind of mentioned that, that's why I'm asking.

MS. TOWNSEND: Yeah, that's...well, that's a charge of CWRM by State law so that's within their purview. We can certainly participate and we will participate in the process --

VICE-CHAIR VICTORINO: Right.

MS. TOWNSEND: --but that's not our mandate.

VICE-CHAIR VICTORINO: Yeah. Well, what of Central Maui? 'Cause Na Wai Eha we have been a part of that whole issues for many, many years.

MR. TAYLOR: Mr. Victorino, I think the answer to that CWRM's role is the same everywhere.

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: CWRM has already, through, mostly through USGS, done specific studies of Na Wai Eha.

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: CWRM has paid for and done specific studies of the East Maui streams. CWRM is now just getting to West Maui. I think that's what Ms. Townsend was saying.

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VICE-CHAIR VICTORINO: Okay.

MR. TAYLOR: So their role is the same in all areas, they're just more ahead on, they're just more ahead of it on Na Wai Eha and East Maui, and they're just catching up in West Maui. So we expect over the next, you know, decade or so, that some of the issues may be coming up in West Maui as they develop quantitative data on it.

VICE-CHAIR VICTORINO: Thank you. And I just wanted the public to understand the difference, because they, the public many times is very confused and sit there and says what this does mean, you say one does it this way and the other has been doing it that way. But it's really the same methodology, just we're behind in West Maui, and East and Central were pretty much at the point of not enough knowledgeable statistical information. Okay. Thank you, Madam Chair.

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Okay. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, Director Taylor, you're saying behind as in it's not designated like the rest of the areas? 'Cause West Maui is not designated.

MR. TAYLOR: Right. I was saying behind from the sense that the Water Commission's work tends to start with them funding USGS to send people into the streams to do measure, long-term measurement, data collection; how much water is there, what's upstream of the diversions, et cetera, and quantify what's actually happening. I'm saying that a lot of that happened over the past couple decades in both Na Wai Eha and East Maui, it's just starting in West Maui. So the data collection that State Water Commission does, their, they have much more data for Na Wai Eha and East Maui and very little data for West Maui. They are starting to catch up in West Maui so I expect that as they develop more data, there will be more actions around West Maui that just haven't happened yet.

COUNCILMEMBER COCHRAN: Yeah, thank you. They've been collection data in Honolua I know, that's where I live and I, they have gauges so they've been doing it. There's, no one's petitioned. No one's, you know, the companies have but not your kuleana people so these court cases haven't occurred yet in West Maui.

MR. TAYLOR: That's also correct.

COUNCILMEMBER COCHRAN: It has in East Maui, it has here in Na Wai Eha, but West Maui not so yet. So designation could have interveners and petitioners now have a voice as in all these other areas of our County. So that's probably soon to happen and will start...yeah.

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MR. TAYLOR: There's either designation or there are just contested cases on instream flow standards, and again, neither have happened yet in West Maui, it doesn't mean they won't soon. So again, that's why the Water Commission is gathering data so that people have quantitative facts to base their opinions on.

COUNCILMEMBER COCHRAN: Right. Thank you very much.

VICE-CHAIR VICTORINO: Madam Chair?

COUNCILMEMBER COCHRAN: Chair, thank you for that.

CHAIR BAISA: Sure. Any other questions?

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Yes, Mr. Victorino, go ahead.

VICE-CHAIR VICTORINO: Just for another point of clarification because Ms. Cochran brings up an interesting point. She's talking about designation and if I'm not mistaken, East Maui does not have designation, they have contested cases. Am I correct? At this point.

MR. TAYLOR: Both are contested cases.

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: Designation is something where from a practical sense the Water Commission starts dividing up the water to end users.

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: In East...that's what's happening in Na Wai Eha.

VICE-CHAIR VICTORINO: Yeah, that's Na Wai Eha.

MR. TAYLOR: The Commission is looking at who are the end users --

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: --how much should each one get? That's a designation.

VICE-CHAIR VICTORINO: Yeah.

MR. TAYLOR: The other contested case in East Maui is about instream flow standards. They're not getting into the end users. They're saying how much has to stay in the stream and how much can the diverters divert? It isn't, the Commission's not saying once the person diverts, who gets how much --

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VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: --as in a designated case. So they're both contested cases and we're involved in both, but one is a designation case, the other's an instream flow standards case.

VICE-CHAIR VICTORINO: Thank you. And Central Maui has been designated for many years.

MR. TAYLOR: For both surface and ground.

VICE-CHAIR VICTORINO: And groundwater, that's correct. Just so that the public is clear because sometimes, you know, there's confusion by saying certain statements and people get all confused. So I want the public to totally understand what these differences are in the different regions. Thank you.

CHAIR BAISA: Thank you. Any other questions, Members? If not, we'll go ahead. Go ahead, Pam. Go ahead.

MS. TOWNSEND: So projecting future agricultural water demand is another challenge. While the plan needs to plan for water use, obviously we have a lack of information from A&B or HC&S, and also a lack of information from the State, and that sort of hampers our ability to make good projections. In the upper pie chart, 2014 water use by type, obviously you can see agriculture is the major user. That's in blue. The impact of irrigation return water, the reduction in that is also a major concern to us and other users around the island, as well as economically and so on. So the 2004 Agricultural Water Use and Development Plan prepared by the State projected about 3 to 12 MGD of new diversified ag on around 900 to 3,500 acres by 2021. I don't think that happened, but the State plan is being updated but it's not available yet, and we weren't able to get any real guidance from their staff. Part of our evaluation also has to be the native Hawaiian kuleana and other agricultural uses. So turning to water resources...

CHAIR BAISA: Pam, if you could just hold on for a second. You know I was looking at the timetable that we were given on Page 4 and that slide that we were on just before. Oh no, this...no, this one, yeah, on the time. You know if we don't have all that transition information about HC&S and we all know that, you know, it just hit us and we're trying to deal with it the best we can; meanwhile, we're doing the plan. And if the timeline says that we're going to be looking at that in Council here in May of 2017 and, you know, Board of Water will be looking at it before that in November of this year, it's kind of scary to me that we're going to have a plan with very little information. Is this thing flexible so that we'll be amending it as we go as information becomes available? I'm just kind of concerned about all of this. If somebody could answer. Director Taylor?

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MR. TAYLOR: Madam Chair, thank you. And this is one of our real dilemmas with putting this plan together which is why it keeps getting delayed. The situation on the ground changes much, much faster than we can ever write a plan.

CHAIR BAISA: Yeah, than the plans do.

MR. TAYLOR: We've got these two contested case hearings going on right now. We don't know how long they're going to take or if they're going to go to the Supreme Court. We don't know what's going to happen with HC&S. If you go back and look at our simplest Water Use and Development Plan, Lanai, which I think took more than a decade to make, this body approved it shortly after I came onboard, it was finished. Almost immediately after this Council adopted the Lanai Water Use and Development Plan, a new major landowner bought most of the land and decided to build a desalination plant. Well, there's nothing in the Lanai Water Use and Development Plan about a desalination plant. The idea completely changed. Then I think you all know it went to the Lanai Planning Commission where that idea was nixed and now it's off again. So what, the plan for Lanai has changed twice since the plan was, since the Water Use and Development Plan was adopted, before we've even gotten to an update. That's the difficulty of these plans is the ground truth is changing much faster than we can write everything, and we'll never have a point where okay, everything's stable, we can write the plan. So we have to write the plan in such a way that it has various scenarios and what-ifs and data that doesn't have a clear this is exactly what's going to happen because the variables are all floating all the time. That is one of our challenges and why we always seem like we're getting close to finishing and then we're hit with something saying look, there's no point writing this thing when it's already wrong, let's take a little more time. That has been our ongoing challenge, and I guarantee you when we get you the draft, almost the next week in the paper something will have changed that you're going to wonder why you have a draft when this thing just changed. That's always going to be the case. So that's our struggle is we're trying to make it flexible enough that we don't have to rewrite it every week but clear enough that it has value. And that is our single biggest challenge in this document.

