

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF JUNE 21, 2018

The regular meeting of the Maui County Board of Water Supply was held at the Department of Planning Conference Room, 250 South High Street, Wailuku, Maui, on Friday, June 21, 2018.

CALL TO ORDER

The meeting was called to order by Chair Lyons at 1:33 p.m.

ATTENDANCE

Members present: Anders Lyons, Chair
Shay Chan Hodges, Vice Chair
Joseph Aquino
R. Raymond Cabebe
Dean Frampton
Norman Franco
Sylvia Ho
Michael Nakashima

Members excused: Zoltan Milaskey

Staff present: Gladys Baisa, Deputy Director
Eva Blumenstein, Water Resources & Planning Program
Manager
Michael Hopper, Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

APPROVAL OF MINUTES

Minutes of May 17, 2018

Chair Lyons asked for a motion to approve the minutes of May 17, 2018.

Motion: Member Nakashima moved to approve the minutes of May 17, 2018

Second: Member Ho

Discussion: Member Cabebe asked if the Board could issue a courtesy letter

of “No Comment” when people ask for the Board’s comments and we don’t have any. This is in reference to the letter from the United States Department of the Interior asking for comments regarding the down listing of the nene.

Deputy Director Baisa thought that it was a good idea to do that moving forward.

Chair Lyons called for a vote on the approval of the minutes.

Vote: Unanimous. Motion carried. The minutes of May 17, 2018 were approved.

TESTIMONY FROM THE PUBLIC

There were no public testifiers.

UNFINISHED BUSINESS

Discussion and possible action regarding the Maui Island Water Use and Development Plan

Eva Blumenstein, Water Resources and Planning Program Manager, appeared at this meeting to answer any questions the Board may have on her presentations from previous meetings. She noted that the Central Aquifer Sector chapter will be posted at the end of the month.

In regards to the East Maui Interim Instream Flow Standards decision and order, Ms. Blumenstein said they are working to incorporate any major changes into the Water Use and Development Plan strategy. She added that they were not surprised by the decision. It represents pretty much what Nā Moku and Maui Tomorrow requested. The department’s diversions from Waikamoi and Honomau were allowed to remain in effect with restorations taking effect below our intakes.

At this time, Deputy Director Baisa suggested having Deputy Corporation Counsel Caleb Rowe appear at the next meeting to discuss further this decision and order. The chair agreed that the board would value an update on the East Maui IIFS.

Deputy Corporation Counsel Hopper was concerned that the Board is under the 180 day time frame now and asked if there are any actual proposed amendments or updates to the plan at this time.

Ms. Blumenstein replied no, since the Board has not received the final chapter the 180 days of review has not formally started.

Mr. Hopper noted that the requirement for a formal review of the plan says that the board shall hold one or more public hearings on the proposed update. He would have to check whether the board's public hearing requires notification in the newspaper. If the board wants to do more than a public hearing, sending a press release is certainly an additional option. Once the agenda is posted, the board is required to allow the public to submit written testimony or provide oral testimony. The Board can set time limits on oral testimony. He advises no less than 3 minutes with an additional minute to conclude testimony as long as it is uniform to all the testifiers. If the board has no other rules governing public hearings then he believes a properly agendized meeting would be sufficient.

Ms. Blumenstein said it was up to the Board to determine how long they need to review the plan. She added that the public and those who were involved in the process had opportunities to provide feedback or comments and they have. She felt that as long as the public knows that the plan is being reviewed by the Board then they have the opportunity to come and testify.

Chair Lyons recommended that the Board get the entire plan when the 180 day period starts. At the next meeting, members will make a list of items they need to discuss. Then at future meetings they will take chunks of those items and make recommendations on those items.

There was no action taken by the Board at this time.

Discussion and possible action regarding Water Rates Including Agriculture Water Rates

Deputy Director Baisa reported that the Council's Water Resources Committee has not yet taken this matter up. So far, the committee has not discussed this as a future agenda item.

No action was taken by the Board on this matter.

