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MAUI COUNTY
WATER USE AND DEVELOPMENT PLAN UPDATE
REGIONAL PLANS
CENTRAL & KO'OLAU
BOARD OF WATER SUPPLY
PUBLIC HEARING
DECEMBER 5, 2018, 5:06 P.M.
MAUI COUNTY DEPARTMENT OF WATER SUPPLY

Hannibal Tavaréz Community Center & Upcountry Pool
91 Pukalani Street, Pukalani, Hawaii 96768

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

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WATER BOARD:

- Anders Lyons, Chair
- Shay Chan Hodges, Vice Chair
- R. Raymond Cabebe, Member
- Dean Frampton, Member
- Norman Franco, Member
- Sylvia Ho, Member (in at 5:37 p.m.)
- 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

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

2 CHAIR LYONS: Good afternoon, everybody. I've been
3 told that I have to use this mic even though I'm sure you can
4 hear me. We are bringing to order the public hearing for the
5 Water Use and Development Plan for the Board of Water Supply,
6 County of Maui. (Gavel.) For the Upcountry -- or, excuse me,
7 Ko'olau and Central aquifers. This Board of Water Supply
8 public hearing is to take testimony on the draft Maui Use and
9 Water -- excuse me, the Maui Water Use and Development Plan,
10 also known as the WUPD. Your Water Supply Board is comprised
11 of the nine Maui residents who have volunteered to serve on
12 this board. Our primary mission is to provide the water
13 supply staff with feedback and advice on various aspects of
14 the collection, storage, and distribution of water. We are
15 advisory only and do not directly control the Department of
16 Water Supply.

17 At this time I would like to have the staff and the
18 board just quickly introduce themselves to those assembled
19 here.

20 DIRECTOR BAISA: Shall I start? Gladys Baisa and
21 I'm the director of the Department of Water Supply and I live
22 in Makawao and have lived Upcountry my entire life. Thank
23 you.

24 MS. OANA: Jennifer Oana, deputy corporation counsel
25 with the County of Maui.

1 MEMBER NAKASHIMA: Mike Nakashima and I'm from
2 Wailuku.

3 MEMBER FRANCO: Norm Franco from Kahului.

4 MEMBER HODGES: Shay Chan Hodges, Haiku.

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

6 MEMBER CABEBE: Raymond Cabebe, Kihei.

7 MEMBER FRAMPTON: Dean Frampton, Pukalani.

8 CHAIR LYONS: Thank you, Members and Staff.

9 Today we are here to take your testimony on the
10 Water Use and Development Plan. While you may provide
11 testimony on any section of the plan, we are primarily here
12 tonight to receive feedback on the Central and Ko'olau aquifer
13 sectors. This is not a question and answer session. You are
14 expected to have familiarized yourself with the plan in
15 advance of this meeting and all testimony should be directly
16 related to the development of this plan.

17 The WUDP has been under development for over 2
18 years. Staff have conducted surveys and managed numerous
19 public and stakeholder meetings to arrive at the draft plan
20 you have before you today. Staff have presented the current
21 plan in over a dozen public venues including numerous
22 presentations at Board of Water Supply meetings. Many of
23 these meetings were recorded by Akaku Community Television and
24 are available online.

25 Finally, the board is here to listen and compile

1 your testimony. The testimony from the five public hearings
2 we are conducting throughout Maui will be discussed by the
3 board at our December 13th meeting, which will be held in the
4 mayor's conference room at 1:30 p.m. The meeting is open to
5 the public. We will provide our final comments to the
6 department at our January meeting which will be held on
7 January 17th, 2019. But the process does not end there. Once
8 staff have incorporated public and board comments into the
9 plan, it gets sent to the Maui County Council for review. The
10 council has the final review of this document. Look to the
11 department and council websites in early 2019 for the
12 council's proposed review dates.

13 Today we will begin with a brief staff overview of
14 the Central and Ko'olau aquifer sectors. Following this
15 overview, we will begin your public testimony. Again, please
16 keep your testimony directed specifically to what is contained
17 in the plan or not contained, as the case may be. You will
18 have 3 minutes to provide your testimony and, if you need it,
19 an additional minute to conclude. Should you require more
20 time, please consider drafting written testimony and sending
21 it to the Board of Water Supply care of the Department of
22 Water Supply.

23 I thank you very much for your -- in advance for
24 your feedback.

25 Staff.

1 MS. BLUMENSTEIN: Thank you, Chair.

2 Aloha. I'm Eva Blumenstein. Thanks for coming.

3 Just a second.

4 If you're sitting far back and -- there's a handout
5 of the public presentation. So if you can't see the screen,
6 then please refer to your handout.

7 So what I'm going to review today is a very brief
8 overview of the Ko'olau and the Central aquifer sector
9 regional reports as part of the Island Wide Water Use and
10 Development Plan. You have the handout of the presentation
11 and if you didn't read the 900-page document, there's a
12 simplified summary here of 30 pages that's a handout too. I'm
13 going to review the purpose of the plan and the public process
14 up to date; the key issues for these specific regions; the
15 water resources predicted growth and demand for these areas; a
16 few highlighted strategies, not all of them; and the
17 implementation.

18 So the purpose of the Water Use and Development Plan
19 is to guide and advise Maui County Council and the State Water
20 Commission under DLNR in managing, developing, using, and
21 allocating water resources in the county.

22 It is a long-range strategic plan that is consistent
23 with the Maui General Plan, the Maui Island Plan. The Maui
24 Island Plan allocates land use, patterns, planned growth. The
25 Water Use and Development Plan does not change land use

1 patterns or growth. It has to be consistent with the Maui
2 Island Plan.

3 It also -- it guides capital improvement programs
4 for the county. Capital improvement programs, that's more
5 specific like well development, storage, infrastructure. This
6 is what is our plan in a strategic plan is the water
7 resources, we're talking about aquifers, streams. So it's
8 water resources, not specific individual wells.

9 It applies to Department of Water Supply, but also
10 to all water uses and users. So I work with the Department of
11 Water Supply, but we prepared this plan for the island, so it
12 includes non-potable uses, irrigation, private purveyors, ag.
13 uses as well.

14 The plan will allocate water resources to land use
15 by identifying water supplies or conservation strategies for
16 planned growth for the island, Maui Island Plan.

17 So as Chair mentioned, we had about 20 public
18 meetings and some targeted stakeholder meetings. We met with
19 various groups: Farmers, Aha Moku, realtors, etc. And we
20 also did about 16 presentations and briefings to this body, to
21 the county council, to the state water commission, and other
22 policy bodies. And right now we're in the red, this is the
23 board's public hearings. And as chair mentioned, too, then
24 after this, we're going to move the plan to the county council
25 for adoption by ordinance with any provisions made and the

1 final step is approval by the state water commission and then
2 we move on to Molokai and Lanai.

3 To summarize some of the key issues for these
4 regions, they're similar for many regions, but some are very
5 specific. Water management and transport is a big concern. A
6 lot of the water that's used in the Central aquifer sector is
7 imported from adjacent, more water resource rich regions, so
8 the impact of managing and transport is a concern.

9 Stream flow protection and Native Hawaiian rights
10 and uses, which is associated with the transport as well.

11 The need for Department of Hawaiian Home Lands.

12 The impact of the transition from the former HC&S
13 sugarcane plantation to new diversified ag. uses and the
14 impact of that both on stream flow, groundwater resources in
15 the central isthmus.

16 Resource protection and restoration we've heard is a
17 big important component of the plan. It should not just
18 address water use development to meet demand, but also how do
19 you protect and restore those resources. It should be equally
20 addressing resource augmentation.

21 Alternative water sources and conservation. We're
22 here from public this is worthwhile to pursue more
23 aggressively.

24 Alternative resources, that's things like stormwater
25 capture, recycled water, reclaim wastewater that can be used

1 for non-potable needs, et cetera.

2 And water availability specifically for Upcountry
3 and how to meet the Upcountry Priority List.

4 There were many others, but this is some of them.

5 This -- I wish it wasn't so light so you could see
6 this, but the map shows you why we're talking about Central
7 and Ko'olau aquifer sector at the same time, they are really
8 intertwined and linked. All of the former isthmus plantation
9 overlies the Central aquifer sector. Almost all of that water
10 was originating outside, mostly from the Ko'olau aquifer
11 sector streams, but also from Na Wai Eha, which is in the
12 Wailuku aquifer sector.

13 In this Central aquifer sector, which includes four
14 individual systems we're going to look at more in detail,
15 Department of Water Supply provides almost all of the
16 municipal supply. We have the Central, Central system that's
17 serving North Shore from Waihe'e out to Paia-Kuaao and all the
18 way down to Kihei and Makena. Most of the water for that
19 system comes from the Wailuku aquifer sector and we're
20 addressing demand on that system in the Wailuku aquifer sector
21 report, so I'm not going to talk about that today. We're
22 going to talk about it tomorrow in Wailuku.

