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MAUI COUNTY
WATER USE AND DEVELOPMENT PLAN UPDATE
REGIONAL PLANS
WAILUKU
BOARD OF WATER SUPPLY
PUBLIC HEARING
NOVEMBER 29, 2018, 5:04 P.M.
MAUI COUNTY DEPARTMENT OF WATER SUPPLY

Hana Community Center
5091 Uakea Road, Hana, Hawaii 96713

BEFORE: SANDRA J. GRAN, CSR NO. 424
Registered Professional Reporter

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WATER BOARD:

- Anders Lyons, Chair
- Shay Chan Hodges, Vice Chair
- Joseph Aquino, Member
- R. Raymond Cabebe, Member
- Dean Frampton, Member
- Norman Franco, Member
- Zoltan Milaskey, Member
- Michael Nakashima, Member

STAFF:

- Gladys Baisa, Director, Department of Water Supply
- Eva Blumenstein, Water Resource & Planning Program
Manager
- Alexander Deroode, Water Resource & Planning Program
- Jennifer M.P.E. Oana, Deputy Corporation Counsel
- Gaye Hayashida, Commission Support Clerk

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P R O C E E D I N G S :

CHAIR LYONS: Okay. We'll bring this Water Use and Development Plan, Board of Water Supply -- Maui County Board of Water Supply public hearing for the Ko'olau, Hana, and Kahikinui aquifers to order. (Gavel.) Members of the Public, thank you very much for being here today. Your participation in this meeting is why we're here. Just by way of introduction, this is the Board of Water Supply, which is an advisory board to the Department of Water Supply. We are citizens like yourselves who have volunteered to be on this board and are not paid to do so. We have an advisory capacity, as I said, and do not have any authority over the board, so we don't -- do not dictate policy to the -- to the department, but we advise the department as residents of Maui and citizens of Maui County.

We're here today to receive your feedback on the Water Use and Development Plan draft that staff have put together. That process has been an over 2-year process with numerous -- numerous surveys and public meetings and meetings with stakeholders that -- whose feedback has then fed into the plan that we have presented to the public for review.

We do ask that you -- if you're going to testify today, that your comments be specifically to the plan. This -- we expect that you have familiarized yourself with the plan in advance of being here. If you have not, you can

1 submit testimony, written testimony to us at any time through
2 the Department of Water Supply in Wailuku or you can attend
3 one of the four other meetings that we're holding on the
4 island of Maui and I'm -- I'm sure we can come up with the
5 dates and locations for you if you're interested in knowing
6 that. But, again, I will be holding you to testifying to the
7 plan itself.

8 The board -- the process from here does not end with
9 the board. What happens is we are going to receive your
10 feedback on the plan, we will then discuss that at our
11 December 13th meeting, which you are -- which is open to the
12 public and you are welcome to attend, which will be held in
13 Wailuku. We will finalize our thoughts and deliver them to
14 the department at our January meeting. Once the department
15 has our -- the feedback that has been given by you and
16 discussed by the board and then delivered to the department,
17 the department will rework the plan and present it to the
18 county council for final adoption. So there's a whole 'nother
19 round of hearings that will happen likely in council chambers
20 in Wailuku by the county council before the adoption of this
21 plan.

22 I think I've talked enough, but I would at this
23 point just briefly like to have the staff and board just say
24 their names and where they live and then -- yeah, where they
25 live and then -- you can say your title too. For staff,

1 you're welcome to say your title as well if you'd like.

2 (Inaudible comment.)

3 CORPORATION COUNSEL: I'm Jennifer Oana, deputy
4 corporation counsel for the County of Maui and I live
5 Upcountry.

6 DIRECTOR BAISA: And I'm Gladys Baisa, the director
7 of the board -- of Department of Water Supply and I live in
8 Makawao, have lived there most of my life, third generation.

9 MEMBER NAKASHIMA: I'm Mike Nakashima and I live in
10 Wailuku.

11 MEMBER CABEBE: Randy Cabebe, I live in Kihei.

12 MEMBER FRANCO: Norm Franco and I live in Kahului.

13 MEMBER MILASKEY: Zolton Milaskey, I live in
14 Lahaina.

15 CHAIR LYONS: Andres Lyons, I live in Makawao.

16 VICE CHAIR HODGES: Shay Chan Hodges, Haiku.

17 MEMBER AQUINO: Joseph Aquino from Lahaina.

18 MEMBER FRAMPTON: I'm Dean Frampton, Pukalani.

19 CHAIR LYONS: Thank you.

20 If you're here to testify, our sign-up sheet is --
21 is this it in front of me, Gaye?

22 MS. HAYASHIDA: Yes. And we have more.

23 CHAIR LYONS: We do -- we have another sign-up sheet
24 on this table here, so please sign up.

25 UNIDENTIFIED SPEAKER: There's a sign-in sheet.

1 CHAIR LYONS: We will -- so we'll take you in order
2 of people who signed up. You will have 3 minutes -- you will
3 have 3 minutes to testify and if you need an extra minute to
4 conclude, you can have it, have another minute to do so. If
5 you need more time than that, I suggest that you put your
6 thoughts in writing and submit them to the board via writing,
7 that is going to be very helpful in our deliberations on your
8 thoughts on the plan.

9 Before we begin testimony, staff are going to give a
10 brief overview of the Water Use and Development Plan sections
11 for Kahikinui, Hana, and Ko'olau.

12 MS. BLUMENSTEIN: Can you hear me okay without the
13 mic?

14 UNIDENTIFIED SPEAKER: Good enough.

15 MS. BLUMENSTEIN: I'm Eva Blumenstein, Department of
16 Water Supply and I've been (inaudible). So (inaudible) just a
17 brief overview. The handouts up there include an executive
18 summary that is called the aquifer sector, all the regions.
19 My presentation today is for Hana, Ko'olau, and Kahikinui.
20 The presentation of the plan I'm going to talk about is the
21 purpose of the plan and the public process that up until now.

22 The key issues for these regions.

23 The water resources for this region.

24 Projected growth and demand for the plan.

25 And a few select strategies. I'm not going to go

1 into detail on all of the individual (inaudible).

