

# **WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**May 18, 2020**

### **Online via BlueJeans Link**

**CONVENE:** 1:30 p.m.

**PRESENT:** Councilmember Yuki Lei K. Sugimura, Chair  
Councilmember Alice L. Lee, Vice-Chair  
Councilmember Riki Hokama  
Councilmember Tasha Kama  
Councilmember Kelly Takaya King  
Councilmember Michael J. Molina  
Councilmember Tamara Paltin  
Councilmember Keani N.W. Rawlins-Fernandez (in 1:43 p.m.)  
Councilmember Shane M. Sinenci

**STAFF:** Richard Mitchell, Legislative Attorney  
Lesley Milner, Legislative Analyst  
Laksmi Abraham, Legislative Analyst (trainee)  
Rayna Yap, Committee Secretary

**ADMIN.:** Jeffrey Pearson, Director, Department of Water Supply  
Eva Blumenstein, Planning Program Manager, Department of  
Water Supply  
Wendy Taomoto, Engineering Program Manager, Department of  
Water Supply  
Rowena Dagdag-Andaya, Director, Department of Public Works  
Michael Hopper, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Jennifer Oana, Deputy Corporation Counsel, Department of the  
Corporation Counsel

**OTHERS:** Dick Mayer (WIT-25)  
Carty Chang, Chief Engineer, Engineering Division, State  
Department of Land and Natural Resources  
Gayson Ching, Engineer, Engineering Division, State Department  
of Land and Natural Resources  
Russell Tsuji, Land Division Administrator, Land Division, State  
Department of Land and Natural Resources  
Ian Hirokawa, Special Projects Coordinator, Land Division, State  
Department of Land and Natural Resources

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

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CHAIR SUGIMURA: . . .*(gavel)*. . . .using Bluejeans.com so bear with me as we go along. I'm wondering if I'll become the expert like Keani Rawlins when she did Budget for a whole month. But nice to see all of you. My name is Yuki Lei Sugimura. I'm the Chair and with us we have Alice Lee who is my Vice-Chair and Council Chair.

VICE-CHAIR LEE: Hello. Hi, everybody. Howdy.

CHAIR SUGIMURA: Hello. We have English. Okay.

VICE-CHAIR LEE: English today.

CHAIR SUGIMURA: English today. Tasha Kama, thank you for being here.

COUNCILMEMBER KAMA: Aloha, Chair. It's a beautiful day in the neighborhood in Kahului.

CHAIR SUGIMURA: I like when you say that, Mr. Rogers. Kelly King.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR SUGIMURA: Hi, Kelly. Mike Molina from Makawao.

COUNCILMEMBER KING: ...I may freeze up again. This morning I was having a hard time on this program. So, I'll try to stick with it.

CHAIR SUGIMURA: New experience huh. Mike Molina.

COUNCILMEMBER MOLINA: Good afternoon and blessings to you, Madam, Chair, and my colleagues and members of the public. It is just simply gorgeous up here in beautiful paniolo country Makawao.

CHAIR SUGIMURA: It is, isn't it. Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakou mai Napili.

CHAIR SUGIMURA: Aloha. Keani Rawlins-Fernandez. She might be on, I don't see her. Okay. She'll join us eventually. Shane Sinenci from Hana.

COUNCILMEMBER SINENCI: Aloha awakea kakou. Nice to see everybody.