23 The Upcountry system is also mostly contained within
24 the aquifer sector here, but some of it also provides demand
25 in Haiku. And water resources for the Upcountry system is

1 some from within Central, but most of it is derived from the
2 Ko'olau aquifer Sector as well, so that's why we're talking
3 about both today.

4 And then aquifer sector, just to back up, we --
5 there's some mandates about how we have to analyze and prepare
6 this plan and by state water code it has to be based by
7 hydrologic units and a hydrologic unit in this case is an
8 aquifer sector, so that's why it's presented in six chapters.
9 That may not coincide with the department's systems, but it's
10 based on those hydrologic units.

11 So looking at Central water resources first, the
12 Central sector has four individual aquifer systems:

13 It's Kahului in blue there and the 1 million gallons
14 per day is the sustainable yield within that aquifer. That's
15 the yield that the state water commission has established that
16 could be sustainably extracted from that aquifer without
17 negative impact on the resource.

18 The pink one is Paia, 7 million gallons per day
19 sustainable yield.

20 And below, Kamaole aquifer goes all the way out past
21 Makena and at the far end there's Makawao aquifer system.

22 So you can see the sustainable yields total 26
23 million gallons per day for the whole sector. There are no
24 perennial streams in this aquifer sector.

25 Some of the uncertainties or concerns here is the

1 deceased irrigation return because we don't have active
2 sugarcane anymore overlying the Kahului and Paia aquifers.
3 There's been a lot of water withdrawn in the past and
4 currently too that is way above what the natural recharge of
5 the aquifer is. This gets to an example -- I'm illustrating
6 that here, so, for example, Kahului aquifer has a natural
7 recharge and sustainable yield of 1 mgd. In 2014, when we
8 still had active sugarcane, about 28 million gallons per day
9 was pumped and from the Paia aquifer about 29. And you can
10 see out of total pumpage, almost all of that was for
11 agricultural use.

12 So 2017, post the transition with no more sugar, you
13 can see that pumpage in Paia went down almost to zero and
14 oddly enough, now you see the pumpage has increased in
15 Kahului, but it never really increased, it was just water uses
16 that were not reported. It was always there, but it wasn't
17 reported before, so that does not represent ag. So nobody has
18 really quantified exactly what does it mean, what is going to
19 be the impact on that groundwater, how much will be available
20 to sustainably pump in the future, that is not completely
21 resolved, but we're addressing that in this, in the plan.

22 So moving to Ko'olau, it looks quite the opposite.
23 Sustainable yield for the whole aquifer sector is currently
24 175 million gallons per day. These yields are estimated,
25 they're not set in stone. This is something that the

1 commission continuously look at and revise and the more -- the
2 better data you have, the better that estimate is. They're
3 currently looking at revising sustainable yields, so we know
4 that -- we assume that this is going to come down by a little
5 bit.

6 Another important factor here is, of course, the
7 streams, most -- most of the surface water that was imported
8 for sugar, but also currently for the Upcountry treatment
9 plant to serve Upcountry. You see the three treatment plants
10 in green there. Those are also subject to what's called
11 in-stream flow standards, I know you've probably heard about
12 that, but the IFS, in-stream flow standards, is a --
13 numerically decides how much water needs to remain in the
14 stream before anything can be diverted out. And the
15 Commission on Water Resources Management, they made their
16 final -- not their final, actually, it's still an interim, but
17 they made -- they established numerical in-stream flow
18 standards for some of the streams in Ko'olau in June of this
19 year, so the -- our Central aquifer sector report is --
20 incorporates those, those numbers with as much as data as we
21 have available today.

22 Another concern for this region and for every
23 region, but specifically here we're looking at climate change
24 impacts. Even though this plan is looking at the 20-year
25 predicted demand, we're still taking into account, we look at

1 strategies, how are those going to be impacted by future
2 climate change. So for stream flow, we know -- we anticipate
3 reduced rainfall, stream flow reductions have not been
4 projected, but we have to anticipated they will be overall
5 less. And then areas that are very resource rich like
6 Ko'olau, you're going to have even more variable, unstable, or
7 flashing conditions like store storm type. So you can see
8 there's four individual aquifer systems too for Ko'olau
9 sector. So there --

10 Now, we are following the Maui Island Plan and the
11 growth and population centers are generally not where the
12 water resources are. This shows the urban rural growth
13 boundaries that were established in the general plan and
14 proposed development projects as of a year ago. And all of
15 those are, of course, in Central Maui. If you add on top of
16 that what I call multiplan growth, there's the Upcountry meter
17 list, most of that also occurs in the Central aquifer sector.
18 So we're looking at predicted growth and demand for Central
19 aquifer sector and the department's Upcountry system, we're
20 looking at different scenarios from low growth to high growth
21 and then the selected scenario is somewhere in the middle
22 there. But if you're looking at demand just for the Upcountry
23 system itself, it would range from 7 to 9 million gallons per
24 day in this 20-year planning period, so by 2035 it would be up
25 to 9 million gallons per day. If you add the entire meter

1 priorities list, which I'm sure you've all heard of there, the
2 range goes up to about 13.5 million gallons per day. But the
3 biggest uncertainty is ag., the farm plantation lands. This
4 is about current use now, about 20-25 is coming out of East
5 Maui, but 107 million gallons per day represents the full
6 diversified ag. plan including whatever resources are used
7 that's from Na Wai Eha or from brackish groundwater in Central
8 Maui or for Ko'olau, but this represents the full demand. So
9 in a 20-year period, that's a huge uncertainty, nobody really
10 knows what kind of demand we'll be in for, so we're kind of
11 working around those.

12 So a snapshot of predicted growth and demand for
13 Ko'olau first. In the -- when CWRM, the Commission on Water
14 Resources Management, established in-stream flow standards,
15 they did not specify exactly how much water can be diverted,
16 they specified how much water needs to remain in the stream.
17 They also specified that amount in -- as base flow. Base flow
18 is that -- the water in the stream that's recharged by
19 groundwater only, it doesn't include rainfall, stormwater, or
20 freshettes; however, that water for -- is generally available
21 to diverge too. So I'm going to go through these little
22 complicated numbers and just keep that in mind that there's
23 base flow and then there's total flow, that's all of that
24 amount.

25 So 175 million gallons per day, the first line, is

1 the sustainable yield for Ko'olau aquifer sector.

2 130 million gallons per day is Ko'olau surface water
3 average total flow, so that's what we know has been diverted
4 in the past that was not subject to in-stream flow standards,
5 but when you have wet season, plenty of flow, about that much
6 was taken out of Ko'olau.

7 The next blue one here, 65 million gallons per day,
8 that's the median base flow, so now take out stormwater, extra
9 rainfall.

10 And then the black, I guess it is, the 13.9 million
11 gallons per day, that's your drought conditions, surface water
12 under low flow conditions and also considering the IFS, the
13 water that needs to remain in the stream.

14 The next dark yellow there, 33 million gallons per
15 day, surface water median base flow.

16 And the next light yellow, that's the number we're
17 most uncertain of because we don't know exactly what that
18 total flow is subject to the in-stream flow standards. So
19 this is an estimate where we need additional guidance from
20 CWRM to know what that is, but we estimate about 72 million
21 gallons per day, that would be surface water total median flow
22 estimated, that's the in-stream flow standards.

23 So adding together, the large 247 million gallons
24 per day base total there, that would be total average yield,
25 so surface water and groundwater.

1 305 considers, then, what was available as total
2 flow in the past. So this range is really great and that's
3 just the major of surface water too. It also doesn't mean
4 that that water should be transported out or that it should
5 stay in, it's just a huge variation on surface water
6 availability within the sector.

7 And then the little pink 9 million gallons per day
8 there, that is predicted groundwater transport out of Ko'olau
9 for needs outside of Ko'olau coming from the Upcountry system.

10 The 33 million gallons per day, that's the projected
11 surface water transport low range, like when you have low
12 flow, that's about how much would go out of Ko'olau.

13 The 72, the dark purple, would be the high range
14 surface water transport out of the region.

15 And then the little red 33 million gallons, that
16 would be the actual -- that's like the actual demand within
17 Ko'olau aquifer sector, no transport going out, so that's the
18 use that's needed within between domestic uses, agriculture,
19 etc.

20 At the last pink 136 million gallons per day, that's
21 the selected demand scenario, so that's the needs within
22 Ko'olau and what we anticipate would be transported out, so
23 including water transports.

24 Now we're looking at Central projected growth and
25 demand. This is the actual sustainable yield within Central

1 aquifer, 26 million gallons per day. Then the Commission on
2 Water Resource Management made some assumptions about how much
3 more water could potentially be available for -- to supplement
4 surface water for irrigation. Again, this has not been
5 quantified, but we have some assumptions that the more
6 irrigation return recharge you have, the more groundwater
7 should be available above that natural sustainable yield.