CHAIR BAISA: Okay, thank you very much. I just thought it was worth taking a look at, because, you know, it's not just the Water Use and Development Plan that has this situation, we see it with our community plans, our General Plan. You know things are in flux all the time and that's a challenge as to how you kind of keep these plans updated for what's happening now. I think they have to be...it has to be understood that they will change and, you know, they're going to morph as we go. They can't be written in stone but it's the principles I think that are really important, the values, the standards that our community wants. Any other comments?

VICE-CHAIR VICTORINO: No, you covered it very well, Madam Chair.

CHAIR BAISA: Okay, thank you very much. Go right ahead, Pam. I'm sorry but I thought it was worth taking a look at 'cause that HC&S transition really bothers me. Thank you.

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MS. TOWNSEND: Thank you. So turning to water resource demands, on the right you can see that agriculture again is obviously the major water user. Municipal use of groundwater on the upper right is also a fairly significant water use. The pie chart on the left, which Council saw it at budget hearings, shows the relatively minor role or use of Maui DWS. So assuming about 800 MGD of water resources on the island available, that would be sustainable yield of aquifers plus diverted stream water and base flow. Again, we, DWS there in red is a very minor portion of that. And that'll be reflected in the plan itself. So this slide shows a preliminary summary of available and used water sources. Surface water at about 200 to 400 MGD includes diverted water and un-diverted median base flow. Non-potable water use is about 200 MGD. EMI gauged and/or use demand is about 113 MGD. Wailuku Water and Na Wai Eha base flow is about 70, and then West Maui comprises about 20. And then also under alternatives, you'll notice that reclaimed water accounts for about 26 MGD with about 3 MGD used currently. So here we have projected demand scenarios, I alluded to that previously. In the top chart...there's two charts on there, it's a little busy. But the top chart shows that full land use build-out is the top, red dotted line, that that...and that includes ag, that has a very demand. And that's compared to the two lines underneath which are close together, that's population growth demand and also land use demand without ag. So those are pretty close together but a lot lower than if you include ag. The bottom chart there shows population-based demand only, excluding large ag use. The growth scenarios are consistent with what's in the Maui Island Plan projections, the low, medium, and high. The red arrow that's been added, that points to the demand of all water providers there sort of in the middle. And then Maui DWS is the blue line that's lower down. So again, we're just one of many purveyors that are going to be addressed in the plan.

CHAIR BAISA: Pam?

MS. TOWNSEND: Yes?

CHAIR BAISA: Question. You know based on these tables that we're looking at, you know, for the layperson who doesn't look at this and says there's a whole bunch of lines, can somebody like maybe the Director summarize, what does this mean in terms of demand? Are we okay? Are we supposed to be worried?

MS. TOWNSEND: Yeah, we will talk about that on the next slide but --

CHAIR BAISA: Oh, okay. I'll wait then.

MS. TOWNSEND: --the Director says...okay.

CHAIR BAISA: No, I'll wait.

MS. TOWNSEND: I'll move ahead.

CHAIR BAISA: Okay. Sorry, I wasn't looking ahead.

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MS. TOWNSEND: So regional water transport is an issue. At the bottom of the slide, there's some bar charts. Where you have red is sustainable yield and blue is 2035 demand, and so this gets at the question a little bit. It shows that in 2035, demand in Kamaole Aquifer will be expected to exceed sustainable yield. Same to a very slight degree in Honokowai based on the population projections. There's about 92 million gallons per day currently used compared with about 427 MGD available for groundwater. So that's less than 25 percent. We are expecting CWRM to probably adjust some of those sustainable yields downward in East Maui but there's still plenty of groundwater to go around which brings up the map which shows that the water is being transported around the island. I think that's a very good illustration of what's going on for the layperson, also the, or the technical person. So we're always going to need transport. Even with other solutions we're always going to need to do some transport from the wet to the dry areas. So...

CHAIR BAISA: Members, any comments, Members? Questions?

VICE-CHAIR VICTORINO: Yeah, Chair? Chair?

CHAIR BAISA: Yes, Mr. Victorino?

VICE-CHAIR VICTORINO: Okay, so looking at this and so that the public again, they see all these squiggly lines and arrows and, you know, so the blue arrows show groundwater that is transferred to these various areas such as Kihei, Makena, Wailea which would be the lower arrow coming towards Kihei, right?

MS. TOWNSEND: Yes.

VICE-CHAIR VICTORINO: Okay. And then you see another one that goes out to Paia and then another one that goes to Kahului. So Iao is one of the primary groundwater sources for this County.

MS. TOWNSEND: Yes.

VICE-CHAIR VICTORINO: Especially for what I would say about 55 to 60 percent of the entire population of Maui is based upon usage in that area, right? More or less.

MS. TOWNSEND: I'll say yes.

VICE-CHAIR VICTORINO: Yeah, okay. If I'm off, you know, don't worry about it.

MS. TOWNSEND: More or less.

VICE-CHAIR VICTORINO: My concern okay, and then of course my concern is then I see the other side of this, these other arrows that are coming in from I guess Keanae, Waikamoi, I can't read that, you know, going into Makawao, Kamole. So these are ground...these are --

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MS. TOWNSEND: Surface.

VICE-CHAIR VICTORINO: --surface water, right?

MS. TOWNSEND: Yes.

VICE-CHAIR VICTORINO: Okay. So just so that people understand the difference. The blue lines indicate groundwater, those orange, beige, whatever color is surface water.

MS. TOWNSEND: Yes.

VICE-CHAIR VICTORINO: Okay. So I just want the public to know the difference. They see all these lines. And then the last thing I wanted to ask is down below, the one area that had the sustainability over the MGD demand really out of whack was Kamole, and that's because that water is coming in from surface water. Is that correct?

MS. TOWNSEND: Yes.

VICE-CHAIR VICTORINO: Okay, thank you. I just wanted to make sure the public was clear on what these, what this map indicated and what these arrows were about.

MS. TOWNSEND: Yeah. Thanks for pointing that out. I should have done that.

VICE-CHAIR VICTORINO: Well no, no, that's okay. Thank you. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. And thank you, Pam. You know everybody's interested in this Water Use and Development Plan, and what I want if nothing else that the public and ourselves understand the information that is in this plan and why it's in the plan, and it's important when we're making decisions and when we're discussing projects or, you know, what we're going to do. So this is important information. It isn't just a pile of papers that we have on this desk, it's really important as we plan and look at our future, what need to do and how we're going to do it. So this is important stuff. Thank you very much. Pam?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. These are just typos but would like it corrected and so on Page 14, these are in regards to your maps and on this page, so since we're here.

CHAIR BAISA: Yeah, let's do it.

COUNCILMEMBER COCHRAN: Launiupoko. It's Launipoko written on those two pages. So just typo --

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MS. TOWNSEND: Yeah unfortunately...

COUNCILMEMBER COCHRAN: --considerations.

MS. TOWNSEND: Right. Yeah, we do need to fix that. The database itself, it has it typed wrong so then it repeats it but...yeah, the CWRM database. So yes, we'll have to make sure that we --

COUNCILMEMBER COCHRAN: All right.

MS. TOWNSEND: --do something to correct it so it's correct so.

COUNCILMEMBER COCHRAN: All right, thanks.

CHAIR BAISA: You see others, Ms. Cochran? Maybe...

COUNCILMEMBER COCHRAN: No, that...I went forward, Chair --

CHAIR BAISA: Yeah.

COUNCILMEMBER COCHRAN: --and I only saw it on those two pages.

CHAIR BAISA: Okay.

COUNCILMEMBER COCHRAN: 'Cause the maps, they're on the maps.

CHAIR BAISA: Thank you for pointing them out because if you see them, help, because it's easy not to see these things.