CHAIR SUGIMURA: Nice to see you. Everyone, thank you. I just wanted to thank all of you and before I start my meeting, I wanted to, I was so glad to see this, all of us are in this situation because we're in a COVID-19 lockdown or stay at home orders and as of today, according to *The Maui News*, Maui County has had nine consecutive days with no new COVID-19 cases. So, I'm so happy to hear that. Thanks everybody for making the sacrifices that we have to shelter in place and to wear face masks. All the things that we've been doing. I'm proud of us that we were able to do online meetings and as of

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today, our County totals, that County of Maui totals for COVID-19 cases, is stable at 177. So, let's hope that we keep those numbers down. Thank you everybody for being here. Joining us today for our three items, we have Rowena Dagdag-Andaya, Director for Public Works. Department of Water Supply, we have Jeff Pearson, Director; Wendy Taomoto, Engineering Program Manager; Eva Blumenstein, Water Resources and Planning Program Manager. We also have with us—and thanks for making the time—Department of Land and Natural Resources. I see Russell Tsuji, Land Division Administrator on the line, as well as Ian Hirokawa, Special Projects Coordinator. Also from their department Carty Chang who is an Engineer and Gayson Ching, Engineer. From Department of Corp. Counsel nice to see Jen Oana. Hi, Jen. And thank you, Committee Staff, who have helped me to get to this point of knowing how to use BlueJeans which is Lesley Milner and Laksmi Abraham which is our Legislative Analyst, and thank, you Rayna Yap, for doing so much of the hard work. Today we have three items on our agenda and I want to welcome Mr. Hokama. I see Mr. Hokama has joined our meeting. So thank you, Riki, for being here. Thank you. So, I guess I haven't seen Keani Rawlins yet. The items that we have on our agenda. We have Purchase of Water Allocation Credits from Site Wells for State Projects and that's why we have the many levels of Department of Land and Natural Resources on. For WIT number 80, which is Maintenance of Makena-Keoneoio Road with Ahihi-Kinau Natural Resources [sic] Reserve and this is a Public Works item, and the last item we have, which is gonna be just information only and introduction to our next meeting really is Maui Island Water Use and Development Plan from the Water Department. So, today we're going to begin public testimony. Lesley, do we have anybody signed up to testify?

MS. MILNER: Hi, Chair. I don't believe we have anyone signed up to testify. The only username that I don't recognize right now is Hawaii State GO, but it is possible that is one of our resources, but I wanted to give them an opportunity if they're a testifier.

CHAIR SUGIMURA: Okay. I guess we should ask them.

MR. MAYER: I would like to testify.

CHAIR SUGIMURA: Oh, you would.

MS. MILNER: We just had someone log in, phone number ending in 1874.

CHAIR SUGIMURA: One eight seven four? Okay. Okay. So, that's one. I'll go through my testimony speech then. We're going to be taking phone, video and also written testimony. Where's that . . .(inaudible). . .

MR. MAYER: Hello?

CHAIR SUGIMURA: Wait now, one second. I think that sounds like Dick Mayer huh?

MR. MAYER: Yes, it is.

CHAIR SUGIMURA: Okay. So, we are, let's see, I think we are able to accept written testimony,

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video testimony and phone testimony and you'll be limited to the three items on the agenda today and be given three minutes to testify with one minute to conclude. When testifying please state your name and name of organization you are representing if any, and if you are a paid lobbyist to inform the Committee. And if you be mindful do not use chats, because chats is for public, to provide testimony or do not use it to provide testimony or to chat with other testifiers. And, I think that's it. So, first testifier you will have three minutes.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. MAYER: Thank you. This is Dick Mayer. I'm testifying on the third item of your agenda regarding the Water Use and Development Plan.

CHAIR SUGIMURA: Okay.