8 The dark gray 13.9 million gallons per day, that's
9 Ko'olau surface water low base flow less IFS. We looked at
10 the on the other slide too.

11 Again, the same 33, surface water median base flow
12 less IFS.

13 And then the 72 is surface water total median flow
14 less IFS estimated.

15 So the tall blue column here, that's the high range
16 of average yield available, so it obviously represents
17 imported surface and groundwater and the 26 mgd is nowhere
18 sufficient to meet demands in Central.

19 128 million gallons per day, that's the selected
20 amount scenario. And I'm just going to define what it is.
21 You have this on the -- in the executive summary too to refer
22 to, it explains what the numbers are. The selected scenario,
23 that's -- so it's mid growth based on population, population
24 growth on the Maui Island Plan. It includes the department's
25 Upcountry system, the entire priority list, any land use based

1 agriculture -- agriculture is not generally associated with
2 population growth, so that's -- that represents additional
3 demand. And the needs of the department of Hawaiian
4 Homelands. It does not include the department's Central
5 system, right, we're going to talk about that in Wailuku
6 tomorrow.

7 Okay. Some select strategies for -- that are common
8 to Central and Ko'olau. The first one here pertains to
9 resource management and conservation, this has been something
10 that's been brought up not just in this region. Watershed
11 protection and restoration, a lot of that is currently done
12 and funded by the department and other agencies and private
13 sources as well. These should be prioritized to make sure
14 that you protect the watershed and the resource that's there
15 and when there's opportunities to augment or restore it,
16 there's interest in that, so just make sure that you have
17 dedicated long-term funding for that.

18 Another issue that's been brought up too that we
19 have incorporated is:

20 To explore funding to conduct a cost-benefit
21 analysis of improvements to the EMI non-potable conveyance
22 system that is the main system that brings surface water
23 currently from East Maui streams to Central.

24 To mitigate water losses, water loss to leaks,
25 seepage, etc., and preserve existing reservoirs that at risk

1 for decommissioning.

2 These strategies are explained in quite a bit of
3 detail in the actual chapter, so I'm just going over them
4 really briefly here.

5 Conventional, meaning groundwater-surface water
6 resources and alternative, meaning recycled water, desal,
7 stormwater. Some examples are:

8 An effort to assess alternative options to
9 restructure and process the existing Upcountry meter list.
10 Not an easy thing, I think corp counsel want to kill me now.
11 So improved processing rate and adequate source development.
12 There are multiple issues with the priority list. It's both
13 the pace, but it's also long term the source to provide for
14 those, for those demands.

15 Explore new well development in Makawao aquifer to
16 accommodate growth Upcountry and add reliable new source.
17 Makawao, as you saw in this, doesn't have a significant
18 sustainable yield. We're also concerned about future climate
19 change impact 'cause that's kind of a dry region, so all
20 source development strategies are well below sustainable
21 yield, but this would consider even an additional buffer
22 because of that.

23 Explore East Maui well development in combination
24 with Makawao to meet predicted demand on the DWS Upcountry
25 system starting with a hydrologic study to determine impact on

1 existing ground and surface water sources. Before exploring
2 any of them, you probably all know that the previous plans to
3 develop wells in East Maui is subject to the consent decree,
4 so there's some restrictions of what can be done, but the
5 first step that everyone would agree is at least to have a
6 study to determine what, if any, impact there is on surface
7 water and groundwater in the region.

8 The next-to-the-last one there, because there's so
9 many uncertainties with what the flow conditions, the -- we
10 call it ditch flow analysis, are going to be long term for
11 Upcountry and because of the consent decree that restricts
12 development of the Haiku aquifer specifically, there's a lot
13 more specific engineer studies and hydrologic studies that
14 needs to be done before it can be determined which of those
15 are the most feasible strategies for -- specific to meet
16 demand Upcountry.

17 So that's why this next one says, Pursue hydrologic
18 studies to needed to explore the Haiku aquifer and an updated
19 ditch flow analysis to optimize raw water storage and
20 treatment plant capacity at Kamole Weir in order to expedite
21 the most feasibility new source. That sounds very
22 bureaucratic, but that's kind of where we're at. You know,
23 you can't -- there's not enough money to pursue two things and
24 all -- all the alternatives have some negative impact, so we
25 really need these two specific studies to look at those at

1 alternatives.

2 The last one: Expand distribution from the Kahului
3 Wastewater Treatment Facility for the Central isthmus. Maui
4 had some recent news that that facility may be moved or
5 decommissioned, so that needs to be looked at again, but in
6 2018 the department of environmental management was pursuing
7 upgrading the Kahului Wastewater Treatment Plant to R-1, which
8 is a more cleaner, more treated product that can be used for
9 irrigation, including expanding the distribution system in
10 Central Maui.

11 Okay. Just real brief, Implementation, there's a
12 chapter on that in the plan. Generally, time frames and lead
13 roles of agencies, life cycle cost, all of that is summarized
14 in a table at the end of each chapter. I want to emphasize
15 that these are the -- these are estimates and it doesn't set
16 in stone that the lead agencies that we propose will be the
17 ones that finally execute a strategy, but it's a -- it's a
18 start. We expect that issue to be further defined over this
19 20-year planning period.

20 The plan does not legally bind the agencies and
21 organizations to implement the strategies, but it should guide
22 land use decisions by council, allocations by the state water
23 commission.

24 And, of course, actual implementation depends on
25 funding level. The county's capital improvement program has

1 to be -- funding has to be allocated and approved by council.
2 And detailed project design and planning were mentioned in
3 this as two major opportunities for Upcountry.

4 Funding of system expansion to serve growth should
5 primarily be borne by new development to ensure that costs are
6 distributed equitably. That is consistent with the Maui
7 Island Plan, that's actually taken straight from there.

8 Agricultural needs that -- those specific of the
9 HC&S transition, but also the Kula Agricultural expansion,
10 none of that was really addressed in the general plan and it's
11 been difficult to really get to the specifics. So there is a
12 statewide agricultural water use development plan that should
13 address that more in detail. So we have done our best, but
14 it's not -- nowhere perfect.

15 The URL here is the address of the Maui Water
16 Department's website. All chapters, presentations that were
17 given to council, this board, and others are available there.

18 So, again, this is not the end of the process, there
19 are going to be opportunities to provide input after this
20 meeting. Mahalo.

21 (Applause.)

22 CHAIR LYONS: I would like to acknowledge the
23 presence of Sylvia Ho, who also is a board member. Thank you,
24 Sylvia. We have a chair for you -- great.

25 So I'm about to open up the hearing to public

1 testimony. If you haven't already signed up and you'd like to
2 testify, the sheet is over here, please put your name on it so
3 that we know that you've indicated an interest in testifying.

4 And I'd like to reiterate for those who didn't hear
5 my opening statement that A) this board is an advisory board
6 and we are receiving your testimony and your thoughts on the
7 Water Use and Development Plan. We will be discussing your
8 thoughts and suggestions at our December 13th meeting, which
9 is in the mayor's conference room in the county building at
10 1:30 p.m. and then again on January 17th of 2019.

11 We do expect that you have familiarized yourself
12 with this plan and are testifying to the plan. We are not --
13 we're not holding a question-and-answer session here tonight.
14 If you leave here with questions, I encourage you to do one of
15 several things: Write to our staff and ask them those
16 questions, contact staff to see if you could have a meeting
17 with them, or come to one or both of our board meetings to
18 hear the board member discussion on your comments.

19 So just logistically, we are going to be providing
20 people 3 minutes to testify and if they need 1 minute to
21 finalize their comments, you will receive an extra minute.

22 First tonight we have Thomas Craig.

23 MR. CRAIG: I'll be submitting my testimony by
24 email.

25 CHAIR LYONS: Thank you. We appreciate written

1 email or written testimony very much.

2 MR. CRAIG: What's the email address?

3 CHAIR LYONS: Staff, what would be an email address
4 to send --

5 Eva's is on the website.

6 MS. BLUMENSTEIN: It's on website, but if you have a
7 paper and pen now, Eva, E-V-A, dot Blumenstein, B-L-U-M-E-N-
8 S-T-E-I-N, at mauicounty.gov.

9 UNIDENTIFIED SPEAKER: And is that the only email?
10 There's no others? So all testimony should be --

11 MS. BLUMENSTEIN: You can also send to Alexander dot
12 Deroode with two O's --

13 MR. DEROODE: D-E-R-O-O-D-E at mauicounty.gov.

14 CHAIR LYONS: And, again, just to clarify, that's
15 for testimony on the Water Use and Development Plan of the
16 Department of Water Supply. If you have testimony for other
17 county items, I suggest you look up the department email
18 addresses on the website.