COUNCILMEMBER COCHRAN: Yeah. It's on the map, Chair, on, of Page 14 and 20, and then on 20 as you can see down below in that, the scroll below, the fourth line, Launipoko --

CHAIR BAISA: Okay.

COUNCILMEMBER COCHRAN: --there. So that's all.

CHAIR BAISA: No, thank you for pointing it out.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR BAISA: Anybody, anything else? If not, we'll move on.

MS. TOWNSEND: So turning now to the talk about strategies. So the second set of community workshops that was held in April and May, the purpose was to confirm issues and look at the planning objectives, and also review some options and strategies for addressing issues and conflicts. So one thing that we found in working

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on the plan is we had a bunch of principles and important things to remember and so on, so we thought it would be useful to craft a set of guiding principles for the process and maybe we would put these in the plan also. Kind of things to keep in mind and, you know, just keep in mind these things and principles, things that you want to live by. So some of these are kind of hard to read but hopefully people will look at them and give us some comments, things like recognizing, remembering there's an interconnection between surface and groundwater, using the precautionary principle, considering island-wide...

CHAIR BAISA: Excuse me. You used, you mentioned the term the precautionary principle, kind of tell us what that is. You know those of us that are in this business assume everybody knows but this could be just gobbledygook to people that are watching. So if you don't mind. We've got enough time so don't feel pressured here.

MS. TOWNSEND: Sure, Chair. That's part of the State framework for water planning. It talks about using a precautionary principle, that means that you're looking at things conservatively. So if you're studying say sustainable yield of groundwater and the studies come in and say well, it's from 4 to 12 MGD, it could be in that range, that you're going to take the lower sustainable yield and use that for your planning. So you want to be cautious and conservative. Oh also Mr. Taylor.

MR. TAYLOR: If I can add, just because this term precautionary principle comes up in this community a lot, and I first want to say that I don't believe there to be one definition that is universally agreed upon for that term. I can tell you in engineering school, we, I never heard that term, it was never taught to us. It's not really a technical term. Some people take it to this extreme, saying if there's any doubt, don't do it. That ends up being sort of the status quo standpoint where you'll never take any action. Other people say well, take a reasonable precaution. I believe that there's a Supreme Court, Hawaii State Supreme Court ruling that says the precautionary principle, I think it defines it as something like you don't have to have certainty to take action, that that's how it's defined. So it's just important to realize that just because somebody says that term, it, there is no mathematical, agreed-upon equation or whatever of what that actually means. It really means that you don't have to have certainty to take action. It doesn't mean that just because, you know, if I go swimming I might be attacked by a shark, don't go swimming. You know it doesn't mean if there's any risk, don't take any risk. So I just want to throw that out because I've heard it talked about in this Chamber where some people have said the precautionary principle means if there's any risk, don't take action. That is not the commonly used definition of precautionary principle. So I just wanted to mention that because the term is thrown around a lot and it's used inconsistently and people have different interpretations of it. So it's important to know there is no one interpretation of that.

CHAIR BAISA: Thank you very much. Pam, I hate to ask you to do this, but, you know, that writing is so tiny that anybody at home trying to look at that is not going to see it. If you don't mind, let's just go through them 'cause they are really important and they're things that we want to keep in mind as we deal with anything that affects our water.

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So let's just go through them. And if any of the Members want to have more explanation, we can do that. Go ahead.

MS. TOWNSEND: Thank you. So yeah, going through them, respect the public trust doctrine and State Water Code as a foundation for water planning. The Native Hawaiian ahupua`a system and cultural traditions can provide guidance on water stewardship. The water kuleana of all Mauians creates responsibilities as well as rights. Recognize the complexity and interconnectedness of the hydrologic cycle, groundwater and surface water systems. Use the precautionary principle in water planning, recognizing climate unpredictability. Water resource management demands comprehensive and integrated policies and solutions. Water planning and solutions should support ecological, social, and financial sustainability. Consider island-wide and regional effects and solutions to issues that are important to Mauians. Certainly create an actionable plan that provides water supplies for our diverse water uses. The options for solving water resource and supply issues will decrease and costs will increase with each year of delay. And finally be transparent and inclusive in all aspects of water planning and management.

CHAIR BAISA: Thank you very, very much. Members, any comments/questions on these guiding principles? Everybody okay?

VICE-CHAIR VICTORINO: Actually, they're actually very excellent principles to follow, and if we follow that, there'd be very few challenges out there. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. I kind of saw them as motherhood and apple pie myself, you know, the kind of thing you want to keep right in front of you.

VICE-CHAIR VICTORINO: Yeah. And if you follow them, you're never going to have many problems, too.

CHAIR BAISA: Yeah.

VICE-CHAIR VICTORINO: But go ahead.

CHAIR BAISA: Correct, thank you. And thank you very much, Pam. I think that was important that everybody knows that. Go ahead.

COUNCILMEMBER WHITE: Chair?

CHAIR BAISA: Yes, Mr. White?

COUNCILMEMBER WHITE: Just one question. Is there a difference in emphasis on the items that are in blue versus the items that are in black?

MS. TOWNSEND: No, they were supposed to be alternated although I see some of them aren't. So yeah, just to make it...oh, you know what happened was I moved them

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around a little bit to get, to better organize them and I didn't notice that. But yeah, originally they were black, blue, black, blue. So thank you.

CHAIR BAISA: Okay. So they're all important and not necessarily in the priority order here. But again...

MS. TOWNSEND: Correct. Yeah, they're not in priority.

CHAIR BAISA: Yeah. Thank you very much. I think these are really very important.

MS. TOWNSEND: Yeah. Actually some of those were things that we heard directly and then other ones were just oh yeah, I need to keep that in mind. So there they are.

CHAIR BAISA: Well, you know, as I listen to you I hear that a lot in this Chamber. Not only in a Water meeting but I hear it in a lot of meetings, particularly in Land Use meetings, I hear a lot of these principles being talked about. So I think it's important that we recognize what they are. Okay. You may proceed.

MS. TOWNSEND: Thank you, Chair. So this is the next slide, we're getting to the end here. Summarize some measures and strategies to address the major issues that we've heard. And again, I think this is really an opportunity, this plan to look at our local issues of importance as opposed to we can look at what the State requires us to look at but also really try to resolve conflicts. So a lot of these measures are things that are not being done now, or they might be things that if we add more effort or money to 'em might provide more benefits. Or in general when you look at a series of measures and you put them together into strategies, that can better connect the dots, so that's part of what this plan can do. So for example Maui DWS, we're funding watershed protection but only at the higher elevations. So if everyone agrees that watershed protection has continuing benefits, should protection be extended to lower watersheds? And since this is a plan for all water users and interests, how can other water providers contribute monetarily or through the effort? Another strategy is to protect water resources by recharging groundwater during non-drought conditions in order to stabilize supply. There's a lot of options for doing that. We could increase surface water use or construct or use more storage. Aggressive conservation at all times is part of the strategy. And also increase use of alternative resources. So part of the challenge here is to identify what solutions are acceptable and how they fit together in a way that's consistent with the Maui Island Plan and the planning objectives. So always going back to that. So I just want to highlight a couple of the strategies under alternative resources on this slide. Those are use the appropriate level of water for the use, meaning use potable for potable needs and don't use it for non-potable needs. And also maximize alternative sources. Those are two things that were really highlighted by the community. Aggressive landscape water conservation in dry areas was also called for by the community at really all the meetings. So we want to be looking at how the solutions can be applied around the island and involve all water providers, not just Maui DWS. So one example is while we can enact water rates that encourage conservation, we can fund educational programs, and those do take in other customers also because they hear those messages. But regulation is one

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thing that obviously would capture or could capture all water users on the island. So there's different ways to go about this, different types of measures that can engage more consumers and bring more consumers to the table than just having our Department or the County fund everything. So that's an overview of what's happening and what's to come. So in summary, this is a planning-level document for water resources and all water providers and users. It's a companion to the Maui Island Plan. It's an opportunity to address issues comprehensively around the island. And in parting, I just want to say be sure, everyone, to check out our website, mauiwater.org. You can click on the Maui Water Use and Development Plan to look at what's going on and bring yourself up to date and take the survey. So thank you, Chair and Members of the Committee. And we're available for additional comments.