2 And implementation.

3 So the purpose of the Maui Island Water Use and
4 Development Plan is to guide and advise the Maui County
5 Council and the State Commission on Water Resource Management
6 in planning, managing, development, use and allocating the
7 island's water resources.

8 It's a long-range strategic water resource plan that
9 should inform the water department capital improvement
10 program, that's the more detailed program that we propose to
11 county council (inaudible) for a 6-year period, that's site
12 specific wells or storage tanks and such. That kind of detail
13 is not best addressed in this plan, this is water resource and
14 development of aquifers in individual (inaudible), individual
15 (inaudible).

16 It applies not just to the Department of Water
17 Supply, this plan applies to all water purveyors: privately
18 owned, non-potable, agricultural uses. There is, however, an
19 Agricultural Water Use and Development Plan that is prepared
20 by the state that is (inaudible).

21 The purpose is to allocate water resources to land
22 use by identifying water supplies (and conservation
23 strategies) for planned growth per the Maui Island Plan. The
24 Maui Island Plan is the -- sets forth the growth plan and the
25 land use patterns. The Water Use and Development Plan does

1 not change that, it is consistent with the Maui Island Plan.

2 So up till now, we started late 2015 and have held
3 about 20 public meetings, targeted stakeholder meetings, and
4 public workshops. Three of those were here in Hana. We had
5 an additional 16 presentations and briefings to CWRM -- which
6 stands for the Commission on Water Resource Management, it's
7 the acronym -- this body here, the Board of Water Supply, the
8 county council water resources committee, and other policy
9 bodies.

10 So where we are now in 2018, the Board of Water
11 Supply is holding their public hearings for the regions. And
12 after this, what will happen is the county council is to adopt
13 the plan by ordinance and it also has to be approved by the
14 state water commission.

15 So we're looking at the three regions from Ko'olau,
16 Hana, and Kahikinui and there are many issues that are very
17 region specific, others that apply island-wide. Broadly these
18 are common to these three regions, so this is what we got from
19 feedback in the -- from public meetings on the Maui Island
20 Plan and other public process to distill, to draw forth these
21 are some of the key issues for these regions.

22 Wai (water) is a vital cultural and sustaining
23 resource for humans and nature.

24 To adapt to the effects of drought and climate
25 change and the effect that will have on water resource

1 availability and quality.

2 To adapt future populations to local water resources
3 conditions, integrating conservation and the use of
4 alternative resources. That means not surface water and
5 groundwater, but recycled water and rainfall catchment and
6 that sort of thing.

7 To maintain access to lands for gathering, hunting,
8 and other Native Hawaiian traditional and customary practices.

9 To provide for the Department of Hawaiian Home Lands
10 needs.

11 The transport of water from Ko'olau aquifer sector
12 area -- ASEA, the acronym, is aquifer sector area -- to
13 Upcountry and Central Maui, that's an issue for all the
14 affected communities.

15 Protecting watersheds through invasive plant
16 control, ungulate control -- the ungulate are like feral sheep
17 and deer -- and reforestation via the watershed partnership
18 programs.

19 And to consult and coordinate with the Native
20 Hawaiian moku, the community, and local experts on resource
21 management.

22 So at first it will just be on Ko'olau, that region
23 stretches from Maliko and Haiku and eastern boundaries are
24 (inaudible) and east of that is the Hana aquifer sector.

25 There are multiple perennial streams and (inaudible)

1 water resources for this region and a lot of that surface
2 water is stored and then transported or exported out to the
3 Central aquifer sector or the Central district of Maui.

4 The sustainable yield is the amount of groundwater
5 that can be extracted from the aquifer without negative impact
6 and that yield is established by the state water commission.
7 For Ko'olau aquifer sector, those four individual aquifers
8 there: Haiku, Honopou, Waikamoi, and Keanae, the sustainable
9 yield is 175 million gallons per day.

10 You can also see the red lines, those are the
11 community plan boundaries, because this Water Use and
12 Development Plan has to be consistent with the Maui Island
13 Plan and the community plans, we had to look at demand for the
14 community plans that are the growth pattern and the land uses
15 in those communities for the aquifer sectors of the plan.

16 So this is just very broadly resource and projected
17 demand, a snapshot for Ko'olau. That first -- from the left,
18 the first column is the Ko'olau aquifer sector sustainable
19 yield, just under 175 million gallons per day.

20 The next one below that is the surface water average
21 total flow, estimated. That just means that we know
22 historically about how much has been extracted from Ko'olau
23 and that's just under 136. It doesn't mean that that's the
24 available yield, but we know that that's the estimated total
25 flow. Not just the flow in the stream, but all of it, total

1 flow: rainfall, freshets, that kind of thing.

2 The next lighter blue column is surface water median
3 base flow. Base flow is just the water in the stream when you
4 don't have any additional rainfall, so that's just supplied by
5 groundwater. You see that's a whole lot less.

6 And then I'm not going to go into the interim
7 in-stream flow standards, but you've probably -- some of you
8 are familiar with the June 2018 decision by the state water
9 commission to set in-stream flow standards for the area. So
10 you're looking at the base flow only and you deduct the
11 interim in-stream flow standards, then we have the little
12 yellow bar at the bottom. So exactly how much will be
13 available to be used within or outside Ko'olau, we don't -- we
14 don't know. There's a -- there's a range of what's available
15 and we've got additional rainfall and other supplies and then
16 we have those drought conditions where you just -- where you
17 have very low flow and the priority is always the in-stream
18 flow standards. So we're not saying that any particular
19 amount of surface water is available, but if you add up the
20 average surface water and the sustainable yield, that's that
21 large column, 305 million gallons per day.

22 Demand for groundwater transport, this would be the
23 lowest pink-purple column, so very little groundwater is
24 currently or projected to be transported out of Ko'olau. Some
25 of the existing demand or predicted demand is in Haiku, which

1 is in the Ko'olau sector.

2 Surface water transport is the next darker purple
3 and there's a low range to a high range. Also, we don't know
4 what that is, but the surface water transport includes
5 currently the water department's Upcountry municipal needs and
6 then if you're looking at the water needs for the former HC&S
7 plantation and the diversified ag. plan, that's that higher
8 136 million gallons per day. We don't think that current
9 flow, base flow subject to the interim in-stream flow
10 standards will satisfy all those needs, so we're not saying
11 that all of that demand will be met by Ko'olau surface water,
12 but that is the demand that represented outside Ko'olau.