MR. MAYER: It's a very long document, over a thousand pages and I look at it more as a document and not as a plan. And that's unfortunate because what we really do need is a plan for the water use and development on the island. One of the major problems with the plan is it breaks up on the island of Maui into six aquifer areas, which means that several of our water systems on the island are put in the same aquifer even though they are not connected to each other. Whereas other systems are put into different aquifers and they're not treated as one whole system. That makes planning very difficult. For example, the Upcountry system is put in the same aquifer as the system for Central and South Maui and then again the Koolau aquifer system is discussed but it's separated from Upcountry, Maui where the water very much goes as far as the County Department of Water Supply is concerned. Those things need to be integrated together. Second...and that's a problem that you will have in implementing anything in this plan. The plan should indicate options that are open to you and the...and prioritize projects and indicate things and that is not being done at all. Another major gap in this plan is that the East Maui lease areas, the State leased areas which are the source for much of the water on Maui, in fact, it provides over half of the water supply for the island of Maui is barely mentioned as an entity. I think there's no map of the area, description of the water amount coming out of there, et cetera. It's really lacking in any useful information and particularly all the legal issues surrounding it should at least be mentioned. They don't have to be resolved, but at least they should be highlighted. What are all the legal issues about using the water, using the ditch system, et cetera. That's an important part because that water provides Central Maui with agricultural water and Upcountry, Maui with both domestic and agricultural water. The...let's see, what was the next item. I would urge that the Council to ask the Water Department and I would say that they have some excellent people, Eva has done a mammoth job and excellent job putting together this plan. Unfortunately, it's not put together in a format that will be useful to the Council. So, I would ask to either pass this plan, just send it on to CWRM for approval. But then should...the Council should be asking for an actual plan, the Water Use and Development for each of our major water systems for Upcountry, for South and Central Maui, West Maui, et cetera. There is a statement in there that's kind of interesting. On Page 232, it says the plan is gonna serve as the

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primary guide to the Council, the Department and all of the agencies of the County in approving and recommending to other agencies the use and commitment of water resource, et cetera, et cetera. The intention of this plan, it says that's what their goal is and what Title 14 of the County Code says, but then the plan never does that. Rather it gives us, on Page 233, a list of things and only summarizes. It says, Central Maui 100 million, West Maui 100 million, Upcountry 100 million and East Maui 10 million which trivializes the whole planning process by using these gross numbers and rounded off numbers with no tie really to individual projects. So again, I would ask...

CHAIR SUGIMURA: Mr. Mayer, can you finalize your...in a couple of sentences.

MR. MAYER: Finalize? Yes. I would say that the Council should ask for an actual water use and development plan for each of the County's sub-systems, separate systems so that they can move forward with the planning and operations of our water system. Thank you very much.

CHAIR SUGIMURA: Thank you. Anybody have questions for Mr. Mayer? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just a clarification for Mr. Mayer. So, you meant to say a different water use plan for the different districts of the County?

MR. MAYER: Different sub-systems. The Upcountry water system is separate and not attached to the South and Central Maui system and so there should be a plan for where the water is coming from for that system. How much is being...how it's coming from it. Are there seasonal variations because the drought variations. That system needs to be described as an entity so that proper planning for reservoirs or pumps or whatever can be undertaken. The same thing for South and Central Maui. They are tied together into one system, not tied to Upcountry and there should be a discussion just so that system...as it is now, both of those systems, the Upcountry and South and Central are all put into the same aquifer district, as if somehow there's some joining up or integration of the two together. The whole Koolau range is not, the water supply that comes from East Maui system is not mentioned really in connection with the Upcountry system. So, I would like to see each of the systems, the way we use the water system on Maui, not just geography, not just aquifers, but also the way they're used so that planning and discussion can be done with those.

COUNCILMEMBER SINENCI: Mahalo, Mr. Mayer, for your testimony.

CHAIR SUGIMURA: Thank you. Okay, thank you, Mr. Sinenci. Anybody else have questions? Okay. Seeing none, thank you, Mr. Mayer, for testifying.

MR. MAYER: Thank you very much.

CHAIR SUGIMURA: I also want to welcome—thank you—Keani Rawlins-Fernandez to the meeting. Thank you, Keani. Thank you. Any other testifiers, Lesley?

MS. MILNER: Hi, Chair. I don't see any other testifiers on the line. If you are online and

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wanting to testify if you could unmute yourself and let the Chair know now. Thank you. I do not believe we have any more testifiers.