OTHER BUSINESS

Discussion and possible action regarding a Water Resources Committee letter dated May 31, 2018 requesting a response and explanation from the Board of Water Supply on their specific concerns on the ordinance and its implementation of the bill entitled, "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT."

Chair Lyons explained that the 3 letters this Board sent to the Water Resources Committee starting in 2014 was not sufficient and they are wanting clarification on them. He added that as far as he is concerned he is done with this and would like to move on. He personally prefers that the Board tell the Water Resources Committee that the 3 letters

stand and speak for themselves and to please proceed in whatever way the committee sees fit.

Vice Chair Chan Hodges thinks a part of why they feel it is unclear is that there is a kind of “mish-mash” of ideas and if they don’t get clarification then the committee will just move on.

Both Members Franco and Nakashima asked what the letter was about. At this time, Chair Lyons read a part of the Board’s letter to Chair Atay dated March 20, 2018 which was part of the members’ packet.

“The Board supports wellhead protection though we do have concerns with how the ordinance will be implemented. We are especially concerned about the costs of permitting and best management practices for landowners. Therefore, we welcome the Council’s Water Resources Committee and the Maui County Council to further pursue this matter.”

Chair Lyons stated that this Board was asked for advice on this matter and gave it 3 times. He feels the Council’s Water Resources Committee should take this “football” and run with it.

Member Nakashima agreed with the chair. It is in the Water Resources Committee’s hands now.

Chair Lyons asked if the members had any objection to sending a letter to the Water Resources Committee saying the Board has nothing further to add and to refer to the previous letters already written. There was no objections by any of the board members present. As suggested by Mr. Hopper, no motion or vote was needed as this decision was by unanimous consensus of the Board.

Discussion and possible action regarding Alternative Meeting Dates and/or Meeting Start Time.

Vice Chair Chan Hodges said she talked to Member Milaskey and he said the reason he couldn’t attend today’s meeting was specific to this day and he can make the 1:30 p.m. time in the future.

The members had no objections to meeting at 1:30 pm.

Mr. Hopper said he believes there is nothing in the Boards rules on a specific date or time for meetings.

No motion or vote was made as the new meeting start time was agreed to by unanimous consent of the Board.

Receipt of Board Member request for agenda items to be placed on future agendas

1. East Maui decision by CWRM as explained by Deputy Corporation Counsel Caleb Rowe
2. Invite Carol Reimann (A&B) and Darren Strand (HC&S) to speak on the future of HC&S wells
3. Provide copy of most recent update of the Upcountry Water Meter list
4. Update on the Charter Amendments pertaining to the department and the Board

DIRECTOR'S REPORT

Map of Maui Island Meter Requests

Deputy Director Baisa provided the members with a map of the first 500 tmk's on the Upcountry Meter List. See attached. Currently, there are close to 1800 tmk's that are on this list.

Engineering staff is working hard on the meter list and it is finally moving. Also, the council gave the department \$900,000 to assist with the Upcountry Meter List. The department has signed a contract with an engineering firm to provide an engineer to help the department's staff deal with the meter list.

The deputy director believes that this list will not be ending soon. The department does not have the ability to do it if they continue doing what they're doing. They need double or triple the staff.

In the last 2 - 3 years, about 130 letters have been sent out.

Deputy Director Baisa explained that each dot on the map represents one tmk on the list and each tmk could be requesting more than one meter.

At this time, the deputy director stated that she and her staff will be meeting to discuss water shortage for the Upcountry area. She feels that they need to put in some kind of water conservation notice soon.

DIVISION REPORTS

May Division Operational Reports

Member Franco asked if people want more meters, are we going to tell them, sorry, no storage, no transmission lines?

Deputy Director Baisa stated that we are going down the Upcountry Meter List and we are bound by this list and the department is working to reduce it.

ADJOURNMENT

There being no further business the regular meeting was adjourned at 2:54 p.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved for distribution:

Gladys C. Baisa
Deputy Director

Upcountry Priority List (500)