13 I know this is pretty broad, because it's several
14 chapters in the plan, but this is to kind of give you a
15 snapshot of the resources and projected demand.

16 Hana aquifer sector then, on the east is Makahiki
17 Stream all the way bordering Kaupoa, so it includes the
18 Huikwa, Kawaipapap, Wauhoi, and Kipahulu aquifers. The
19 sustainable groundwater yield is 122 million gallons per day.
20 There's multiple perennial streams. None of those are
21 exported out of Hana aquifer sector. There's many diversions
22 and all use is within the Hana aquifer sector.

23 The large blue 122 million gallons per day is the
24 groundwater sustainable yield. Surface water flow, meaning
25 the natural stream flow, has not been quantified for Hana

1 aquifer sector. So we know there's at least 3.68 million
2 gallons per day of natural flowing water in the streams,
3 but other than that, there has not been studies to quantify
4 what that natural stream flow is.

5 Demand within Hana is 2.64 million gallons per day
6 and this is what's projected out to 2035. Although Hana is
7 actually predicted to grow fairly quickly because of the small
8 population, it's really -- and you see the resources against
9 the demand, it's sort of a different scale, so that's why I
10 put the table in there to break it down a little more.

11 The table on the right is in gallons per day.
12 Otherwise throughout the plan it's in million gallons per day.
13 And you can see that about a half million gallons is for Maui
14 Department of Water Supply, MDWS potable needs. There's some
15 private potable systems in the area too. There's Department
16 of Hawaiian Home Lands needs. There's domestic potable,
17 meaning those private households that are not served by the
18 water department. And there's non-potable needs, irrigation
19 and ag., so that's under demand versus the supply breakdown.
20 So 2.3 million gallons per day.

21 Kahikinui then on the dry leeward side borders
22 Kipahulu on the east and it goes through the mountains to
23 Kanae over there and -- on the end. There are no perennial
24 streams in Kahikinui. There are -- sustainable yield equals
25 35 million gallons per day and it's pretty much (inaudible)

1 service area. There's Kaupoa community that's served by the
2 department and public private system. And on the far end,
3 Keanae, there's about 20 services there that are the end, the
4 tail end of the water department's Upper Kula system. And
5 then we have Kahikinui, which is Department of Hawaiian Home
6 Lands that are not provided by another outside purveyor.

7 So for Kahikinui, groundwater sustainable yield is
8 at 34 million gallons per day, the high column. As you can
9 see demand is very small and I broke it down by gallons per
10 day so you can see potable versus non-potable needs. A lot of
11 that is for (inaudible) buildout of Kahikinui. It's a --
12 currently serves the populated and most are served by
13 (inaudible). Kaupoa is served by surface and groundwater.
14 There's really not much growth anticipated, so total demand
15 and supply to meet that is the 306,000 gallons per day.

16 So strategies, again, there's multiple region-
17 specific strategies for each aquifer sector, so I've just
18 picked a few, highlight a few here that are common for Hana
19 and Ko'olau. One key concern and what we have heard
20 throughout this region is to prioritize and emphasize
21 watershed protection and administration. So the plan should
22 not just plan for how to use and develop water resources to
23 meet demand, but also how to preserve and augment or restore
24 those resources. So seek dedicated, long-term, and broad-
25 based funding to maintain and expand the watershed protection

1 efforts that are in place for Ko'olau and Hana (inaudible) in
2 the East Maui Watershed Partnerships and on the dry leeward
3 side is the Leeward Haleakala Preservation of Watershed
4 Partnership. And that has been brought up too because those
5 are currently funded by the Department of Water Supply and
6 other organizations, but there's always that need for -- for
7 broader-based sustained funding to make sure that they're able
8 to continue.

9 Support and promote community grassroots initiatives
10 to collaborate with state and landowner partnerships to
11 increase participation in natural resource management and that
12 is to ensure adequate access and opportunities for traditional
13 uses. That's what we've heard about throughout this community
14 that within those watershed protection measures that are out
15 there, if we could form some more local participation in the
16 process.

17 Workshops to assist the stakeholders in the
18 community to develop and improve individual drought and water
19 conservation plans. For Ko'olau and Hana, there's a lot of
20 scattered rain catchment systems that are not regulated,
21 they're not -- they're not a municipal or provider -- or
22 another purveyor to ensure that the water quality is met, so
23 that's something that's been a concern. There's no really
24 statewide regulation or countywide effort to do that.

25 And the last one, there is not -- there is pretty

1 much adequate source now to provide for growth within Ko'olau
2 and Hana. Still there's the need to long term have the Hana
3 subsystem for basal well development just to ensure -- not
4 that there's going to be additional growth, but that there's
5 enough reliability to ensure there's an adequate supply
6 (inaudible).

7 For Kahikinui, it's a little bit different there.
8 The watershed restoration and protection efforts are key for
9 that region. We know that this was originally a rich dry land
10 forest that has been severely eroded and degraded over time,
11 but there are efforts to bring back forests that can recharge
12 aquifers and bring back local water resource in the region.
13 This is Leeward Haleakala Watershed Preservation Partnerships
14 work in the (inaudible) area for the -- they have plans to
15 develop about 3,000 native plantings and that really helps the
16 erosion control and long-term (inaudible) groundwater
17 recharge. So the same thing for them, to make sure that the
18 watershed protection and administration efforts may continue.

19 In this area drought is a big, big issue, we know
20 that this dry side of the mountain is going to be hardest hit
21 by future climate predictions, decrease in groundwater
22 recharge, decreased rainfall just a result of the normal
23 droughts, (inaudible) in the ground. So there is the need to
24 convene the stakeholders who live in the area and retain
25 experts to come in and do workshops how to address the drought

1 that's long term.

2 For DHHL lands in Kahikinui, the plan incorporates
3 each (inaudible) land use plans. The proposed strategies are
4 also -- it's not just provide the public, but to consider
5 development of groundwater for sustainable long-term reliable
6 supply.