CHAIR SUGIMURA: Yeah. Okay. So, thank you. Anybody who wants to see what we're doing in this meeting you can watch us on *Akaku* Channel 53 or at [mauicounty.us/agendas](http://mauicounty.us/agendas) and anybody, everybody is welcome to this meeting. So, at this time if there are no objections...oh, I need to go to the district offices. Are the district offices signed in, Lesley? Do we have any testifiers?

MS. MILNER: No. Because everyone can call in individually we're not having the district offices call in as well.

CHAIR SUGIMURA: Okay. How interesting. I didn't realize that. Okay. Thank you.

MS. MILNER: Thank you.

CHAIR SUGIMURA: So, at this time then, no other testifiers. I'm gonna close public testimony with no objections.

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: Thank you.

**. . . END PUBLIC TESTIMONY . . .**

**ITEM WIT-90: PURCHASE OF WATER ALLOCATION CREDITS FROM SITE WELLS FOR STATE PROJECTS** (CC 20-197, 20-227)

CHAIR SUGIMURA: So, at this time we have just three items on our agenda, as I mentioned earlier. And, the first item on the agenda is Purchase of Water Allocation Credits from Site Wells for State Projects, WIT-90, and it is County Communication 20-197. Also the same submittal and we'll look at County Communication 20-227, from Council Chair Alice Lee, transmitting County...to the Water, Infrastructure and Transportation Committee and this is a bill, sorry, A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Amendment to an Intergovernmental Agreement with the Board of Land and Natural Resources, State of Hawaii, Regarding the Purchase of Water Allocation Credits from the Camp Maluhia Site No. 1 Well Development for State Projects. And the purpose of the bill is to amend the original 2004 intergovernmental agreement specific to the Camp Maluhia Site No. 1 Well to allow the State of Hawaii to participate in the development of site wells for Central Maui mutually designated by the State and the County, where the State will receive water allocation credits for State projects in direct proportion to its financial contributions. So, Members, we have this on our agenda and I'm gonna ask the Department to introduce it. We have Jeff Pearson and Wendy Taomoto, as well as any comments from DLNR. I appreciate everybody for being here. So, Mr. Pearson or Wendy Taomoto?

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MR. PEARSON: Okay. Good afternoon. This is Jeff Pearson, Director of the Department of Water Supply. I'll start out, but, Yuki Lei, Member Sugimura, you did a good job of introduction portion. I appreciate that Wendy is here because if there is additional past history, as you can see this agreement was drawn up in 2004. As Chair said, the only efforts we're trying to go for today is to make this agreement a little more general and remove the specific TMK that was shown on the original intergovernmental agreement to allow a little more flexibility in locating the well. Since this original intergovernmental agreement was put together we've learned of additional information where this location may not be the best to drill a well. So, of course we want to maximize where this well is located to get the greater amount of water we can. So that's why we're asking for this minor amendment. There's other issues. I think everyone has that summary sheet, Chair? So, I don't need to . . .

CHAIR SUGIMURA: Yes. So, if you look in Granicus, there's a summary of the, it's called Department of Water Supply handout and it was prepared by the Department so that it has all the main details that you can just summarize this, as well as I know you've read the intergovernmental agreement. So, there's this, there's a map, and there's possible State projects listed.

MR. PEARSON: So, in that...thank you, Chair. In that handout it just talks about Water Supply's responsibilities here, where we're gonna be at the front end of this contract. We're going to prepare a contract, plans and specifications. There's a million dollars that are . . . is already in the upcoming budget to do this work. We're going to prepare the Environmental Assessment and then, you know, get all the permit approvals for the first phase which is the exploratory drilling. We hope to have enough money there to complete the exploratory drilling and testing, of course, that will determine the viability of the well and how productive the well may be. Then we go into the second phase...if that is positive, then we go on to the second phase of well development and before the well is finalized and as far as looking at the State and the Department of Water Supply, the County of Maui, an agreement for the water source credits will come forth and that agreement, of course, has to be approved by County Council. So, that's a ways down the line, but my point is that this is the first step of just allowing us to be more flexible locating the well. Hopefully the well gets to be a good production well, then we will work with Council again and they will be much more aware of the details of what the whole agreement will take place in that respect.