19 I see we have a few testifiers just signing up.
20 When I get that sheet, we'll get the testimony.

21 UNIDENTIFIED SPEAKER: While we're waiting, I wanted
22 to confirm that written testimony provided to the DWS.

23 CHAIR LYONS: It'll come to us.

24 UNIDENTIFIED SPEAKER: -- it will be available?

25 CHAIR LYONS: Yes, absolutely.

1 UNIDENTIFIED SPEAKER: Thank you.

2 CHAIR LYONS: And we do value written testimony as
3 it ensures that your clear thoughts make it to us in their
4 unadulterated form.

5 MS. BLUMENSTEIN: Chair, I just thought of
6 something. And just for questions too, if you don't want to
7 email, feel free as long as this process is in action to just
8 call, call us directly for questions. My direct number is
9 463-3102. That's for questions.

10 CHAIR LYONS: Why don't you give us that sheet so we
11 can get going.

12 MS. HAYASHIDA: Yeah.

13 CHAIR LYONS: Thank you.

14 Michael Gagne. Please use the mike so that we can
15 get you recorded. We do --

16 MR. GAGNE: I'll do that. Thank you.

17 Aloha kakou. I'm requesting the commission review
18 the status of the Huelo Hui partition which began in 1925 to
19 provide land to various citizens in exchange for water rights
20 in perpetuity. The agreement was made with HC&S and honored
21 until recently with the demise of the plantation. I am
22 wondering if the terms of the agreement, in particular the
23 ability to take water for domestic use by 1-inch pipe, will
24 remain valid. I am a signee of this agreement for the past 40
25 years since 1978 and I want to assert my right before any

1 changes happen to HC&S or EMI that may change the agreement.
2 I speak not just for myself, but for a community that needs
3 the certainty of fair and equitable distribution of this
4 resource to every property. I've attached the metes and
5 bounds descriptions and most of the contract pages.

6 If you need more information, it's all on here to
7 contact me. Thank you.

8 CHAIR LYONS: Thank you very much. We appreciate
9 your insight and please provide that to Ms. Hayashida here.

10 MR. GAGNE: I will do that. Thank you.

11 CHAIR LYONS: Thank you.

12 Okay. Lucienne deNaie.

13 CHAIR LYONS: I'm sorry if I pronounced your name
14 wrong, Lucienne.

15 MS. DeNAIE: No problem. It's "dee-nay," but we're
16 not particular.

17 My name is Lucienne deNaie. I'm testifying as a
18 resident of the Maui area in the Huelo community, but also for
19 the East Maui communities and maybe, you know, the -- I know
20 you guys went to Hana, but there's a lot between Hana and
21 Ohe'o Gulch that's all in the Ko'olau sector.

22 I have some points to make. First, I think that we
23 really need to not just assess the alternative options, we
24 need to discuss a transition plan so that we can connect our
25 waters like Honolulu does. Honolulu does not have, you know,

1 a separate way of dealing with R-1 water and a separate way of
2 dealing with ag. water and a separate way of dealing with
3 fresh water for potable use; it has one water management plan
4 and we should too. And this plan is going to be around for 20
5 or 30 years, this plan should reflect that. So there have
6 been assessments done, I'd just urge let's move forward and
7 talk about how we can get these two departments working
8 together and utilize water that otherwise is being wasted.

9 It's always -- I question whether sustainable yield
10 of the aquifers in the Ko'olau area is correct, they're mostly
11 untested. And if a aquifer, for instance, is saturating, it
12 means that what you see in the stream is pretty much what's in
13 the underground aquifer. There's not some separate reservoir.
14 And the streams are not heavily diverted now, but when they
15 were heavily diverted, basically probably most of the
16 production of the aquifer was going to be -- going into the
17 streams, so that really should be looked at.

18 You know, ag. use was included in past plans. I
19 know that we had a more reliable ag. sector at that time, but
20 I think just to hope that some agricultural one-up is going to
21 do something, they always say they don't have any time to
22 study what to do, so I think we should try to do the best we
23 can with the knowledge we have now. A & B has provided a lot
24 of information about their perspective water use, the farmers
25 union is a place to turn. I think we should just try to get

1 clear -- we know what the ag. parks use, we have one that's
2 been going on for years, so let's try to get real about it.

3 Table -- I will turn this in written, by the way,
4 so -- the plan really needs a data, a timetable for getting
5 data on stream flows in East Maui. There's only two working
6 gauges left, there used to be almost a hundred at one time and
7 we've just gone downhill so we're basing our planning on very
8 little information. That needs to be folded into our long-
9 term budgets.

10 Table 16-7, I really question the accuracy. There's
11 streams missing from this table. It's based on a 1990 study,
12 we've done a lot of studies since then. I know the streams in
13 our area in Huelo are portrayed completely incorrectly. One
14 was left off completely, Hainikua. Hanehoi isn't shown well
15 on the map. So if we're going to have maps, I'd be happy to
16 work with you guys and try and make them more accurate 'cause
17 I've hiked this area, I know where the streams go. There are
18 probably others who could help as well.

19 We really need to look at the -- the demand in the
20 Ko'olau aquifer that would be met by our public sources --

21 CHAIR LYONS: Sorry. Three minutes.

22 MS. DeNAIE: Okay. Well, I'm almost there.

23 So how much would be met by public sources and how
24 much would be made by -- met by private sources. I really
25 haven't seen where in the plan it addresses this, but it's an

1 important factor because that's part of our planning.

2 And we just need -- we need to have a timetable for
3 new reservoirs Upcountry, it has been recommended for years,
4 to lessen the reliance on stream flows which we can't really
5 predict during droughts. So we really need more monitoring
6 and maintenance of the watershed and not just the upper areas
7 where the watershed partnership are, but also the lower areas
8 where people live. This is about people. There's 15 streams
9 in the Huelo area that all (background noise) and most of them
10 were not subject to the water commission review. They've had
11 no studies, they've had no provision to provide any water for
12 domestic use.

13 So that's my -- that's my testimony. Thank you.

14 CHAIR LYONS: Thank you so much for coming out.
15 Really appreciate it.

16 Mr. Mayer, you're going to be next.

17 MR. MAYER: Thank you. My name is Dick Mayer. I'm
18 a resident up here in Kula.

19 Some of the comments I'm making are based on my
20 experience having been the vice chair for the Maui Island Plan
21 General Plan Advisory Committee and experience that I had
22 there. These are no in particular order, but what I want to
23 do is make about 12-15 points here that need to be considered.

24 There's no budget attached to this plan; in other
25 words, it's a plan without the ability to be implemented until

1 there is some kind of a budget there. And that budget should
2 also tie in with potential revenue sources, whether they be
3 private or public.

4 Number 2. I don't see a listing of projects that
5 should be implemented in order to carry out the plan. And nor
6 do I see -- because there are no projects, there's no
7 prioritization, so you don't know what should be done in the
8 first 2 years, 5 years, 10 years, or over the length of the
9 plan. And I think that's a critical element that should be in
10 any plan.

11 Number 3. There's a need -- and this is -- goes to
12 the maps and the aquifer districts and you're all well aware
13 of this. The fact that, for example, in the Kahului Central
14 district you have South Maui miss -- included in the
15 Kahului -- excuse me, included in the Upcountry area.
16 Obviously they get all their water supply from Central Maui,
17 from either the west Wailuku or Waihe'e areas. They do not
18 get any water from Upcountry at all and yet it's in that area.
19 So the numbers that you have for water needs, water supply,
20 water demand are all mixed up and very difficult to utilize
21 that plan. In fact, the Upcountry community plan says no
22 water can pass through the Upcountry district to go to South
23 Maui, so that reinforces the idea that the south Maui coast,
24 Makena all the way up to the Sugar Beach area, should all be
25 included in the Central Maui area and not in the Upcountry

1 area. And that mean redoing a lot of the numbers, but it
2 would make the plan much more meaningful.

3 Number 4. Who is going to implement the plan?
4 There should be responsibility given, whether it be the water
5 department, the big landowners, an individual at home in terms
6 of their own uses, there needs to be some way -- otherwise,
7 the plan is nothing more than the document we all talk about
8 on the shelf because there's no one there who says -- takes
9 responsibility for it.

10 Number 5. Population, the population numbers and
11 projections are given for the resident population, but not for
12 the de facto population, the number of people actually on the
13 island. We have roughly 28 to 30 percent of the people on the
14 island at any one time are tourists, nonresidents, and somehow
15 those numbers were totally left off not only for the present
16 numbers, but in terms of projections.

17 Number 6. I think there needs to be a distinction
18 made between quality, quantity, and the various uses of the
19 water so we know are we going to try to boost the supply of
20 quantity, are we going to work on quality issues, how do you
21 make distinctions between the two of them.