7 Overall, the plan -- I don't know if you have
8 perused it at all in detail, but for each region, for each
9 strategy, there is a (inaudible) for the actual strategy.
10 Its -- the cost associated with it, there's proposed lead
11 agencies and organizations for each region tasked with actions
12 to implement the best strategy in the time frame. So time
13 frames, lead roles of agencies and organizations that are
14 tasked with actions to implement policies and strategies, they
15 are identified, but they're not -- we expect that that's going
16 to be further defined and adjusted over time.

17 Actual implementation, of course, depends on level
18 of funding. It's -- source development is subject to county
19 funding, there's private areas in the various watershed
20 partnerships that rely on outside private and state funding.

21 The plan does not legally bind the agencies and
22 organizations to implement the strategies. It's -- the
23 purpose is to provide guidance for land use and infrastructure
24 development, including the county's capital improvement
25 program over the 20-year plan period.

1 Prioritize resource management and seek guidance
2 from the local community is key to sustain the traditional
3 lifestyle and a sense of place here, that's what we've heard.
4 Again, not focus so much on resource development to meet
5 predicted demand, but (inaudible) resource development and
6 preservation as part of the plan.

7 All of the documents, all of the regional plans, the
8 executive summary is available online. We have hard copies
9 here and there's hard copies in libraries throughout the
10 island, including at Hana Library. That is the website
11 address where you can find all the documents.

12 Mahalo.

13 CHAIR LYONS: Thank you very much. Appreciate that.

14 Okay. Do we -- I have Gaye Hayashida walking around
15 ask -- to ask if there are any additional testifiers who wish
16 to testify, we'd like to ask you to sign up on our sheet and
17 we'll have you come up as you signed up on the testifying
18 sheet.

19 Again, please testify to the plan. We do expect
20 that you have reviewed the plan and have some thoughts on the
21 actual plan. And we are giving you 3 minutes plus a minute if
22 you need to conclude. If your thoughts are longer than that,
23 we would greatly value them in writing as that would -- that
24 enhances our ability to understand what points you're making,
25 so -- and you can feel free to stand or stay seated as long

1 you project yourself so that the room can hear you.

2 At this time -- yes.

3 (Inaudible comment.)

4 CHAIR LYONS: Yes. We can probably turn the lights
5 back on.

6 (Inaudible comment.)

7 CHAIR LYONS: Yeah. And when you -- when you --
8 when you're called, please just, again, state your name so
9 that we know how to say it because I'm probably not going to
10 pronounce your names correctly. I apologize. I have a
11 difficult name myself. And then let us know what part of the
12 plan you are testifying on, that'll help direct our attention
13 as we listen to you.

14 So first is Jeffrey Paisner. Jeffrey, would you
15 please introduce yourself and let us know where you're -- what
16 you're testifying on.

17 MR. PAISNER: Well, I believe I'm speaking about the
18 plan, I'm speaking about water. My name is Jeffrey Paisner, I
19 was a party and co-interest in the contested case water
20 hearings. I'm not part of the NHLC or the -- or Maui
21 Tomorrow, but I've -- I've owned some property for about 46
22 years adjacent to the Makapipi Stream in Lower Nahiku, which
23 has for decades been victimized by the water diversions by
24 Alexander & Baldwin, who clearly did not honor the state
25 constitution in protecting downstream water users.

1 What I want to -- if I can possibly ask you a
2 question, 'cause you have a lot of information here about what
3 our needs are on Maui, but I want to know if a part of your
4 computation includes the amount of water which is currently
5 lost in transport because of an outdated water transport
6 system, number one, and a lack of storage areas for water in
7 various areas of Maui which could be used during drought
8 conditions. In the past what happened during those conditions
9 was EMI would simply go up, had total control of all the water
10 diversion facilities. The DLNR of Maui is woefully
11 understaffed and could not monitor how the water was being
12 diverted, so in effect what we had was we had the -- we had --
13 we basically had the bank robbers guarding the bank safe. We
14 had to rely on EMI's trustworthiness to monitor this. So
15 anything that you recommend is really going to require some
16 type of adequate oversight into how the water diversions are
17 actually handled.

18 We spoke about -- in the water plan about A&B's
19 diversified agriculture plan. We know that they're asking for
20 a certain amount of water from East Maui. The problem is that
21 they've signed no leases yet with anybody because they don't
22 have a new lease. You can't sign a lease with another user
23 without knowing how long the term of your lease is or what the
24 use -- and you can't determine what the water need is until
25 you know what is going to be growing there. There are

1 different water demands for coffee or avocados or for carrots
2 or for hemp, so it's really impossible to come up with an
3 accurate number.

4 There's a very strong movement that Alexander &
5 Baldwin is in the process of selling their -- selling their
6 land to a big agricultural conglomerate and you -- what you
7 need to know is the value of that sale and the value of
8 Alexander & Baldwin's property is directly correlated to how
9 much water you recommend that they be allowed to take. By
10 every million gallons of water you allow them to take, you
11 increase, substantially increase the value of their land
12 solely for this sale. That money is not going back into the
13 island of Maui, that money is going to California and Nevada
14 where most of their real estate holdings are.

15 CHAIR LYONS: That's 3 minutes. Do you need a
16 minute to conclude?

17 MR. PAISNER: So I really believe before EMI or
18 Alexander & Baldwin is even given a lease, it is absolutely
19 essential that a forensic accounting be done on what their
20 current costs are to operate the water diversion systems and
21 what they are selling the water back to the County of Maui
22 because that impacts each and every person in this room that's
23 a resident of Maui, the water rates that we pay. And are
24 there any provisions to require EMI, if -- or A&B if signing a
25 new lease to improve the transportation -- the transport

1 system and diversion system of the water. 'Cause as far as
2 they're concerned, if they have to invest nothing, but they
3 get to sell the water for a massive profit, that's what's in
4 their financial interest. So no lease should be signed with
5 them until a fair and equitable price is established and
6 requirements are made --

7 CHAIR LYONS: Thank you, Mr. Paisner.

8 MR. PAISNER: -- to update the system so we don't
9 lose millions of gallons of water per day. Thank you.

10 CHAIR LYONS: Thank you. We appreciate you coming
11 to -- this evening and providing your insight. And I would --

12 MR. PAISNER: Thank you.

13 CHAIR LYONS: And I would reiterate that the plan is
14 available and you can -- in paper form in your public library
15 if you'd like to review that after this meeting.