CHAIR SUGIMURA: Thank you.

MR. PEARSON: I don't know if, Wendy, do you have anything you want to add? Or I'll let...

CHAIR SUGIMURA: Yeah. Is Wendy Taomoto there? I don't see her here, but...Wendy? Well, I think from meeting with them before this meeting I can tell you that Wendy Taomoto has been there from the very beginning of this till today so she has a history, detailed history of this whole project that she could share if you have questions on it. Department of Land and Natural Resources, Russell Tsuji or Ian, do you have any comments regarding this?

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MR. TSUJI: I don't personally have anything to add. Yeah, can you hear me?

CHAIR SUGIMURA: Yeah, is that Ian? Okay. I can't see him. Ian? Department of Land and Natural Resources do you have any comments to add to this?

MS. MILNER: I think, Russell, I think you muted yourself. I've unmuted you.

CHAIR SUGIMURA: Okay. Is Ian there? Ian is who we met with before that, before this meeting. Okay. Members, do you have any questions on this? Ms. Paltin and then Mr. Hokama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director, for the explanation. I just was wondering, you know, when I read through the items on Granicus, so it took from 2004 till 2020 to figure out that Camp Maluhia wasn't a good place to locate a well, or was anything going on during that 16-year timeframe?

CHAIR SUGIMURA: Mr. Pearson or Wendy Taomoto?

MR. PEARSON: Wendy...this is Jeff. Wendy says she's hooked up, but I don't know if she's being muted or if she can't unmute herself. I might end up having to have her join me, but I can answer a few items for Member Paltin. I know that subsequent to the intergovernmental agreement John Mink did some studies in that area and he felt, John Mink was a noted hydrologist for the State of Hawaii. He passed away a bunch of years ago. Patsy Mink's husband. He was very well received and very knowledgeable. Anyway, he noted that that might not have been the best location for production of the well and also since then we've gotten the United States Geological Service has been working on models in this area, the Waihee area, all the way actually to Waikapu. So, with that help and the additional information, we feel we can get a better location and again relocate it from that specific TMK that was in the original agreement.

CHAIR SUGIMURA: Okay. That's the purpose of this new intergovernmental agreement, is to relocate that well site off of Camp Maluhia. Are you...any more questions, Tamara?

COUNCILMEMBER PALTIN: So, that's how long it takes is 16 years to just say that one location is not good? I wasn't clear, like, I understand Camp Maluhia is not good, but it took 16 years?

CHAIR SUGIMURA: I think the need is driving the action it looks like. Yeah.

MR. PEARSON: I can answer part of that too, Chair?

CHAIR SUGIMURA: Yes.

MR. PEARSON: Member Paltin, in the meantime other wells further to the South were developed. I think on the map it may show the wells. It shows, yeah, it doesn't list them all, but North Waihee, the Kupaa Wells, Kupaa 1, which I think is the furthest north. Then there's Kanoa Well 1, Kanoa Well 2 and then the North Waihee Wells 1 and 2. All

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of those were developed in the meantime. So, we weren't sitting idle, we just moved forward with additional development of wells that go a little bit more to the south of what we're talking about.

CHAIR SUGIMURA: okay.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SUGIMURA: Thank you. Lesley, can you try and get Wendy on the, at the meeting? I guess she's trying to.

MS. MILNER: Yeah. We have Department of Water Supply and it looks like they're now unmuted so she might be there.

CHAIR SUGIMURA: Okay. Next question is for Riki Hokama.

MS. TAOMOTO: Chair, can you hear me now?

CHAIR SUGIMURA: Yeah.

MS. TAOMOTO: Can you hear me now?

CHAIR SUGIMURA: I can hear you. I can hear you now. Yeah.

MS. TAOMOTO: Okay. Thank you.