22 Several places in the plan there is something called
23 TBD, the letter T -- tiger, baby, Daniel, T-B-D, to be
24 determined. I think after 10 years working on this plan we
25 should have some estimates of what those numbers are rather

1 than just say somehow we're going to have to go --

2 CHAIR LYONS: Three minutes.

3 MR. MAYER: -- over this whole plan to do it all
4 over again.

5 Two more items.

6 There should be a statement in here about when this
7 plan will be reviewed. Assuming it's adopted, let's say, next
8 year by the water commission, will it be reviewed every 3
9 years, 5 years, or do we have to wait 20 years to have it
10 reviewed and make sure that the plan is being complied with
11 and there's no -- I didn't see that in there.

12 There's no mention, I believe, of the Upcountry --
13 the upper line in Kula has a parallel line running next to it
14 that was built at great expense for farm use irrigation water,
15 that is not there. And what we need to do is talk not about
16 only the water numbers, but how it's delivered, the whole
17 distribution system in terms of the piping, the cost, pumping,
18 all of those costs have to be in there because the water, even
19 though there may be a quantity of it at Kamole, what are the
20 costs --

21 CHAIR LYONS: Four minutes.

22 MR. MAYER: -- to get it uphill.

23 And lastly -- oh. The -- many of the meters on the
24 meter list Upcountry are outside the growth area. There
25 should be some statement, some comment made whether people

1 within the growth area should be getting the meters or people
2 outside the meters -- the area or maybe it's neutral on that
3 statement, but somehow we should know who has priority. And
4 if they're outside the growth areas, do we really want to
5 spend a lot of money pumping that water uphill to upper
6 Olinda, for example, or whatever it might be where -- or down
7 to Haiku, because those are cost figures that will greatly
8 influence the ability of this plan to be carried out.

9 CHAIR LYONS: Thank you very much, Mr. Mayer. It's
10 a wide range of issues and well done in 4 minutes.

11 Joyclyn Costa.

12 MS. COSTA: Good evening. My name is Joyclyn Costa.

13 First off, I would like to suggest to change the
14 title from Maui Island Water Use and Development Plan because
15 I don't know anyone who actually can make water, only Mother
16 Nature can. So Maui Island Development of Water Supply
17 Delivery System Plan is my suggestion, 'cause I don't know
18 anybody who actually can make water.

19 I'm going to premise my testimony -- and I have a
20 few copies here. I don't think it's fair that you include a
21 private entity as part of your plan in your charts such as A &
22 B when you don't even list the other type of farmers and
23 co-ops that use the water in the same manner. This should be
24 a public thing for Maui County population and a -- having a
25 commercial entity, a private entity in there included in your

1 charts is a little skewed to me. They should go on the list
2 like any other citizen waiting for a meter.

3 There needs to be a moratorium on development until
4 all resources are evaluated for input -- I'm sorry, impacts
5 and need -- and needed repairs. You can't make good decisions
6 and use -- and use plan on a broken systems. It looks as
7 though in plan is justifying and enabling development with no
8 measure of protection and preservation of the resource
9 mandated by your oath, which is our water.

10 So now going to my testimony, which is really short.
11 I hold in my hand Part IX of Chapter 174-C -- and I think I
12 presented this to Eva once before, 'cause we as an Aha Moku
13 had been able to sit with this plan a few years back. And so
14 I pointed out in the water code, which I'm glad that she
15 brought up, the very -- after you go every use that you can
16 possibly think of and however you want to do it, the bottom
17 line, the last portion of that water code states, "Traditional
18 and customary rights of ahupua'a tenants who are descendents
19 of native Hawaiians who inhabited the Islands prior to 1778
20 shall not be abridged or denied by this chapter." In other
21 words, any use you come up with cannot, cannot abridge or deny
22 such traditional and customary rights such -- are like -- and
23 then they go into the details of what we use it for, which
24 comes from Kingdom of Hawaii.

25 CHAIR LYONS: Three minutes.

1 MS. COSTA: So I would like to just state for the
2 record: Due to the prolonged military occupation of the
3 United States upon Hawaii shores and the boots upon the land,
4 I would like to caution the activity I witness tonight. Our
5 resources are well documented -- has been well documented to
6 be injured and continue to head towards irreparable harm due
7 to the continued management and permits authorized by the
8 State of Hawaii and its subsidiary aka County of Maui.
9 Although the State of Hawaii code appears to protect the use,
10 right, and ability to acquire water on behalf of kuleana, it
11 falls short of the imminent harm caused by other users by use
12 of permit privileges. Therefore, any decisions or measures
13 according to this body that may abridge or deny such use by
14 way of diversion, depletion, contamination, but not limited
15 to, will be directly in conflict of your own oath of office,
16 the state water code.

17 Thank you.

18 CHAIR LYONS: Thank you.

19 Daniel Grantham.

20 MR. GRANTHAM: Thanks for having this meeting out
21 here. I'd like to talk about something that's a little more
22 intangible that I haven't heard -- been hearing in the plans
23 and that's that the plans are designed around the way the
24 island is now and the way the projected growth is now, but
25 when you look at the actual water resources and the aquifer

1 and the land and you look a little bit at the history, there's
2 been a lack of attention to what is often called the public
3 trust. There's been what many people call abuse of the land,
4 abuse of the water resources for over a hundred years. You
5 know, if you walk up any of these streams in the Ko'olau, you
6 will find lomi, you will find evidence of a lot of population
7 living there at one time. That population is gone, they had
8 no voice in what happened to the water resources and now we're
9 placed with a new island.

10 Now, number one, it's vital to take care of the
11 aquifers. They have not been taken care of. They are in
12 decline, they're being overrun in invasive species, the
13 streams are clogged often with, you know, dead trees. It's a
14 mess. There was a time when people kept that cultivated and
15 it was a vast resource providing food and homes to a lot of
16 people who had to leave and many just died. I think that
17 history needs to be reflected in what we do to plan for the
18 future and not just cave in to what has been created by greed
19 and theft. And I thank you folks may have an opportunity to
20 exercise some vision in restoring what we might call the
21 public trust. I think I'm done.

22 CHAIR LYONS: Thank you.

23 MR. GRANTHAM: Oh, no. I do have one thing to say.
24 The last time I was up here at a water meeting of the water
25 board and, actually, I videotaped it for Akaku and there was a

1 whole lot of people in this room, a lot more than there are
2 tonight, and they were angry and they were yelling --

3 CHAIR LYONS: Three minutes.

4 MR. GRANTHAM: -- and they were saying, I've been
5 waiting for a water meter for 90 years. Now, think about a
6 system like that. These are families that have been here,
7 they wanted share their land with their kids, and they
8 couldn't get a water meter. There has been injury, severe
9 injury ongoing not just to the land, but to the people. And,
10 you know, you're not the judge and jury, you're not the cops,
11 you're not -- but you do have an opportunity to make some
12 statements and I hope you can use that. Thanks.

13 CHAIR LYONS: Thank you, Mr. Grantham.

14 (Applause.)

15 CHAIR LYONS: May Ann Pahukoa -- Pahukoa. Excuse
16 me. Pahukoa.

17 MS. PAHUKOA: Aloha. My name is Mary Ann Pahukoa.
18 I'm a lineal descendant of Ko'olau Maui.

19 Thank you for all your testimonies. I listened and
20 I too have been participating in water meetings since I was 9
21 years old. My mother would challenge that, my mother would
22 challenge that and say, you know, You've been at meetings
23 since, you know, you were in my womb and it's true. Ever
24 since Keanae, you know, we've been battling with water
25 meetings my whole life.

1 So thank you for organizing tonight, but I do have
2 to share my thoughts. And listening to, you know, testimony
3 tonight and some issues that have come up, they're not new
4 issues. This happens time and time again. This board is
5 operating under -- you know, we're in strange time. This
6 board is operating under an illegal entity, but, yet, defined
7 as a legal entity which is the federal -- which is a
8 corporation. And that's what the United States is, it's a
9 federal corporation, and you can look that up. So I'm here to
10 just relay a message, which is this board has no jurisdiction
11 over our water rights. The rightful people who have
12 jurisdiction and say -- who I see no one sitting on this
13 board -- is the rightful konohiki of these lands, of this
14 area, which is Maliko to Ko'olau, and I see no konohiki.

15 There's so many red flags and that's because these
16 water plans, they're to a certain point mostly false -- a
17 false narrative. Like mentioned by some of our water experts,
18 they're false data, the data's not good enough, it's not the
19 right data. So I would like you to -- I'd like to encourage
20 to you work with the rightful entities and the rightful people
21 who are supposed to be making these decisions in terms of how
22 to use our water from Huelo, from Maliko to Nahiku and work
23 with the konohiki of those ahupua'a. We're not trying to
24 restrict water to our native tenants and our non-native
25 tenants, that's not what it's about. We're just trying to

1 ensure that priority of water stays within the kalo farmers
2 rights, konohiki rights, the rights to kuleana landowners. We
3 want to ensure that priority stays. The in-stream flow
4 standards and the water --

5 CHAIR LYONS: Three minutes.

6 MS. PAHUKOA: -- restores our watersheds instead of
7 harming them. We want to ensure that the rights of our
8 lawai'a, our fishermen are there forever for our children. So
9 we cannot stand up here to support -- and I'm sorry that --
10 you know what, I'm brutally honest, but this is the truth and
11 I want you to know the truth and the political standing of the
12 Hawaiian Kingdom between the United States of America, because
13 that's what you're -- the laws you're upholding is the federal
14 corporation laws. And in your oath, as mentioned, that's not
15 the rightful laws you're supposed to follow and any council
16 member or state member, you're supposed to follow the laws of
17 the rightful nation.