. . .END OF PRESENTATION. . .

CHAIR BAISA: Thank you very much, Pam. I really appreciate it. You know Pam scrambled to get this ready for us today. I thought it was really important after our last meeting that we kind of get an update as to where the plan is and what's in it and what we can expect. I was really wanting a timeline and so that now we know what contents will be in the plan when we eventually get it. So, Members, any questions for Pam?

VICE-CHAIR VICTORINO: Madam Chair? Before we go into questions from us, should we not allow the testifiers who have been waiting to testify now that they've seen the plan?

CHAIR BAISA: If you'd like to wait.

VICE-CHAIR VICTORINO: I would think that would be more appropriate from my perspective, but I mean I leave it to your...

CHAIR BAISA: That's fine. I just don't want anybody to forget. I find that when I sit there too long waiting to ask my question, I generally forget the context. But it's fine, we don't have that many testifiers. Testifiers, we'll get going, and I'm sure we can wrap this up fairly quickly. So does any...why don't we take a little, short break here. I think we may need one. Remember, please do not disappear, I'd like to have you back. Go do what you have to do and come right back, okay. We're going to start again at the call of the Chair. Meeting is in recess. . . .(gavel). . .

RECESS: 10:02 a.m.

RECONVENE: 10:10 a.m.

CHAIR BAISA: . . .(gavel). . . Will the Water Resources Committee please come back to order. We're going to do public testimony, with no objections, folks?

COUNCILMEMBERS: No objections.

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CHAIR BAISA: All right. We're going to proceed. Mr. Garneau, if you could please get the testifiers.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. GARNEAU: Yes, thank you, Ms. Chair. The first testifier this morning in the Chambers is Rosemary Robbins, to be followed by Mr. Dick Mayer.

CHAIR BAISA: Good morning, Ms. Robbins.

MS. ROBBINS: Good morning, Ms. Chair. Good morning, everybody. Where to begin? First of all, I'd like to begin with extolling what a wonderful set of guiding principles that you had up there, guiding principles for a successful process. Amen. That should be always and everywhere so I'm glad that we are continuing to say that and I can, we can never say that too often. Cart needs to be before the horse, not horse needs to be before the cart, so this is a major change and some of the stuff that we do in our lives including in how we address the water things. We have talked before about the multi-thousand-pound elephant in the room that nobody is paying attention to. We have a General Communication 16-3 from CWRM. One of the things that was said repeatedly today was CWRM, there was never a definition of that. That is the State fact and it's the Commission on Water Resource Management. Commission on Water Resource Management. So every time we hear CWRM, we're talking about the State. I know that's a new term for some people, we're never too old to learn. And when we are talking about that, we have to remember that very often Maui goes after the State for money. We need money from your revolving funds, raw water for potable water realities and for our water for other uses. We are linked to them. Thanks be to God because we don't have the money on our own to do all of the things that need to be done. Remember that those monies at the State under those categories are coming from the Fed, so we are competing with 49 other states for this pool of money that comes to the State. Folks within the State apply for it and then we get to use it. I want to point out and this happened last month too that we have been identified by CWRM that we are a risk at losing our Water Permit 1,006 that was given to Maui Water Department, because indeed it was for money to be used at Kehalani in Wailuku, Waikapu, and now it has cropped up as having been late in filing--the when is important--and the fact that it has to be in the same footprint. The location is for Wailuku, Waikapu...this is coming from them now, from CWRM, and it's cropping up as being used potentially in Makena way the heck down the coast, and it's a violation of the law. We've been notified of this. There has been for years communication going on between the Director of the Water Supply and the development folks with a California address as to how they're going to use that money. That real estate group has spent seven years getting permits and now it's hitting the fan, and it's the State that's coming after the County. And who's going to pick it up? The taxpayers. And all of the attorneys that get hired in order to defend the improper behavior that has been going on is also on the taxpayers. Children that have never born yet, they have 21 years to pay off the bonds we keep floating. Bonds are loans, remember they're debts. Who's going to pay them? A number of us under this ceiling are going to be dead. The

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little kids are the ones that are going to arrive in the world and with these huge debts. So I went through all of these. I did go through the sheets that you had. Thank you very much, Pam. And the fact that we keep waiting for CWRM to do something and then when they do something and notify us, we're not hearing anything about action.

MR. GARNEAU: Ms. Robbins, can you please wrap up your testimony?

MS. ROBBINS: I got you.

MR. GARNEAU: Thank you.

MS. ROBBINS: Yeah, thank you. Okay. So I'm asking us to be aware they're coming after us. This goes back like was said earlier today, for 15 years or so. Those of us who worked on the Upcountry Oversight and Advisory Committee working with the Fed and the State were aware and kept warning, warning, warning, not heard, and here we are. We can do better. Thank you.

CHAIR BAISA: Thank you very much. Members, any questions for our testifier?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And thank you, Ms. Robbins, for your testimony.

MS. ROBBINS: You're welcome.

COUNCILMEMBER COCHRAN: Ms. Robbins, that document you keep holding up, what's the date on that?

MS. ROBBINS: May 23, 2016, coming from CWRM.

COUNCILMEMBER COCHRAN: Okay. And the number below? The communication it says.

MS. ROBBINS: Yes, 16-3.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR BAISA: Okay. Any further questions for the testifier? If not, Ms. Robbins, thank you.

MS. ROBBINS: You're welcome.

CHAIR BAISA: And go ahead, Mr. Garneau.

MR. GARNEAU: Yes. Thank you, Madam Chair. The next testifier in the Chamber is Mr. Dick Mayer, to be followed by Faith Chase.

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CHAIR BAISA: Also, before Mr. Mayer starts, the folks in the District Offices, we'll be checking with you. We only have maybe four, and who knows, maybe five or six people sometimes sign up at the last minute. Just a few testifiers and then we'll check with you again. Go ahead, Mr. Mayer.

MR. MAYER: Thank you very much. And thank you, Chair, for allowing us to speak after the presentation. This is really about decision making and the plan should help you as Councilmembers, should help the various departments be able to make decisions about water use and development. And the terms here, water use and development are very...and planned are all very important. This should talk about water use. It should talk about how we develop our water sources, and also it should be a plan that can be implemented. I would like to emphasize two aspects in this that I would like to see in the plan and that is...and both relate to the word budget. I would like to see a water budget and I would like to see a financial budget. Let me explain what I mean by that. You saw several maps up there that are very confusing, because they talk about aquifers, they talk about community plan districts, they talk about water systems. Each one of them is different. And consequently what I would like to see in the final plan is actually several different budgets put in there, what is the Upcountry system, where its water sources are, what is the use. Same thing for Central Maui and South Maui which is one system, and West Maui. And I would like to see it by community plan district, because that's the way you will be approving various plans made. So I would expect multiple things. And finally the last one is public and private...some, the public supplies and sources, et cetera, and the private ones. With regard to the financial budget, I would like...even though that's not maybe required, this is something I would hope that the Council will ask the Department to prepare as part of the plan itself for their, for the County's use, not necessarily for CWRM's satisfaction. And that is a financial budget that will take a look at the long-term over the years, what will be needed by the Department with regards to A, repairs and maintenance, B, source development, C, the distribution systems, the pipes, et cetera, and D, annual operations in general. I think you need that in order to help you make decisions. And you will all be gone from the Council over the years, but this plan hopefully will be a guiding force for future Councils to make its budgetary decisions. I hope also that the plan itself is in a decision-making mode that allows decisions to be made. It's not just a document that will sit on a shelf. And it will help answers. Let me give you an example of a well, a private well that's being drilled potentially by a developer in South Maui, Wailea 670. They're going to be drilling wells. What will be the effect of that, those private wells--they're not going to the County--on the Hawaiian Home Lands above that site who also perhaps are planning to put in wells, and on the projects below that in Wailea itself which still has much development it's planning? We need to know how we can help, how we can make decisions on water not just by the County but by private developers that may impact other developments in the community. I would hope that you will have...