16 Next up is Mr. John Blummer. Is that correct?

17 (Inaudible comment.)

18 CHAIR LYONS: Blumer? Is that you? Okay.

19 MR. BLUMER-BUELL: Yeah.

20 UNIDENTIFIED SPEAKER: Copies?

21 MR. BLUMER-BUELL: Yeah. That's for your board
22 members.

23 Today I started to just write, handwrite notes of
24 things that I know about. I've worked in water -- four
25 different water systems in Hana, hands on, with lots of

1 private water. I've been involved in the Kipahulu-Waihui
2 System, the Spring System in Kipahulu, a private system
3 (inaudible), the County of Maui system, and also the Hana
4 Ranch system and the -- so I'm speaking from some experience.
5 And I did serve on the general plan committee, so I'm -- I
6 have a big background in this, so...

7 And I want to say mahalo for coming out, 'cause it's
8 a long drive and it's good you're here.

9 And I want to say hello to Gladys. I haven't seen
10 her for a while. She used to come to all of the GPAC
11 meetings, so...

12 So what I did is with this -- I tried to take
13 things -- you know what, I could talk to you for an hour and
14 not waste any time, but I just did these notes to give you an
15 idea and I hope you'll follow up with me if you want. Sorry.

16 Number one is I -- this is from the Hana Community
17 Plan ordinance and this is -- the community put this, so it
18 says, "Provide municipal water service to Kipahulu and Upper
19 Nahiku," page 24 of the Hana Community Plan. And I'll give
20 you some information about both of those situations. I
21 (inaudible) the county has no obligation whatsoever in
22 Kipahulu to remain sincere, so you need to talk with the
23 community out there. There was a lot of opposition to a
24 municipal system in Kipahulu in 1994. I was on the reviewing
25 committee for the plan in '94. So these are for you to

1 consider. The people that bought in Kipahulu, signed up and
2 they bought a substandard subdivision. They knew it. The
3 county has no obligations out there, so that will be
4 corrected. Our community plan is 14 years, 14 years overdue
5 for review, that will need to be taken care of.

6 Okay. Number two on the list, which I think is the
7 most important thing on here and I sure as heck hope you're
8 going to take a look at wastewater. It says, quote, "Prepare
9 a domestic water system master plan and a wastewater system
10 master plan for the Hana region," that's on page 25 of our
11 community plan. And I just want to read -- this one is really
12 worth focusing on. "There are more than a hundred cesspools,
13 an injection well and an unlined, possibly illegal" --

14 CHAIR LYONS: Three minutes.

15 MR. BLUMER-BUELL: What?

16 CHAIR LYONS: That's 3 minutes.

17 MR. BLUMER-BUELL: Okay.

18 -- "Hana dump draining into Kapueokahi," which is
19 Hana Bay. "Dr. John Mink directed" -- "detected high levels
20 of coliform bacteria in the area below the injection well on
21 the Waikoloa side of the bay around 1988 while doing baseline
22 studies for the Rosewood Sea Ranch Cottages." That's this
23 right here.

24 And I'll just finish this and then I'll stop.

25 "A 'low tech' water treatment plan for Kapueokahi

1 was discussed and formulated in 1988 between Dr. John
2 Harrison, University of Hawaii Environmental Center, and the
3 Hana Community Association. This led to the 1994 Hana
4 Community Plan Language" that I've just read. But nothing
5 significant has been done to solve this problem, nothing.
6 Hana Bay is polluted, believe it or not. If it wasn't such an
7 active bay, we would have cases of staph all the time. We
8 occasionally get them, but that is a -- a wastewater situation
9 in Kapueokahi, that's the number one thing I would urge you
10 folks to --

11 CHAIR LYONS: Okay. That's 4 minutes.

12 MR. BLUMER-BUELL: But my last sentence says, "These
13 problems should be the highest priority budget proposal for
14 Hana," and I feel that very strongly. Both of my kids grew up
15 and swam in (inaudible) -- in the bay and, you know, it's a --
16 it's degrading that question.

17 Then I listed a few other things that are real
18 problems that I hope you'll (inaudible) about. But they're
19 real, these are all problems in this community and in -- in
20 the Hana Community Plan and the General Plan, so take a look,
21 please.

22 And, you know, these are the things that Jeffrey's
23 concerned about or myself or I -- and Eddie Wynn and Ailealani
24 Wynn, they're real people, you know. These are -- we may not
25 have read the report yet, but we have -- we know we need some

1 water.

2 Now, I will promise you, in closing, I will read the
3 plan and you will receive written comments from me on the
4 plan. And the things that I have listed are not in there.
5 You're missing the mark.

6 CHAIR LYONS: Thank you, sir.

7 MR. BLUMER-BUELL: Okay. Very good.

8 CHAIR LYONS: I value -- I value your -- your
9 insight.

10 MR. BLUMER-BUELL: Yeah.

11 CHAIR LYONS: And thank you for providing us with
12 some written comments.

13 MR. BLUMER-BUELL: If you have -- I may -- I had a
14 stroke about 2 years ago and I can't -- I have to get rest, I
15 can't be up too long, but -- so if I have to leave, thanks for
16 coming out. But if I'm still here, you can ask me questions
17 if you want.