CHAIR SUGIMURA: Thank you. Riki Hokama, do you have questions for the Department or anyone?

COUNCILMEMBER HOKAMA: Yes. Thank you and I appreciate Ms. Paltin's question very much. I think that was very important for us to hear and hear the response from the Director. No, so for me yeah, Director, what I need for you to quantify if you can for the Committee this afternoon is, what the 1 million would have been able to secure for the State in 2004 and since I know there's inflation and adjustments, my thing now is...does the water credit still...the same total amounts or is it now adjusted lower because here we are 16 years later? That \$1 million doesn't go as far. So, what are we talking about in total of water credits that the State is purchasing for this supplemental funding to our project?

CHAIR SUGIMURA: Mr. Pearson?

MR. PEARSON: Mr. Hokama, at that time I don't think the specific water credits were discussed. I think it was a million dollars to help Maui get moving on a well in that area. I spoke a little bit earlier that we have a long ways to go before we get to that water credit discussion and that will take place once we find the location, do an exploratory well, and get a better indication of what the production of that well could be. Then we'll, in addition to that, it's the amount of money that ends up being provided, both by the

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State and if there's additional money by Department of Water Supply to determine again in that agreement that you got, the Council will review on credits that will be allowed for the State and for the Department of Water Supply.

COUNCILMEMBER HOKAMA: Okay. I mean I heard your response, yeah, Director, and it's appreciated, but I need something more quantifiable. How much credits? I want to know what exactly the State...which is able to develop? And again you are asking me to give approval to an end quantity of unknown to an entity that I'm not sure can fulfill it within the five-year term. So, I don't have that much confidence, yeah, Director. But I need to have an understanding of how much water credits are we really talking about because for me and this County, we shall manage our growth, not the State. The County will manage this County's growth and that this kind of quantified numbers is critical for us to manage properly. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Any other questions? Okay we have Wendy on the line so anybody...oh, Mr. Molina?

COUNCILMEMBER MOLINA: Yeah thank you, Madam Chair. I'm kind of along the same lines like Mr. Hokama too. I'd like to get some quantifiable numbers. My question is, are the interconnected water systems able to accommodate the additional water demands that are to be provided by the State? I presume it is, but could I get an analysis of that?

CHAIR SUGIMURA: Department?

MR. PEARSON: Wendy, can you answer that in more detail please?

MS. TAOMOTO: Yes. Wendy Taomoto. The contribution from the State which is at currently in front of us is a million dollars isn't the end contribution. The State is looking to provide additional contribution in its legislative package. The way that the credits work and I'm trying to answer Councilmember Hokama's question, is that based on the developable yield of the well that we will apply towards the credit, if it's a million gallon well pump that we install, we're going to be looking at about 400,000 gallons. And so, depending on the total pro rata share contribution by the State, we get our ratio of that source in gallons. So, it just depends on each entity providing "x" amount of dollars and then it's a simple calculation of our pro rata share towards the total end I guess sustainable yield that the well produces. As far as Councilmember Molina's question, the system that is shown on the map which on the north side starts now with our Kupaa Well and then going towards the south is the North Waihee Well, is anticipated to be able to accommodate this new well. It was planned to have it and we'll do some further analysis once we get further in, but it's expected to be able to integrate into that transmission system to Central Maui.

COUNCILMEMBER MOLINA: Okay. All right. Thank you very much for the response. Thank you, Madam Chair.

CHAIR SUGIMURA: Thank you. Any other questions? Okay. Oh, Mr. Hokama?

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COUNCILMEMBER HOKAMA: So, maybe, Mr. Tsuji . . . *(inaudible)* . . . participating, can remind us, but why do we actually need this million dollars from the State? We're fiscally strong enough to fund this project. So, what is the need for the State contribution? What is the benefit of State money if this is a County project?

CHAIR SUGIMURA: So, Mr. Tsuji or someone from DLNR? I don't know if you can hear. Is Ian on?