MR. GARNEAU: Three minutes.

MR. MAYER: Thank you. Could I have an extra minute?

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CHAIR BAISA: Go ahead.

MR. MAYER: I hope that the bill, the plan itself will include proposed legislation that will be needed to implement the plan in its various ways so that decisions can properly be made over the long term. And one item that was totally left out of any of the discussions today was the word water quality. All of this is being discussed is water quantity, and water quality is a use, is part of the use. In other words, just because you have water, it does not mean it's safe to drink or safe to use. We have many places on Maui where over the years water has been polluted and various developers even propose putting wells online which may not be useable as potable water. So I would hope that the plan will also include water quality in addition to water quantity. Thank you very much.

CHAIR BAISA: Thank you very much, Mr. Mayer. Members, any questions for the testifier? Seeing none, thank you.

MR. MAYER: Thank you.

CHAIR BAISA: Mr. Garneau?

MR. GARNEAU: Thank you. Madam Chair, the next testifier in the Chamber is Ms. Faith Chase, to be followed by Lucienne de Naie.

CHAIR BAISA: Good morning.

MS. CHASE: Good morning, Chair Baisa, Water Resources Committee. I just took some notes, I don't have a prepared testimony 'cause I was waiting to watch the presentation. I saw that the presentation...

CHAIR BAISA: Will you state your ---

VICE-CHAIR VICTORINO: Name?

CHAIR BAISA: --name for the record, please?

MS. CHASE: Oh sorry. Faith Chase.

CHAIR BAISA: Try that again, I'm sorry. I didn't...

MS. CHASE: Faith Chase.

CHAIR BAISA: Got it.

MS. CHASE: I don't have a prepared testimony, but I did take some notes that I'd like to mention some concerns about. I did go to the Board of Water Supply meeting after the last Resource meeting and to watch the presentation, and I just want to note that

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there's actually three slides that are different. And there might be more but I noticed three of them that are different from that presentation. Nothing very alarming, one pie chart and a list, but I just don't know about that protocol, about that changing from the presentation from the Board of Water Supply to this forum. And I'm wondering did they just get an updated PowerPoint presentation since those changes have been made? Just curious. I was wondering if the County...if the...if you guys have, the Committee Resource Members have physically seen the survey that went out? Did you guys? 'Cause if not, I have copies for everybody. And I think it's important to...I don't know if there's a clerk that can pass those out. But it's important because it's a lengthy survey and I mentioned the last time I was here that I wasn't really satisfied with the outreach. You know it's a four-page, folded, it's a lot of questions. I'm interested in knowing that, that Page 22, guidelines and principles, were those in order based on the tabulated feedback from the survey? No? Not yet. Okay, so that, 'cause that was part of the survey was to rank those like the least important and most important. So I took it upon myself to create an online survey which is free, because I want to know, I collected a lot of these and I turned them in and I'm not really getting, you know, I didn't get everybody's contact information but I passed out hundreds. And I'm kind of interested to know if what the feedback you guys are tabulating is similar to what I'm hearing that people are filling out. So I don't know if that crosses any sort of jurisdictional whatever, I didn't put Maui County's questionnaire, but I put this is Faith Chase trying to extract the similar information because I do feel like the outreach was mediocre and I said that last time. So I just want to let you guys know that it's going to be circulating, because I want to know what the people's feedback is. You know I'm, I got involved because of my East Maui concerns and my, you know, family and my own attempt to restore a 100-year-old taro patch with zero water. I've never been afraid to be the one in the classroom to raise my hand when I'm like, you know, don't know, so, you know, if I'm off course or you can let me know. But I...this is a really daunting sort of thing to follow. I just want to go down a list of some of the organizations...

CHAIR BAISA: You'll have to conclude fairly soon.

MS. CHASE: Okay, I will. Just so...I'm like, sometimes when I have a question I don't know who to ask it to. Commission on Water Resource Management, Water Use and Development Plan, Hawaii Water Plan, Water Resource Protection Plan, Water Quality Plan, Water Projects Plan, Agricultural Plan, State Water Commission, Board of Water Supply, now the DLNR and all the wonderful watershed organizations. This is really confusing. So every time you make a little thing to make it easier for people, I really appreciate that, Ms. Baisa, because principle, precautionary principle, that was very interesting to me. And if that's not the right word, if we're not...if we don't know the definition of that word, maybe we should change that word. That's a recommendation. And I don't like the fact that it's part of our native considerations in the language. What do you mean part of? I really don't like that. And the transition information about relating to HC&S, the water issues for us in East Maui were pre-transition, they were pre this announcement by HC&S. I just want to remind everybody of that. I've e-mailed you the petition comments from the veto HB 2501 that was in the limelight a lot. If someone could forward that, I don't know how that goes to every Member but

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there's some really heavy-hitting comments there from your residents and farmers of that area, and those are some things that you should consider as you move forward in your decision-making process. Thank you.

CHAIR BAISA: Thank you. And if there's anything you'd like to leave, we can have the Staff pick it up...

MS. CHASE: It's the same survey. I think it's helpful because it's --

CHAIR BAISA: Greg....

MS. CHASE: --I think there's some, there's...

CHAIR BAISA: Thank you.

MS. CHASE: Just for...

CHAIR BAISA: Thank you. We'll make sure that it --

MS. CHASE: Thank you.

CHAIR BAISA: --gets distributed. And thank you very much. And don't apologize for expressing your feelings, that's why we're here. We're here to listen to our testifiers.

MS. CHASE: Thank you very much.

CHAIR BAISA: We appreciate it. Thank you. Members, any questions for her before we let her run away? Seeing none, we just want to make sure nobody had a question for you. Thank you. Okay. Greg?

MR. GARNEAU: Yes. Thank you, Madam Chair. The next testifier and the last testifier that signed up in the Chamber is Lucienne de Naie.

MS. de NAIE: Good morning, Committee.

CHAIR BAISA: Good morning.

MS. de NAIE: Good morning, Chair Baisa. And thank you to the Water Department staff for putting together this presentation, it's very helpful. I'd like to address some of the things that were in the draft PowerPoint. First of all, going to the purpose of why we do a Water Use and Development Plan, why each county does it. Of course the what is allocation but the why is the public trust resource. We need to justify that we're being a wise steward of these resources, so it's very important to keep that in mind. And we need to take these principles...I think the principles that we've been seeing in here reflect this why; however, we need these principles to become actions. And we have many plans that have wonderful principles, in fact virtually all these principles are reflected in our Maui Island Plan, natural resource policies and so forth. The real

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question is how do we get to make those the actual things that we are doing? I also, there were some things brought up about we're lacking data in West Maui. Data tends to follow citizen actions. Sad fact of life, when citizens ask the Water Commission to designate, to set instream flow standards, Councilmember Cochran is correct, it is that, that triggers everybody to get busy and do studies. It doesn't have to be that way, we could be proactive, but it is the way that it has been. Also, about updating the plan, our own Charter says that we should update it regularly the sections that change. In other words, a new water source becomes available, a new large development is demanding, we should update those things, so the plan should just have the ability to update that section. You don't have to redo the whole plan. And as far as the uncertainties of contested cases, you know, the County is a party to these contested cases. The County could urge A&B which is the major player in the current contested case, to reach a settlement and a resolve. You do not have to go through the whole CWRM process. You do not need to do that. You could reach a settlement that's fair to all. The only reason people sue, I'll just speak for the people in my community, because no one has listened to us for any of our polite comments so we go to court, you know. As far as the precautionary principle, I believe it's pretty clearly set out in the Waiahole decision which because it's a Supreme Court decision is going to be a benchmark reference. And then I think it's important for this plan, I see that, you know, we're acknowledging that some demand is from other water systems, but we need to make it clear how much water the County is going to have to provide for these prospective developments because many of them are planning on having other water supplies. Anyway, we also really need to look at the groundwater estimates, the 427 million gallons and realize that our Water Resources Protection Plan which is in the process of being updated does tell us that not all of this is practically developable. We can't just hold up that figure as oh, let's subtract what we're using and the rest is there. That's not the case so we need to get real with that. And lastly...