18 CHAIR LYONS: Thank you for being here.

19 MR. BLUMER-BUELL: Thanks a lot.

20 CHAIR LYONS: Next on the list is Chris -- Gardner?
21 Gaarder?

22 MR. GAARDER: I misunderstood the sign-up.

23 CHAIR LYONS: Oh, okay.

24 MR. GAARDER: I thought it was a sign in. But
25 I'll -- I have --

1 CHAIR LYONS: Would you like to speak for a few
2 minutes?

3 MR. GAARDER: No.

4 CHAIR LYONS: No?

5 MR. GAARDER: I'll submit testimony in writing,
6 though.

7 CHAIR LYONS: Okay. Thank you very much. That'd be
8 great.

9 Napua Hueu.

10 MS. HUEU: Hi. So Napua Hueu, resident of Keanae,
11 Ko'olau Moku. I just wanted to say that the Konohiki Trust
12 Council hereby rejects any plans that any of the agencies
13 involved here has proposed or put forth. Your agencies are
14 accomplishing war crimes for -- war crimes in particular
15 (inaudible) of this place, you cannot own water. Please
16 return the water to the rightful management entities, these
17 are the people, the kuleana holders, the konohiki of the
18 places that you are proposing to take water from for any
19 future development need. Thank you so much.

20 CHAIR LYONS: Thank you for your insight. And I
21 would encourage you to read the plan regardless of your
22 opinions about its validity.

23 MS. HUEU: I saw it. I saw it.

24 CHAIR LYONS: Thank you.

25 Next we have Sky Kalalau.

1 MS. KALALAU: Hello. My name is Sky Kalalau. I
2 live down (inaudible). I always thought that (inaudible) said
3 to me that water flows towards the distant regions --

4 UNIDENTIFIED SPEAKER: Louder. Louder.

5 MS. KALALAU: -- flows down into the valley and
6 enters the sea. When it reaches the sea, the water is water
7 (inaudible). And it shall be that every living thing that
8 moves, wherever the rivers go, shall live. There will be a
9 great multitude of fish because of these waters, because these
10 waters go there; for they will be healed, and everything will
11 live wherever the river goes.

12 I feel like taking the water from anywhere is
13 killing our reef and our ocean and -- for what I know, I live
14 down Waikoloa and everybody I know has gotten staph from the
15 water, from swimming in the ocean and that has to be because
16 you're taking water by the millions of gallons. And my five-
17 year-old son got staph from swimming in the frickin' water.
18 It's ridiculous. We gotta get staph out of our water, it's
19 just -- there's no if's, and's, or but's about that, it's in
20 our water. That's our water that heals us, that heals our
21 ocean, and without that, we're not going to have fish and we
22 won't survive. That's all.

23 CHAIR LYONS: Thank you very much. I appreciate you
24 being here today.

25 UNIDENTIFIED SPEAKER: Can I say something?

1 CHAIR LYONS: Not right now.

2 And then Nawai Aipa.

3 MR. AIPA: Yeah.

4 CHAIR LYONS: Aloha.

5 MR. AIPA: My name's Nawai Aipa. I'm a resident
6 of Kauai, I moved there about 2 months ago, but I'm actually
7 from Maui, you know, I have (inaudible) Kipahulu, so
8 (inaudible).

9 (Inaudible) and I feel like the water that comes
10 from the mountain and enters the ocean to (inaudible). And
11 the dry up -- the dried up rivers, it causes a lot of
12 mosquitos and causes a lot of -- like where's the opae now in
13 the rivers? Where's the o'opu? You know, where's the stuff
14 that we feed off that we have to live off in the river? No
15 more. Why? Because it's dried up.

16 But I say no to the -- I say clean up the water and
17 shouldn't be diverting any water unless for the local, local
18 homes. The local homes, allow them water because they
19 currently belong. They have people who is from here from
20 thousands of generations that need the water and it's
21 (inaudible) for us. Aloha.

22 CHAIR LYONS: Mahalo, Mr. Aipa. Thank you for
23 coming tonight.

24 Next is Claire Carroll.

25 MS. CARROLL: Aloha. Good evening, everyone. Thank

1 you very much for coming this evening. I am Claire Carroll.
2 I am born and raised here in Hana. I didn't get a chance to
3 read the plan completely. Thank you for that email, I really
4 appreciate it. I'm -- I am six generations Hana.

5 In the future, I just wanted to let you know in this
6 20-year plan we do plan on getting water for some affordable
7 housing that will be coming up, so I would like you to take
8 note of that. There's also our Hawaiian Home Lands that we
9 would like to address that in the near future. And, you know,
10 these are not for just like, okay, we're just going to have
11 homes. We live in multifamily homes, which means there's more
12 than three generations in one home that we've got to think
13 about. I'm here advocating for our youth and they deserve
14 something. I know that sometimes there's testimony -- I speak
15 for our youth and I speak for my kupuna because that's what
16 our kupunas would have wanted. My kupunas are dead, but, you
17 know what, I know how they lived their life and how their
18 voice for my children and for my grandchildren. And, you
19 know, to put that into the plans on this long-term, 20-year
20 plan is -- you know, assisting with infrastructure would be
21 nice, having some type of direct assist with water meters
22 would be nice.

23 And thank you again for coming out this evening, I
24 know it's a long travel for you folks, and have a good
25 evening. Mahalo.

1 CHAIR LYONS: Thank you. And we're happy to be
2 here. Thank you for your testimony.

3 David Prais.

4 MR. PRAIS: Aloha. My name is David Kauioikalani
5 Prais. I found out about this meeting last minute. I'm
6 really active in many ways. Obviously I want to mahalo our
7 community that did show up. Again, I'm -- I found out last
8 minute. There's a lot of us out there that do not
9 (inaudible).

10 My number one concern is: Why are you guys coming
11 here about water? Gotta mean that there's speculators that
12 have -- you guys might be paving the way for those future
13 speculators. So when you're talking about growth, that scares
14 me and my kids as far as what growth? Because we're growing
15 here and we're struggling here. That's not for us. Where's
16 the water going? You're already taking it from Ko'olau side
17 going that way, now you're talking Kahikinui, now you're
18 talking Hana. Waihoi, that's where I'm from, that's us, yeah.
19 So I speak for the Kaihao ohana, we are against it. We got a
20 nice program up there, good studies. But it's not for us,
21 bottom line. We're against it. Mahalo. Safe journeys on the
22 way back.

23 CHAIR LYONS: Thank you, Mr. Prais.

24 Is there anyone else that wishes to testify at this
25 time?

1 Is there anyone -- let's see here. What time are
2 we? We're at ten till 6. Is there anybody who would like to
3 continue with a few more minutes of their previous testimony
4 at this time?