18 With that being said, I also want to mention that I
19 find it amazing that we still talk about working with these
20 private entities who are not agricultural anymore, they're
21 relate estate. There's no need to echo their name, we all
22 know their name.

23 CHAIR LYONS: Four minutes. Please conclude.

24 MS. PAHUKOA: Again, any decisions you make must
25 involve konohiki, ohana, and the lineal descendents.

1 I will not pledge my allegiance to a federal
2 corporation. And, again, that's what this acting body is.
3 There are solutions to fixing this, this great mistake that
4 happened January 17th, 1893, and that's working with the
5 lineal descendants especially in terms of collecting water
6 data, listening to them and their needs, because they have
7 priority. And I want to let you know that any -- any action
8 you make, there are consequences.

9 CHAIR LYONS: Please conclude.

10 MS. PAHUKOA: The consequences include committing
11 war crimes. Whether you know it or not, unknowingly you
12 upholding the wrong nation's laws conflicts international law
13 and there are consequences including war crimes. Mahalo.

14 CHAIR LYONS: Thank you so much.

15 (Applause.)

16 CHAIR LYONS: Thank you so much. Appreciate your
17 feedback.

18 I believe this is Jessie McCain.

19 MR. McCAIN: Hi. My name is Jessie McCain. I will
20 keep my testament short. I would like to address the key
21 issues lined out on the PowerPoint.

22 The past plan, in my opinion, does not support any
23 of those issues. For one, who does this plan support? It
24 says it right there, HC&S, that is who the main beneficiary of
25 this plan will be. Resource protection and restoration, in

1 the past that company has done nothing but destroy and take
2 from this land, lowering the streams, poisoning the soil with
3 Roundup which is now coming to light that it causes cancer and
4 all these other birth defects and it's also destroying the
5 ocean, which is our tourism and our fishing. Right there it
6 is not supporting the resources. Furthermore, how did -- how
7 is this land acquired? A 99-year lease to the Hawaiian
8 government over a hundred years ago, so technically they have
9 no right to the lands that they're asking for water for.

10 That's my conclusion. Thank you.

11 CHAIR LYONS: Thank you very much, Mr. McCain.

12 (Applause.)

13 CHAIR LYONS: And Mr. John Wilson.

14 MR. WILSON: First of all, I'd like to thank you for
15 coming Upcountry to have this hearing. I'd like to also
16 second what -- the testimony that Dick Mayer gave in terms of
17 the plan concerns.

18 The thing I want to discuss briefly is the funding
19 of system expansion to serve growth should primarily be borne
20 by new development. I think that assumes that there's going
21 to be large developments and I think the problem we have --
22 one the problems we have with the water meter list is that the
23 use of a water meter in an area where the distribution for
24 that water has not been properly sized for the population that
25 would come and that's an individual two- or three-person

1 development. And they cannot afford the fire requirements and
2 the water distribution requirements that both the fire
3 department and water department are putting on individuals in
4 the funding way. So I think in terms of the capital resources
5 required to implement any of the processes that are going into
6 this plan would need to include other considerations such as
7 county funding, bonding, and other water department funds
8 since it's a separate entity from a fund standpoint. Because
9 I think some of the planning for the development of the water
10 distribution has not been properly done historically, which
11 leads to the problem we have when we have people not getting
12 the funds to put in a larger distribution system or water
13 supply for fire use.

14 That concludes my testimony.

15 CHAIR LYONS: Thank you very much, Mr. Wilson.

16 (Applause.)

17 CHAIR LYONS: Ms. Hayashida, do we have further
18 testifiers?

19 Is there anybody in the public who wishes to testify
20 at this time? Please come forward. You can just take the mic
21 and state your name and you can give Gaye your name on the
22 paper afterwards.

23 MR. HUMPERT: Good evening. My name is Martin
24 Humpert. I'm a resident of Kula.

25 And I would like to add my concurrence to the

1 statements of Mr. Mayer earlier tonight. He has a very well-
2 thought-out plan of action that entails accountability and a
3 very pragmatic way of introducing or implementing water
4 policy. I fully support his proposals.

5 I have two issues that I would like to bring before
6 the board that I think the board should consider acting upon.
7 The first one is the near monopolization of water that is
8 going to the former sugarcane land. I think that since that
9 industry has shut down for Maui, they should look at the
10 reallocation of the majority of that water to the taxpaying
11 public, because as we all know, agricultural land is taxed a
12 much lower rate than our residential land and we, the citizens
13 that live Upcountry, are paying a much higher tax base which
14 going with it there is the implied contract that basically we
15 will have county facilities for everybody paying those
16 property taxes and one of those utilities obviously would be
17 water. So allowing one company to take basically half of all
18 the available Upcountry water is absolutely -- flies in the
19 face of logic in terms of who is Maui County really
20 representing and who is Maui County really providing resources
21 to, one business or thousands of residents here? I think the
22 water department should look at reallocating the water to
23 residential use as well as small farmers in the Upcountry
24 area.

25 My second thing that I have is in regards to the

1 Upcountry water meter list and I am on that list. And I have
2 studied that issue quite extensively and one of the biggest
3 problems is, is there is no moratorium on existing houses with
4 water meters doubling their water use by building an ohana
5 unit. So you can double your water usage without going on to
6 the water meter list and build a second house there and what
7 that does is it takes away from the system capacity for the
8 people that are out there on the water meter list. And if you
9 are so far down on the water meter list that by the time your
10 name comes up on the list, if the capacity for the line
11 closest to you has fallen below a certain threshold, you, not
12 the county, will have to pay for upgrading the line from the
13 next largest transmission line all the way to your house and
14 in some cases that is hundreds of thousands of dollars, if not
15 millions of dollars just to get one meter on top, of course,
16 the \$12,060 it will cost for the meter. Okay? This is a cost
17 item that the county should bear.

18 CHAIR LYONS: Three minutes.

19 MR. HUMPERT: And the county should look at putting
20 a moratorium on the granting and petition the planning
21 department to put a moratorium on Upcountry ohana approvals.
22 Thank you very much.

23 CHAIR LYONS: Thank you so much.

24 (Applause.)

25 CHAIR LYONS: Is there anyone who wishes to testify

1 at this point?

2 (No Response.)

3 CHAIR LYONS: Are there any previous testifiers who
4 would like to testify for an additional 3 minutes?

5 Lucienne. Please state your name for the record.

6 MS. DeNAIE: Thank you. This is Lucienne deNaie
7 again.

8 I just want to say that I've reviewed this
9 particular plan for a number of years and it does keep
10 improving, so thanks to the staff for putting in the time.
11 And a lot of the sections have been greatly improved, I've
12 read, I don't know, four or five different versions of it over
13 the years and so keep going in the right direction and don't
14 forget there are people who don't get any water from the
15 county that live in the watershed and I think our needs to be,
16 you know, clearly discussed in the plan, including the
17 maintenance that's been brought up by people.

18 If we can't maintain the watersheds, the lower
19 watersheds, then our water supply is just going to shrink
20 because the water comes from the watersheds, so if there's not
21 a really good plan -- I see that there's an assessment and,
22 you know, discussion of plans, I know this can't be the
23 solving of everything, but there really needs to be the
24 20-year timeline of how we get from where we are to where we
25 can actually take care of our watersheds, have adequate gauges

1 and monitoring and really know where our water is coming from
2 because so much of our farming and so much of our Upcountry
3 users depend upon the streams and then all the of us live on
4 the streams depend upon the streams, so they're being asked to
5 do a lot and we've got to help them. Thank you.

6 CHAIR LYONS: Thank you.

7 Is there any previous testifier or a new testifier
8 who would like to speak at this time?

9 Mr. Mayer.

10 MR. MAYER: I just want to ditto what Lucienne just
11 said. I think the staff has done an excellent job. This plan
12 is so far improved over what was there 3, 4, 5 years ago and I
13 think the staff really deserves some kudos for all the work
14 they put into it. My comments when I said things that needed
15 to be added or changed slightly was not in any way to be
16 perceived as negative to what they've done. They've put
17 together an enormous amount of material, but I want to make
18 sure that whatever any plan you eventually adopt and the
19 council adopts and then the water commission adopts will have
20 to have some teeth, make actually make all this effort
21 worthwhile. And I think that can only happen if it has
22 dollars, projects, the responsibility included within the plan
23 and I think -- I would hope that you would ask the staff to
24 provide that rather than passing this version on which will
25 have no teeth in it other than being something that's a

1 descriptive plan and I think that's really critical;
2 otherwise, you'll say you did a plan or have a plan approved,
3 but it will not be effective. Thank you.