MR. GARNEAU: Three minutes.

MS. de NAIE: May I have a little bit to conclude?

CHAIR BAISA: Yes, go ahead. Let's wrap up, go ahead.

MS. de NAIE: Slide 11 has some wonderful points that I really want to support. The mauka-makai management of our watersheds is a very important forward policy. It's in the Maui Island Plan and it's the way we can "grow water." The watersheds are what provide us our groundwater, and the health of the streams and the health of the forest is very important. Also, the idea that we recharge our aquifers with water that is now "just being discarded" like storm water and the reused water from the reclamation plants, the sewage reclamation plants, this water can be used to recharge aquifer and is in many places. It's silly to just discard it. It really, this needs to be something we commit ourselves to. And then we really need to protect our existing groundwater sources and have a sensible wellhead policy. So thank you for your considerations of these things, and I look forward to tracking the plan as it goes forward.

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CHAIR BAISA: Thank you very much. Members, any questions? Any need for clarification? Seeing none, thank you. Mr. Garneau?

MR. GARNEAU: Madam Chair, there is no other testifiers in the Chambers. If we could go to the...

CHAIR BAISA: Is there any...anyone out there who hasn't spoken who would like to? Seeing none, would you check with the District Offices so we can close this up?

MR. GARNEAU: Yes, I will. Thank you. Hana Office, do you have anyone there to testify?

MS. LONO: There is no one waiting to testify at the Hana Office.

MR. GARNEAU: Okay, thank you. Lanai Office, do you have anyone there to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

MR. GARNEAU: Okay, thank you. And last, Molokai, do you have anyone there to testify?

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

MR. GARNEAU: Okay, thank you very much.

CHAIR BAISA: Thank you very much, ladies, I appreciate it. And we're going to sign off for now. Members, there's no one in the Chamber and no one in the...

UNIDENTIFIED SPEAKER: (via telephone conference bridge) . . .(inaudible). . .

CHAIR BAISA: Hello? No one in the Chamber and no one in the gallery that needs to testify, I think we're all done. Without objection, I'd like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much. So ordered.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR BAISA: Okay. Members, we've seen the presentation and we have listened to testimony. Are there any comments or questions? Greg, turn this off. Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. You know it strikes me going through this list of things, that this might have been something that could have been done with the Maui Island Plan. And it seems like we would have been a lot further along had this been included in that process. And I'm just interested in hearing the rationale of why the Water Department as opposed to the Planning Department was assigned the task. And why would not CWRM since they're the ones who know what

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they want to have in the report, why wouldn't they have done this themselves? So I'm just wondering why not CWRM and, or and failing them, why not the Planning Department through the Maui Island Plan process?

CHAIR BAISA: Thank you.

COUNCILMEMBER WHITE: Since we spend a lot of time doing that, this would have been a relatively simple add-on to that process.

CHAIR BAISA: Okay. Department? Or Director, Mr. Taylor?

MR. TAYLOR: If somebody wants to make a second to make that a proposal, I'll vote along with that. Shortly after I came onboard and I knew we had to refocus the Water Use and Development Plan, I went over to Honolulu and spent the afternoon with Bill Tam who was at that time the Deputy Director of DLNR for State Water Commission. Now Bill also when he was with the AG's Office wrote, I think drafted most of the State Water Code. He is probably the guy who knows most in the State about the history of why this happened. I'm going to share what he told me. I apologize if I get any little facts not exactly correct but here's what he told me. When the State Water Code was written and the State Water Commission was created to be the stewards of all water, the outer islands were concerned about home rule. So the methodology of having each county council have to adopt a Water Use and Development Plan was their balance to that so that each of the four county councils would say this is our document that's sort of a lobbying document to the State Water Commission where the Water Commission is still going to make all the decisions, but now the voters through the local elected officials will say this is what we want. Okay, so that's what the law says. That's why the County Council has to approve these. Now first of all, I'll answer your first thought in saying that what's in this document are really things that are going affect State Water Commission decisions. That's sort of the first thought of that's why we're writing this to influence and tell them what we think as a community. Okay. What each of the four counties did, what each of the four councils did that they didn't have to, they each passed an ordinance saying the Department of Water Supply shall write this thing. All four councils could have just as easily said the Planning Department shall write this thing. And a lot of us, I think most us involved think that would have been a better idea. Pam would have still been here, but she would have been working for the Planning Department and I would have been in the audience watching. But instead, in all seriousness, it's not that we don't want to do the work, it's sort of fox guarding the henhouse. We are just one of the water users, we're not even the biggest water user. The other water departments feel the same way, we're writing this document not for us but for everybody, and so it confuses people thinking that this is more of a Department of Water Supply infrastructure plan which it isn't. It's really as Chair White really referenced, it's really an addendum to the Maui Island Plan that expands on the water portion of the Maui Island Plan, and it could have been done that way. The Council, if you really look at the ordinance that the Council passed, it gives this responsibility to us, but that could be changed, where it could be given this responsibility to the Planning Department. Now I don't want to just throw this on those guys. We would understand that if that happened, we would probably

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down-level by two staff, they would up-level by two staff. You know the same people would be working on it but we might be a technical advisor. In my opinion, that would be a better model, because then it wouldn't be...nobody would be confused that I'm sitting here. I'm usually sitting here as the utility manager. Now I'm really sitting here as the Deputy Planning Director for the Water Use and Development Plan. So I think Chairman White is onto something that is really one of the difficulties in public perception of why we're doing this. It is really a planning document, it's at that level, it's for that purpose. It isn't a utility management document. So hopefully that gives some background about why we're here. We don't need to be, that is a change that could be made, and that's really at the end of the day up to the Council about where they want to see this document.

COUNCILMEMBER WHITE: Yeah, I think my concern was more directed towards the fact that we spend a lot of time bringing stakeholders together to discuss a variety of things. This just seems to be one of those that coulda/shoulda been done along with the Maui Island Plan, because all the stakeholders are essentially the same, the process is the same, and the outreach it doesn't have to be duplicated. And so I'm just...you know, Chair, you've spent tons and tons of time on water issues along with Mr. Victorino and going through the Maui Island Plan process. So it just strikes me that this is another one of those areas where we've missed an opportunity to streamline the process and not call the same group of stakeholders out multiple times for different items that are very closely related to each other, so.

CHAIR BAISA: Chair, I think you bring up an absolutely profound idea. You know when we were doing the Maui Island Plan and one of the testifiers mentioned it or several of the testifiers mentioned it, you know, and so did Pam in her presentation about trying to marry this with the Maui Island Plan. And, you know, we have in the Maui Island Plan principles and actions and things about water.

COUNCILMEMBER WHITE: Right.

CHAIR BAISA: So it would have meant enlarging that and, you know, expanding on it, and maybe it could be handled that way. I agree with you, I think it's amazing the planning we do and the time we spend doing it, and yet, you know, we still seem to have a tremendous amount of trouble in communicating the needs of the community, the wishes of the community, meshing it into our policies and keeping those in mind. You know I was thinking maybe it'd be a good idea when we have these plans like we'd have these water principles that I find really profound. Maybe we ought to keep them in our, on our desk so that when we're doing anything related to water, say ooh, does this fit? Because, you know, again, we have great ideas and they get into plans and books, but when we're here sitting on the floor trying to decide whether to approve a subdivision or a project or whatever, we don't have those principles sitting in front us, and we get kind of off-track with the business of the day and all the issues of the day. So I don't know, kind of like the ten commandments, we have to have it published someplace. But that's a really terrific observation.