5 Yes, sir.

6 MR. PAISNER: I would like to testify.

7 CHAIR LYONS: I see Mr. White would like to speak.

8 MR. WHITE: Yeah, please. I just want to say that
9 we would like to (inaudible).

10 CHAIR LYONS: Sure. We'll walk them back, Mr.
11 White. Thank you.

12 MR. WHITE: Mahalo.

13 MR. PAISNER: I'll try to be brief. You cut me off
14 it anybody wants to speak. I'm sure (inaudible).

15 I was happy to hear Ms. Kalalau testify about the
16 bay, that's what I'm talking about. I never heard of her
17 children getting staph, that's (inaudible) finding out
18 (inaudible). We're talking -- John Mink found the high levels
19 of coliform bacteria, are right in Waikoloa, right where she
20 lives. I hope you'll (inaudible) 'cause we -- we needed to
21 make a plan for this in 1988. Jesus. It shouldn't be
22 happening.

23 Now, I want to tell you some things I like about
24 what the water department is doing. I like your support of
25 Maui Nui Botanical Garden, that's a good thing.

1 I like your support for the watershed protection.
2 We need to -- I would like to see you be an advocate for not
3 just removing miconia, but -- you know, I want to say talking
4 to Masuda, a friend of mine, a lifelong resident of Hana,
5 he -- he's the most outspoken person against African tulip. I
6 couldn't agree more. The African tulip is out of control and
7 it shouldn't be -- that's a big problem and it's changed -- it
8 has change the watershed and this whole area is -- so you need
9 to get that too.

10 I wanted to say that I really do think that
11 organizations like the moku from Kanae and Wailua Nui, that
12 they should be managing their own ahupua'a, no question. They
13 should be managing that, they're the most qualified,
14 they're -- they're lineal descendents for many generations and
15 they know -- they know the land, they know the aina, they know
16 the mountain. They should be -- they should be taking care of
17 that, the whole Ko'olau. There's I think about 30 to 40
18 thousand -- I could be wrong -- acres of crown lands in the
19 Ko'olau. The folks from Kanae and Wailuanui should be
20 managing them -- that with your support. They know more than
21 anyone about that, so I would like you to support that.

22 And I like the movement to -- the move the county
23 and the state are taking in get away from using heavy
24 (inaudible) agents when they don't have to. I understand
25 the -- I don't like it, but I understand the need to get rid

1 of the miconia, to use some poison. I know it happened in
2 Tahiti. Tahiti's gone because of miconia, the whole mountain,
3 it was taken over, you know, all the -- the whole terrain.
4 So, you know, I'm just saying watch it because I -- I was
5 involved -- you know, I was in a battle for years 40 years ago
6 with the Hana Ranch because they were spraying Agent Orange
7 out of helicopters. My God. (Inaudible) now that -- it's
8 very distressing, it's such insensitivity. I understand we
9 have to use -- we're using helicopters to spot poison. I know
10 you folks -- I don't like it. You've got -- we have to do
11 more biological control and we have to be akamai. We're not.

12 I will close with this: The day after Thanksgiving
13 I was watching C-SPAN, which is, you know, the channel, it's a
14 public access, U.S. public access. And I was watching a
15 conservation conference from San Francisco and of all people,
16 Harrison Ford, who you may know as an actor, came out and he
17 gave a very passionate speech about nature (inaudible). I
18 urge you to watch it. I'm going to send you the link, because
19 I feel very much like him that we're so busy in the weeds,
20 we're missing the big picture.

21 CHAIR LYONS: Thank you for your time.

22 MR. PAISNER: I assume many of you might have driven
23 out today on Hana Highway. I hope you took note as you drove
24 over bridges all of the dried out streambeds and when you
25 looked over the diversion wall, you saw the real Hawaii. You

1 know, the Hawaiians knew something about nature, about more
2 than most haoles do, and they knew that rivers were meant to
3 run from mauka to makai, that's how the island sustains its
4 health, that's how the streambeds are fed properly, that's how
5 the reefs are fed it, that's how the fish populations continue
6 to grow. And to have to go to Wailea or a place like Wailea
7 where the county has no problem throwing taxpayer resources
8 towards wastewater plants and improvements and roads and
9 bridges, they see the entrance of hotels in Wailea with
10 working waterfalls in a desert while our streambeds here are
11 dry.

12 And the irony of the health department having the
13 audacity to send us out notices that we shouldn't keep tires
14 in our yards to breed mosquitos when they have no problem
15 letting the streambeds to have stagnant water and create
16 problems like dengue virus and all the health hazards that are
17 here. Surely you're going to have to find some kind of a
18 balance where you don't make the taro farmers and the people
19 who live along streams and who use them to collect resources
20 and for cultural practices or to grow their own crops suffer
21 just so you can water golf courses in Wailea and Pukalani, you
22 know, and areas of the island which are truly deserts.

23 So thank you and thank you for coming, but drive out
24 again and look and take a look at these streambeds. You know,
25 the hotel owners know what the aesthetic value is of running

1 water, but they have no problems stealing it from us and
2 drying up all of our riverbeds.

3 CHAIR LYONS: Thank you very much.

4 UNIDENTIFIED SPEAKER: Since you testified, can you
5 identify yourself.

6 MR. PAISNER: Oh, Jeffrey, Jeffrey Paisner. And
7 excuse me for getting a little bit emotional, but --

8 CHAIR LYONS: Well, we hear the passion in your
9 voice, sir, and I'm sure that the ironies that you pointed out
10 are not lost on this board.

11 At this time I'm going to take a break contingent on
12 the chair's decision to reconvene to see if there are any
13 additional people who want to show up at a later time and
14 testify. We will be here till 8 p.m. So we're taking --
15 we're in recess. (Gavel.)

16 (Pause in Proceedings)

17 CHAIR LYONS: Okay. This is the WD -- WUDP Board of
18 Water Supply public hearing for Hana, Ko'olau, and Kahikinui
19 is back in session. (Gavel.)