4 CHAIR LYONS: Thank you very much, Mr. Mayer.

5 Please state your name.

6 MR. FUCIANO: My name is Herbert Fuciano. I'm born
7 and raised here, lived here all my life.

8 I just wanted to say that Waikamoi, there's a dam up
9 there that used to hold the water and I guess nobody went up
10 there and really checked it out if they could repair it and
11 add on some water there. And I -- I'm on a meter, I'm on the
12 wait list for this meter, I'm on it 10 years and I'm thinking
13 why I got to wait 10 years, another 10 years before I get my
14 meter. Before I get my meter, I'll be dead. So what's the
15 use going on the list if I won't be there to enjoy my water?
16 So I was thinking maybe try and look at the single home people
17 that are here from way back when, see if you can give them
18 some slack and, you know, try to give them a water meter
19 before they die. Thank you.

20 CHAIR LYONS: Thank you so much for your comments.

21 (Applause.)

22 CHAIR LYONS: Is there anyone else who wishes to
23 testify at this time or provide additional testimony?

24 (No Response.)

25 CHAIR LYONS: Okay. We're going to go into recess.

1 (Gavel.) See if there are any additional testifiers who show
2 up at a further point in time.

3 (Pause in Proceedings: 6:20 p.m.-7:04 p.m.)

4 CHAIR LYONS: (Gavel.) So we're bringing this
5 hearing -- or this public hearing on the water supply into
6 session and we're adjourning. (Gavel.)

7 Nik, did you want to testify?

8 NIKHILANANDA: Yeah, why not.

9 CHAIR LYONS: Okay. Well, we're rescinding our
10 adjournment so Nik can testify, then Megan.

11 (Pause in proceedings.)

12 CHAIR LYONS: And while you're signing up, just --
13 we are using the customary 3 minutes with 1 minute to complete
14 your testimony. And we are asking that you testify to the
15 plan and if you have questions, that you provide those
16 questions to staff at a later date.

17 NIKHILANANDA: Hi, my name Nikhilananda. I'm a
18 32-year resident of Maui, 21 years on my property in Huelo.
19 I'm glad that Gladys is here because it comes up to me and
20 there's a couple things that I got when I glanced through
21 this.

22 First of all, on page 24, just a general question to
23 you guys: Why in 2015 A&B/HC&S needs of the EMI ditch system
24 from 2015 to 2020, 2025, all the way to 2035 is the same when
25 we have no idea what A&B is going to be doing with their land.

1 They have theories of what they're going to be using it for.
2 So I just want to direct people's attention to that, how can
3 in 2035 they need the same amount of water if I'm reading on
4 page 24 the correct information.

5 The other one and the reason I mentioned Gladys is I
6 remember being in a meeting about 10 years ago, maybe 15 years
7 ago -- she was a teenager then -- at the -- behind us where we
8 talked about water catchment and I still after all these years
9 don't have any definitive answer to that. So I won't go into
10 all the theories about if you have water catchment, you can't
11 have county water. If you have a meter, you can't have water
12 catchment, etc., and it's a wasted resource that's been going
13 on for years. Now, where I am it's always funny because so
14 many people I talk to talk about the -- they need more water,
15 need more water, and if you live out where I am in Huelo, my
16 property, you know, floats out to the ocean constantly it's so
17 much. But for the last 2 weeks it's been dry.

18 So the thing that makes me look at that, we need to
19 have -- and I know some people, the current mayor elect talked
20 about it, we need a couple of reservoirs. We do not have a
21 drought problem on this island, what we have is a utilization
22 of resources, because every year Upcountry says they have a
23 drought. And I remember years ago this tension between the
24 North Shore people when there was a proposal during that
25 contested case and the Upcountry people and it got a little

1 heated and that -- Gladys was in that room when the people
2 Upcountry says don't put the water back in the streams, you're
3 stealing our water, and the people on the North Shore -- and
4 I've always said my stream looks like this for 19 and a half
5 years and yet there's people out there that have had their
6 property for generations and they've lost their cultural
7 practices because of the water being stolen all these years.

8 So I'm just rambling to a whole bunch of things
9 because I know it's been a long night and I just got here.
10 And I apologize for coming late, like Megan, something else
11 came up for me.

12 So I just want to direct you guys to this concept
13 that we have about not having enough water, it's utilizing
14 what we have. And where I live, it's just sad to see
15 literally million of gallons of -- just that flows out into
16 my -- into the ocean. Now, the good news is that my neighbor
17 and I went out, we have an easement in perpetuity to use the
18 EMI ditch, the dam that's 20 feet from my property, so we
19 went, we built the wood that was there and we put it up --
20 instead of being down here, we put it up to meet the concrete.
21 So for the last year and a half I've had like a little stream
22 flowing on my property after 19 and a half years.

23 CHAIR LYONS: Three minutes.

24 What was that? Three? Okay. I'll make it fast,
25 so...

1 NIKHILANANDA: But then all of a sudden because
2 there's a contested case, there's more water in the Honopou
3 Stream, I think it is, that all of a sudden --

4 UNIDENTIFIED SPEAKER: Ho'olau.

5 NIKHILANANDA: Ho'olau. Thank you. Thank you.

6 Ho'olau Stream and my little moku papa stream, it
7 takes the entire -- you know, the riverbed goes from maybe
8 that side to that side. It's this little stream and it's
9 flowing like a river, so I see prawns and fish and all of
10 that, so, you know, tears come to eyes. I can understand the
11 people that have had their livelihoods and their culture
12 destroyed because of EMI's constant stealing of the water from
13 East Maui.

14 So I just want to direct -- the last thing that I
15 think I wanted to make a point of is that everyone always says
16 about pumping up, up, up costs so much money; well, I'm really
17 happy to see -- because when I first came 32 -- or I came over
18 40 years ago, actually, and there was no solar panels and no
19 solar here, and now we see all of these projects going on,
20 solar being put all over the island, and so utilizing solar
21 will reduce the rate of pumping water upstream.

22 So all these things I think that -- I know I'm not
23 the only one that's talked about these things for --

24 CHAIR LYONS: Four minutes.

25 NIKHILANANDA: -- you know, 20 years or 25 years,

1 but I really appreciate when I --

2 Anders, thank you, 'cause when I -- the first thing
3 he said to me is, Do you want to testify? I said, No, I don't
4 want to testify. Then I read this and I said, No, I can't
5 pass up an opportunity. So thank you guys very much. And,
6 again, I apologize for coming a little late, you never can be
7 in two places at once, but thank you very much.

8 CHAIR LYONS: Thank you for your mana'o. We
9 appreciate it.

10 MS. POWERS: All right. Aloha.

11 CHAIR LYONS: State your name just for the record.

12 MS. POWERS: Yeah. My name is Megan Loomis Powers
13 and I really appreciate all of you being here, being here so
14 late. And I apologize for being late. And I'm really
15 grateful that Maui County is seriously looking at a long-range
16 plan and I just really hope that as in page 38, it talks about
17 a consortium of users and stakeholders being involved in the
18 management and I think that is probably one of the most
19 important things and that they actually get to participate and
20 influence the actual management and enforcement.

21 I grew up on Ho'olawa Stream, we moved there in
22 1970. I know what it's like to live on a stream where every
23 drop has been taken by EMI, every drop for -- up until 2 years
24 ago. And now we have had the equivalent of a 50-year flood
25 for the last 2 years because ours is the last river that has a

1 gate where they can drop it down across the underground tunnel
2 and that diverts all the water down our stream. And what it
3 is, is that's water that has been collected by all of the
4 these streams and now since it's not going to the central
5 valley, it's all going down Ho'olawa Stream. We've seen a lot
6 of bank erosion. There's a whole huge grove of mangos that
7 are now all rotten because of -- and now they're a danger
8 because they're falling down. Just in the last year they've
9 been struck by a root blight. I went to the MCC -- or UH-MC
10 and talked to them about it and -- anyway, the assumption is
11 that it's a root blight that's killing it.