VICE-CHAIR VICTORINO: Madam Chair?

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CHAIR BAISA: Yes, Mr. Victorino?

VICE-CHAIR VICTORINO: Mr. Taylor did leave out one important fact that because of the home rule issue, back then all four but today only three boards of water supply are autonomous which then adds to the fact that this is a different group of people that put together water policies. And that's was one of the reasons why that was also made in this respect, it was so that the councils would have some sort of say with these autonomous groups. We are the only one that the Board of Water Supply and the Department of Water falls under the direct purview of the Council, the others are autonomous. And so that was one of the reasons that Ernie and some of the other guys when we sat down and discussed this many years ago when we first started...what's his name, Lau...

CHAIR BAISA: Ernie.

VICE-CHAIR VICTORINO: No. No, no, no. What was the other guy before Ernie? I...anyhow...

MR. TAYLOR: Wayne Hashiro was before Ernie.

VICE-CHAIR VICTORINO: And before Wayne? There was somebody else, this is when I first came onto the board. This was a discussion matter, why not put it in Planning. And the councils and the boards of water supply did not want that to happen, because then they would not be the stakeholder that would be putting the policies forward and CWRM agreed at that time. So we're the only one that has changed through the years and become where the Department and the Board falls under the Council or under the County I should say, and the Council is one of the overarching bodies that makes policies for the Department itself. So that's part of the history too.

CHAIR BAISA: Another part of it.

VICE-CHAIR VICTORINO: It was, you know, this sounds like a great idea and maybe in Maui it could work real well, because we don't have these divisions of "power" if you want to use that term or divisions of responsibilities. Because all the other three boards of water supplies are autonomous, they work separate from the council and the actual department, and they set rates and they set policies and all that. And but maybe today we've got to look at that. But I know Honolulu, City and County of Honolulu recently went through that, looking to take the board of water supply and put it under the County, City and County but that didn't pan out. But just so that there's the whole perspective on history when it comes to this whole, what made this plan or how this plan is derived today, why that it's been put out in this manner.

CHAIR BAISA: Also, Mr. Victorino, thank you for the history because, you know, you've been with this for a long time. Understandably, I understand that the status of the Water Department has changed over the years. It was autonomous, then it came back to us, and it's been back and forth. When was this last change?

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VICE-CHAIR VICTORINO: For us was 2002.

CHAIR BAISA: Two thousand and two.

VICE-CHAIR VICTORINO: Two thousand and two is when the Board of Water Supply...I mean the Department of Water Supply and the Board became under the County. That was mandated with a Charter vote --

CHAIR BAISA: Amendment.

VICE-CHAIR VICTORINO: --in 2002. So I remember when Mayor Arakawa one coming in and changing, you know, and we had to change. Then when we arrived here on the scene in 2007, we worked hard to quantify and put all our rules to really work under what we had, the system of the Council and Administration versus the Board of Water Supply. 'Cause all the rules, remember when we walked in, basically said the Board of Water Supply will approve the budget. The Board of Water Supply --

CHAIR BAISA: Right.

VICE-CHAIR VICTORINO: --will do all of this, and they had no role anymore except advisory.

CHAIR BAISA: Right.

VICE-CHAIR VICTORINO: And then we of course added the change so that now they adjudicate the Director's decision when it comes to meters and some other issues that they can adjudicate that. But their power still is really advisory to us and to the Department as far as water issues are concerned.

CHAIR BAISA: Thank you. Members, any further comments? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I like the train of thought that Chair White was on as West Maui Community Plan is coming up, and this whole water use and development, you know, community outreaches are happening. Perhaps West Maui can be sort of the sample district to see if that can occur perhaps. And a note in regards to your outreach into the districts, I went to the first meeting, was not able to attend the second, and the information that was given was not district specific. And I think the people in West Maui, at least for me too, I would have wanted to see more figures, facts, and things of the area more so than a broad general East Maui and Na Wai Eha stuff. I mean it, yeah it's all connected but no, the people who live there in those valleys and what have you were like well, what's all that about, we want to really know...and I know you shared there's lack of numbers and information for West Maui. But I, you know, I beg to differ in a lot of aspects that way. So if we can be more I think site specific when you reach out, that pertain, that are, you know, relevant to the people of that area would be extremely helpful. But, you know, and I think, Pam, in your opening comments, the Maui Island Plan drives this water use plan. I like to look at it that it could also be flipped to say water, you know, dictates the

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development, where it can be, where it could be, where it ought to be, where, you know, and so the availability of water for me should drive development. So I mean it's two kind of concepts which sort of meet the end goal, where you're going to have, where is water going to get to for a development, but how do you, which comes first? So, Mr. Taylor, I don't know, I guess there's questions in there somewhere, but...

MR. TAYLOR: You had three major points and I think I can address all three. First the meetings. I think there were two meetings in West Maui. The first meeting was the island meeting, here's everything that's going on. The second meeting, the one you unfortunately missed was the focused one on West Maui. All of that information that was presented is on the website for you or any of your constituents from West Maui. If they got the chance to go to the second meeting, they did see that. They're on the website. Your second point about us working with the Planning Department. I can tell you that, you know, I've been involved with this for water, from with wastewater, I've always been involved with the Water Use and Development Plan. The relationship between the Department of Water Supply, Planning section and the Long Range Planning Division of Planning has never been stronger. It's mostly stronger because Pam Pogue who's the head of Long Range Planning --

CHAIR BAISA: Yeah.

MR. TAYLOR: --used to be the head of this Division. So she spent a number of years with us, she understands the water issues, and she has been working with our staff who she's worked with for years to incorporate those things. So I think that from a practical standpoint, we are accelerating and decelerating certain aspects to try to mold them better than ever. And I think everyone is going to see they are better just because the people involved, you know, naturally work together. For your third point and your final point, you mentioned that it might be, rather than having the Maui Island Plan lead the Water Use and Development Plan, maybe it should be vice versa. I've given...I'll take the heat for this, I have given strict direction to staff, saying that we are not the architects of the island, we're the plumbers. Meaning we start with the Maui Island Plan that the Council has agreed upon by policy, saying that's how people want to live. Our job is to say how do we get the water for that, not vice versa. I've been really clear that we're not going to re-litigate sort of the policy social issues that were handled in the Maui Island Plan. We as the Water Department have to take those as decisions by this body, and we're building upon that, how does, how do we make water work for the decisions you already made. So that's something I feel pretty strongly about; otherwise, you have sort of the plumbers driving the house plans rather than plumbing the house plan.

COUNCILMEMBER COCHRAN: Okay. Thank you for that analogy there, Director Taylor. And I think if I can ask him a question that one of the testifiers brought up, and it was in the Board Water Supply's PowerPoint is switched up from what we were given. Was there...was that just changes that they had addressed in that point and then we have the end result of it?

CHAIR BAISA: Not a problem, and that's a good question which I was going to answer that.

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COUNCILMEMBER COCHRAN: Oh okay, thank you.

CHAIR BAISA: But I'll let the Director answer.

MR. TAYLOR: Well, I was going to say let Chair Baisa answer. She asked, she saw that PowerPoint and she said can you add some specific things for clarity.

CHAIR BAISA: Yeah.

MR. TAYLOR: So every time, you know, I think this is the case anytime you give public presentations, you get the feedback and if things are not clear, that the next one is a little different to try to make it more clear. And so these presentations constantly have little tweaks. Anything we learn that could be better explained, we try to explain it better. In this case, Chair Baisa specifically wanted some timeline things that...and I think those are probably the big changes that were added.

CHAIR BAISA: Yeah.