20 Sir, please state your name for the record.

21 MR. MEDEIROS: Earle Medeiros. I live in Haneo'o,
22 in Hamoa. I came late, so I really never get from -- the
23 (inaudible) from this, but I want to testify how I feel about
24 it. I mean, you guys want to build a 20-year plan, right,
25 from what I understand. The thing is that, you know, just

1 like the general plan, they make the general plan and then
2 they -- they go off course and, you know, we no like that
3 happen to here. We got it controlled. You look at Hawaii,
4 what is happening right now, and we're in a whole world of
5 doodoo, you know, and we -- if you guys not gonna be true to
6 us, the people gonna hurt, the regular people and whatever.
7 So when make decision, make decision for the people.

8 I know progress is -- you know, it's coming, but we
9 can control the progress, yeah. We cannot just let it get out
10 of hand. But gotta be true to the -- to the -- like I said,
11 just like the general plan, you cannot write all this plan and
12 then come, you know, later on and say, No, no, no, we -- we
13 go. Because I feel I know in Mahealani they've been fighting
14 for water 17, 18, 20 years now, I mean -- and that's a long
15 battle once it's done to get back, they're not gonna give it
16 back. They're gonna fight a long battle to get it back.

17 But just make good decisions. I say what you guys
18 put in is good, but we gotta be reasonable, yeah. And -- and,
19 yeah, that's -- that's all I have to say.

20 Is there any questions that you guys might have?

21 COMMISSIONER: Yeah.

22 MR. MEDEIROS: Yes.

23 COMMISSIONER: What do you think is the main concern
24 of the people in Hana about future developments, especially
25 affordable housing? Do you think there should be any

1 commercial developments?

2 MR. MEDEIROS: Well, as far as guys moving from
3 outside in, we can't buy. We can't buy homes when they coming
4 in and building these million dollar homes. And like I said,
5 you know, we gotta be reasonable where we can accommodate, you
6 know, we can accommodate this stuff, but we cannot accommodate
7 affordable homes here. In Hana got so many guys that stay on
8 the outside and we got three, four families in one house,
9 yeah. And I know you guys right the water is gonna be needed
10 if you guys plan to make affordable housing, the county,
11 but -- yeah, we can -- we all anti this or anti-building. I'm
12 gonna be honest with you guys, because when we're honest, land
13 tax-wise, how many locals own land over here right now? And
14 we live in --

15 Oh, and also I say you guys pass this, we don't
16 wanna give you a license to kill. You know, you guys don't
17 get free rein of everything and just, you know, do what you
18 folks want here. 'Cause we gotta think of us and, you know, I
19 got kids, I got kids and, you know, I fortunate I own land,
20 but I got kids and they gonna have to -- my thinking is they
21 have to -- we gonna live and we're gonna die here and now my
22 kids are gonna live and die here. I mean, I guess my kids,
23 they go college, they (inaudible) my kids. I'm not saying I
24 speaking for the vast majority, they work hotel, you know what
25 I mean, how -- how they gonna afford this, that's what we

1 gotta look at, yeah. Just be true to when you guys make
2 decisions because if gonna affect people all over Maui with
3 this, all over Maui.

4 And one thing that I know you guys the water board,
5 you guys the water board?

6 CHAIR LYONS: That's correct.

7 MR. MEDEIROS: Check on what is Honokau Valley where
8 they going stop the water from going to the -- to the homes
9 inside there. Got somebody gonna cap up the line, yeah, and
10 sometimes no water inside there. And, again, my good friend
11 over there, so we talk story. I believe it's Honokau Valley,
12 I might be wrong on the valley, but they're going to stop some
13 valleys from getting water. If you guys can look into that
14 issue again. Nobody should be left without water, I don't
15 care if it's illegal or what. The water is (inaudible) and
16 they shouldn't be left without, so if you guys can look into
17 that.

18 CHAIR LYONS: Thank you, sir.

19 MR. MEDEIROS: Yes. Any other questions?

20 COMMISSIONER: No. Just this formal question.

21 MR. MEDEIROS: Yeah.

22 COMMISSIONER: How would you define affordable for
23 the people in Hana?

24 MR. MEDEIROS: Whew. Like I tell one good friend,
25 yeah, went down in this and everything (inaudible). I

1 know they're gonna wait, wait for now, but -- for now this
2 (inaudible) whatever, whatever that is, but take one guy from
3 McDonald's, working in McDonald's, if he can afford in one
4 house, then -- and you guys know right now who's going to be
5 paying 750,000, 800,000 working in McDonald's? You know, take
6 one of the ones from there, take it off from there and see,
7 you know, that's -- that's how I believe should be -- it
8 should be, yeah.

9 COMMISSIONER: Yeah, yeah.

10 MR. MEDEIROS: Okay. Thank you.

11 CHAIR LYONS: Thank you, sir. And the plan -- the
12 Water Use and Development Plan is available in paper form at
13 your library, so --

14 MR. MEDEIROS: Oh, one other thing. Like the water
15 from Hana is being taken -- now, not all of it, but I would
16 say 80 percent coming from the Hamoa well. When they wanted
17 to build the water -- like they wanted to build a second well
18 and feed -- so its feeding all of Hana. Before we used to get
19 Wailea surface water and then -- and everything. But we went
20 and opposed it with Mayor Arakawa. He never like to -- we
21 told him move the well someplace else because Hana gets plenty
22 of water. They going in the same -- they taking from the same
23 aquifer. Oh, he get mad and everything, but I told him if you
24 the whole time -- I was tell him, you go to a well often, it
25 dry up, then what? I mean, that's -- in aquifer, you take too

1 much fresh water, you ruining the water. So why not go to
2 another place? You know, how come you're planning that well,
3 you know? They can drill someplace else.

4 But it is my (inaudible). John, John was, he was
5 here, he went home early, but we all think that they --

6 CHAIR LYONS: You have a new opportunity with the
7 new Mayer.

8 MR. MEDEIROS: Yeah. Hopefully, yeah, hopefully,
9 Mike listen to us. (Inaudible.) Okay.

10 CHAIR LYONS: Thank you very much for your time,
11 sir.

12 Oh, sorry. Okay. We're back in recess. (Gavel.)

13 (Pause in proceedings.)

14 I'm going to call the Hana public meeting of the
15 Water Board back in session and we're going to recess. Thank
16 you.

17 (The proceedings were adjourned.)

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