12 I -- there's so much to say, there's so much around
13 the water. Like Nikhilananda said, we don't have a water
14 shortage problem, but we do have a serious distribution
15 problem in terms of equitability. And I want to see the
16 east -- I want to see the central valley in farms. I think
17 it's really important that we put resources into maintaining
18 the ditches in a good way, but there's also many, many
19 diversions out there on the East Maui -- out on the watershed
20 that don't have gates and so all the water is diverted from
21 those streams. Hanawana is an example of that, it's another
22 stream that my family has land on and there's a right for a
23 4-inch pipe to deliver water to that stream, but the -- but
24 the stream life can't jump up into the 4-inch pipe and do
25 their migration from makai to the mountain and there's a lot

1 of, a lot of, a lot of streams that have diversions with no
2 gates. So even if the water commission says you have to
3 restore --

4 CHAIR LYONS: Three minutes.

5 MS. POWERS: -- this minimum stream flow to the
6 streams, you can't do it. So those diversions need to be
7 modified and the old ones that are there that are crumbling
8 and falling apart, need to be upgraded so that it can just be
9 like monitored remotely and controlled remotely so that
10 there's always the adequate stream flow to keep life in the
11 stream, to keep mauka to makai and makai to mauka life
12 flowing. And there will be enough water for everybody, but
13 you can't destroy the watershed to support a corporation
14 that's sending all of its profits overseas, you know, out of
15 the state. We have the opportunity to be the breadbasket for
16 Hawaii, this is like the largest section of agricultural land,
17 the central valley. Maui can be the breadbasket for the state
18 of Hawaii if we manage these --

19 CHAIR LYONS: Four minutes.

20 MS. POWERS: -- if we manage these soils and the
21 water properly. Thank you very much.

22 CHAIR LYONS: Thank you, Megan.

23 NIKHILANANDA: I didn't know if it was allowed.

24 CHAIR LYONS: No, it's allowed.

25 Okay. I gave other people the opportunity to have

1 another 3 minutes if they wanted another 3 minutes. Would
2 either of you or anyone others present like to --

3 NIKHILANANDA: Can I have 10 seconds? Time me.
4 I'll make -- if I go over 11 seconds, let me know.

5 Water should not be -- our public trust shouldn't be
6 in the -- yeah, we should not have private people owning our
7 water. So I know it's going to cost a lot of money to have
8 the EMI and the West Maui water, but we really need to have it
9 controlled or managed by the state or county or both. Thank
10 you.

11 CHAIR LYONS: Thank you.

12 NIKHILANANDA: Thank you for opportunity. I left it
13 off.

14 CHAIR LYONS: Thank you.

15 Did you have additional comments you wanted to make?

16 MS. POWERS: Yeah. Thank you. Hold on.

17 CHAIR LYONS: Three minutes.

18 NIKHILANANDA: You're so much more organized than
19 me. Thank you, Megan.

20 MS. POWERS: Oh, my goodness.

21 So I -- we really need to see long-term funding set
22 aside for the East Maui watershed and the management of it.
23 We -- I think we really need to pay more attention to the
24 people who live out there and give them an opportunity to be
25 involved and paid positions for management and maintenance of

1 the streams and the aina out there, because they're the ones
2 that know about it. There's so much detail that I've
3 experienced by growing up on those streams out there and the
4 people on Oahu who don't have a clue are making decisions
5 about it. And so it's -- that's -- so, yeah, we need the
6 funding and we need to include the people who live out there
7 as part of the management system. And so I really want to see
8 the long-term maintenance and monitoring included in this plan
9 and, you know, investing in more stream gauges and upgrading
10 all the diversions so that -- like what I said earlier.

11 And like Nikhilananda said, the state has an
12 obligation, water is a public trust resource and -- and
13 allowing a private corporation to mismanage it, mismanage the
14 water, mismanage the soil is no longer acceptable and we all
15 know that now. And so we can't just keep putting our heads in
16 the sand and pretend like, Oh, it's business as usual, because
17 it's actually our life is on the line. We are the most remote
18 land mass in the world and it's critical that we manage our
19 soils properly, it's critical that we manage our stream life
20 because it connects to the sea life and that's the web of life
21 that we just happen to be absolutely dependent on and so it's
22 actually negligent not to take care of it in a way that
23 supports life into the future. And so I really want to see
24 this water management plan turn into something that is very
25 long range and really focuses on making sure that all the

1 stakeholders, including the native fish, including the Native
2 Hawaiians --

3 CHAIR LYONS: Four minutes.

4 MS. POWERS: -- including the -- you know, the
5 watershed, that they are stakeholders that are respected and
6 supported in this whole management plan. So thank you.

7 CHAIR LYONS: Thank you very much.

8 (Applause.)

9 MS. POWERS: Good to see you all.

10 CHAIR LYONS: So, Members, I -- we have one more
11 hearing tomorrow night. I would like to give you a homework
12 assignment for our next board meeting which is next week on
13 the 13th and that is to compile your notes into a list of
14 topics slash comments that you would like to discuss at that
15 the meeting and send it to Gaye in advance of the meeting so
16 that we can compile a unified copy. Yeah. And then we will
17 go off that, we will go off that master list for our
18 discussion for the next couple of meetings. And we do need to
19 come up with written comments for staff at our January 17th
20 meeting.

21 MEMBER FRANCO: And what's the deadline for getting
22 that in?

23 CHAIR LYONS: Well, it's on Thursday, so -- well I
24 was -- can we say Tuesday?

25 MEMBER FRANCO: Tuesday next week?

1 CHAIR LYONS: Close of business Tuesday of next
2 week.

3 MEMBER FRANCO: Okay.

4 MEMBER HODGES: And, Eva, you're going to be in the
5 meeting; right?

6 MS. BLUMENSTEIN: Yeah.

7 MEMBER HODGES: So that you can tell us the things
8 that we bring up, if they're already in the plan or not
9 relevant to the plan.

10 MS. HAYASHIDA: Can you speak up? The reporter
11 can't hear you. You have the microphone.

12 MEMBER HODGES: I'm sorry.

13 CHAIR LYONS: Okay. Members, any questions before I
14 gavel out this public meeting?

15 MEMBER FRANCO: Yeah. I have a question for Megan.
16 Do you think -- you said that the water is being diverted per
17 Supreme Court decision, right, the streams should be
18 recharged, but it's not effectively being done because of the
19 inadequacy of the diversion?

20 MS. POWERS: Yeah. So that decision had to do with
21 27 streams --

22 MEMBER FRANCO: Yeah.

23 MS. POWERS: -- and, like, most of the people on
24 Oahu think that there's 27 streams. There's 22 other major
25 streams with lots of small tributaries that come off of those

1 streams, those other 22, there was no decision made about them
2 getting any kind of minimum stream flow. I don't know all the
3 diversions, whether they're in the 27 that had, you know, the
4 minimum flow established. It could very well be that ten of
5 those 27 have diversions that can't be opened and we -- you
6 know, we're just throwing that out. And then there's those 22
7 main streams that weren't a part of the decision at all that
8 have a variety of diversions, some of those of which are not
9 openable. So you can't -- like even if they said you've got
10 to give, you know, 50 gallons a minute back to the stream, no
11 can unless you go and drill a hole or you put a pipe, but then
12 the pipes get -- you know, they get washed out in the rains
13 and the storms.

14 MEMBER FRANCO: So who's taking care of the streams
15 now? EMI?

16 MS. POWERS: Nobody's taking care of the streams. I
17 mean, there's people that live -- like they take care of their
18 little area.

19 MEMBER FRANCO: Right.

20 MS. POWERS: It's funny because in the beginning
21 growing up, it was like, Oh, EMI is the bad guy, and then when
22 they stopped maintaining their ditches and certain parts of
23 the stream, it was like, Well, it was -- at least it was
24 better when they were maintaining as long as they weren't
25 spraying.

1 MEMBER FRANCO: Yeah.

2 MS. POWERS: That was the thing. In '86 I watched
3 them go from like hand maintaining the ditches and weed eating
4 to spraying Roundup and the stream life and the amphibian
5 population just got decimated. Like it used to be you drive
6 down Hana Highway, you couldn't not hit toads, like it was
7 just -- you know, you're going like that (demonstrating). And
8 then after '86, by like '87, '88, you're lucky if you saw a
9 toad on the road. That had a significant impact on the whole
10 web of life out there. But, anyway, I hope that -- does that
11 answer your question about the diversions?

12 MEMBER FRANCO: Well, what's the solution in your
13 mind?

14 MS. POWERS: Well, I think there's a number of
15 streams that actually don't need to be tapped and the
16 diversion just removed and just let them flow naturally.
17 There's a number of streams where the -- probably the
18 diversion needs to be completely removed and rebuilt so that
19 they could be -- they could be managed by an iPhone from
20 somewhere, you know.

21 MEMBER FRANCO: Yeah.

22 MS. POWERS: And set -- you know, like there's a
23 gauge that's measuring how much water is flowing that
24 automatically adjusts the gate to determine how much is going
25 to be flowing down the stream and how much is going to be

1 going into the ditch. So that's -- you know, it's an
2 expensive upgrade, big time, and I know the county's like, Oh,
3 my God, where are we going to get the money? And probably so
4 is A&B, you know. It's a -- but it's worth it. It's like --
5 on the other hand, it's like we don't have a choice but to
6 like start moving in the right direction.

7 MEMBER FRANCO: Thank you.

8 CHAIR LYONS: Thank you.

9 Okay. Having no further business, I'm going to
10 adjourn this meeting. (Gavel.)

11 (The proceedings were adjourned at 7:25 p.m.)

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