COUNCILMEMBER COCHRAN: Okay. Okay. Well no, very good. Thank you, Ms. Baisa. And...yeah.

CHAIR BAISA: Yeah, they gave me a draft and I kind of looked at it and said, you know, maybe we can improve here. And one of the big things was I wanted a timeline, because I knew that you folks were very interested in when, 'cause, you know, we keep talking about this. So now we have some goals to reach.

COUNCILMEMBER COCHRAN: Yeah. Well, very good. And then lastly I think that I'd like to take a gander at that survey. I think Ms. Chase had handed out copies --

CHAIR BAISA: Yes. I think we have...

COUNCILMEMBER COCHRAN: --to, for us to just browse I suppose? I mean...

CHAIR BAISA: I don't know if we have sufficient copies, but if we don't, we'll make sure you get one.

COUNCILMEMBER COCHRAN: Oh, okay.

CHAIR BAISA: We'll make sure everybody gets one.

COUNCILMEMBER COCHRAN: Oh, okay.

CHAIR BAISA: I thought it was a good thing too.

COUNCILMEMBER COCHRAN: Yeah. I didn't have a chance to go online so that was nice she hard-copied it.

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CHAIR BAISA: Terrific. Thank you very much.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR BAISA: Any further questions or comments? Seeing none, if not, the Chair would like to thank the Water Department and particularly Pam and whoever helped to put this together. Thank you very, very much. Again, it was short order and you had to get it ready for today and we wanted it published so that people could take a look at it before today. But I want to thank you very much. And I'd like to thank the folks who came and especially the testifiers for giving us input. This is in my opinion an important document that we have to get done. So I'd like to...

COUNCILMEMBER COCHRAN: And, Chair?

CHAIR BAISA: Yes?

COUNCILMEMBER COCHRAN: And sorry, before we close up, I think Mr. Mayer brought up some good points too in regards to the water budget, the financial budget in this. It's not addressed in the PowerPoint, but it is in the actual document, things of that nature that address --

CHAIR BAISA: Mr. Taylor?

COUNCILMEMBER COCHRAN: --costs and...

CHAIR BAISA: It's not.

MR. TAYLOR: Not to the level of detail that the testifier had requested. One of the first things, you know, I did as Director is I pulled apart CIP planning from the Water Use and Development Plan. And the presentations that I usually put on with these big 20-year plans and different colors, you've all seen those, that's the detailed infrastructure plan. Because the State Water Commission doesn't need to see that, rather than having it go through this formal legal process and including it in this which is what I think used to be done, I pulled that out, assigned it out of their group into the Engineering group and we deal with that separately, because that's something that doesn't need to go to the Water Commission. So details of our infrastructure operations we're trying to keep out of this from the same standpoint that Kaanapali Water's infrastructure isn't in this so why would ours be? We're trying to keep this even, saying this is a big-picture water allocation for uses, it's not a water utility infrastructure plan. So we're trying to have, essentially be...just because we're drafting the plan and we happen to run one of the water utilities, that doesn't mean there should be much, much more detail about our particular water utility than anyone else's. So there may be some summaries of those information, but it won't even be as detailed as what you see, you know, during the budget process and during some of our more infrastructure discussions. So that's the level of detail we're trying to keep this to so that some of the issues of every time something changes, it's a big-

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picture document. And I would point back to the Maui Island Plan, think about the level of detail in the Maui Island Plan, we're trying to match that level of detail, not be more detailed than that in this document.

COUNCILMEMBER COCHRAN: Okay, thank you. And, Chair, in our I guess now iPads or binders, there was in, I think in the first communication in this item, it was a question I think from Mr. Victorino to your Department in regards to availability of data on diversions and wells. And I think your response in this letter is, states that CWRM exempts certain, you know, small or large, I mean there's certain case-by-case, I guess, decisions done by CWRM whether they need to provide data or things of that nature. But I guess the question for me didn't really get answered from the Department in the sense that obviously some do have to provide data so where is it? On diversions. We get the wells, I know we get the source reports, we get the wells now, but is there any, you know, I guess data that comes to your Department at all in regards to --

CHAIR BAISA: Director Taylor?

COUNCILMEMBER COCHRAN: --diversions and...

MR. TAYLOR: I think Ms. Townsend can answer. I'm, I know that staff puts together information we get from CWRM and sends it to the Council, but exactly what we get and what we don't get, Ms. Townsend may know better than me.

CHAIR BAISA: Pam --

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR BAISA: --if you can help?

MS. TOWNSEND: Well, I know that we get...we've asked for reports from CWRM on diversions for doing the plan; unfortunately, I don't know whether we get direct information on diversions from all the diverters, we wouldn't get all of that. We may get some of it but we can certainly get full reports from CWRM, you know, whenever we want them.

COUNCILMEMBER COCHRAN: Okay. All right. So I guess it's just...so not, we don't really get a whole bunch of information.

CHAIR BAISA: The answer I think I'm hearing is that if we want that information, we can get it from CWRM, and I'd be happy to request it if anybody wants it.

VICE-CHAIR VICTORINO: Yeah, go ahead, Madam Chair.

COUNCILMEMBER COCHRAN: Okay. Yeah.

VICE-CHAIR VICTORINO: Please.

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CHAIR BAISA: Okay?

COUNCILMEMBER COCHRAN: Yes, please.

CHAIR BAISA: Okay, sure.

COUNCILMEMBER COCHRAN: Thank you. Okay. And thank you, Department.

CHAIR BAISA: Not a problem. Okay. Is there anything else? Otherwise...

COUNCILMEMBER COCHRAN: Sorry, Chair. And lastly, because Ms. Robbins came and she was testifying and brought up, was holding up that paper. What...does that...is that safe to speak about at all or is there...I guess it has to do with Wailuku Shaft 33 water use permits. And I...is that a litigation...

CHAIR BAISA: Let's make sure that we know what letter we're talking about.

COUNCILMEMBER COCHRAN: The May 23rd...

CHAIR BAISA: Mr. Taylor, you're --

MR. TAYLOR: We know what she's talking about.

CHAIR BAISA: --familiar with it and you're okay to discuss it? Legal?

MS. OANA: So there was a complaint filed by Hearthstone according to that letter, alleging that the County through our well development agreement with RFC Kehalani, it will be violating the Water Code. So there is a pending investigation. I'd be happy to answer any questions in executive session with regard to any County's liability if any. But I'm not comfortable answering in open session.

COUNCILMEMBER COCHRAN: Okay. And yeah, thank you, Ms. Oana, for those comments. And it's...yeah. Just wanted a comment.

CHAIR BAISA: Ms. Cochran, Chair is well aware of the letter and I have met with legal counsel and this is a matter that's being handled by the folks that are supposed to be handling it. And if there's any need for our Committee to get involved, I will certainly make that available and we'll do it probably in executive session. But at this time, there's nothing that we need to do.

COUNCILMEMBER COCHRAN: Okay. Well, thank you very much. It was just brought up on the floor. I thought --

CHAIR BAISA: No, thank you for asking.

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COUNCILMEMBER COCHRAN: --if we could speak about it then, you know, better clarification.

CHAIR BAISA: Thank you for asking. It's better to ask than to wonder.

COUNCILMEMBER COCHRAN: Oh, okay. All right. And that shall do it for me. Thank you, Chair.

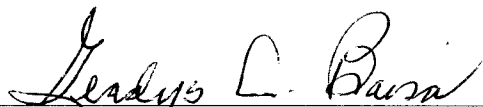
CHAIR BAISA: Okay. Anybody else need anything else? If not, we are done.

ACTION: DEFER.

CHAIR BAISA: And so thank you, everybody. And this meeting is adjourned. . . .(gavel). . .

ADJOURN: 10:56 a.m.

APPROVED:



GLADYS C. BAISA, CHAIR
Water Resources Committee

wr:min:160713:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, 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 28th day of July, 2016, in Kula, Hawaii



Daniel Schoenbeck