COUNCILMEMBER HOKAMA: Maybe Director Pearson might . . . if can give us the . . . the Water Supply's perspective.

CHAIR SUGIMURA: Wait, I should unmute him. He's trying to speak.

MR. TSUJI: Can you hear me? Can you hear me?

CHAIR SUGIMURA: He's speaking from the phone. Okay. I can't unmute...I can hear you.

MR. TSUJI: Can you hear me now?

CHAIR SUGIMURA: Yes.

MR. TSUJI: Yeah. Okay. Thank you, Councilmember Hokama, for that question. As far as our interest, you know, we've been for the last, what, almost eight years at least, we've been looking to develop this project out at Pulehunui and part of that development plan involves the search for a water source, and this, you know, this \$1 million that we most recently became alerted to is there would help us to try to search for a source that could develop water for Pulehunui, but also for the other State projects as well if it doesn't . . . if we are able to find adequate source. But that's what we're looking for right now. I think it's hard because we haven't found a source yet. So, that's, you know, where I think Jeff was trying to explain that, you know, we're just...it'll be used for research and to try to find a source and ultimately at some point if the State and County agrees to go forward on a development of the well, more money is going to be needed to develop the well and produce the water. I hope I answered some of your questions.

COUNCILMEMBER HOKAMA: And again yeah, Director Tsuji, you know, I understand that and I appreciate that, Council has yet to make a land use determination for Pulehunui, whether we'll agree or not to the current proposal or have it revised. But my...yeah...no, I'm still trying to figure out what is the County's benefit of accepting State money for this County project when we can fund it ourselves and we'll determine who gets what amount of water at the time of the request. So, Mr. Pearson, can you give us a comment please?

MR. PEARSON: Gladly. A while back and Russell mentioned the Pulehunui issue and again it's not the only source of, not the only type of project, but the State approached us and asked us if we could work with them to help develop some source for not only Pulehunui, but for maybe other projects, but it's clear that Pulehunui was their focus. This money that we had received from the State for a while was here, so we focused on that Camp

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Maluhia location well. So, we could have told them we can develop it ourselves, the heck with you I guess, but we in the interest of working together and the fact that they approached us and asked us to work on developing a source, of course their funds would, you know, come forward, you know, as Wendy said. But you have a very clear, good question and I can only answer that they approached us and we are working together to try to provide some source.

COUNCILMEMBER HOKAMA: Thank you, Director. I still don't see the benefit for Maui County though. So, thank you, Chair. I'll allow other Members to further questions. Thank you so much.

CHAIR SUGIMURA: Thank you. Any other questions from the Members? Okay.

MR. TSUJI: So can I add something, Chair, just to comment?

CHAIR SUGIMURA: Yes.

MR. TSUJI: Just one last comment on that Mr. Hokama's question.

CHAIR SUGIMURA: Oh, Mr. Tsuji, sorry.

MR. TSUJI: Yes. Sorry. I think just on history on this, my understanding is the Engineering Division within DLNR for a very long time had this Water Development Program and through the years of the Legislature they would appropriate funds to the Department of Land and Natural Resources to assist the counties to develop water source especially on Maui where there is very limited water, yeah. And so, that's where this issue of the negotiation of water credits would be done if we were successful in developing water, and I think the benefit to the County, ultimately is, it'll be a negotiated water credit. It's not like everything is only for the project or whatever State project. It'll be for the beneficial use for as well...for County...for the County purposes as well. And I think that's the program, Jeff. But that's all I wanted to say. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Tsuji. Any other questions, Members? None. Okay. So, I'm gonna recommend a motion to . . . for passage of this bill on first reading including any non-substantive revisions, although we haven't had any, and the filing of County Communication 20-197 and 20-227.

VICE-CHAIR LEE: So moved.

CHAIR SUGIMURA: Thank you, Ms. Lee. Is there a second?

COUNCILMEMBER MOLINA: Second.

CHAIR SUGIMURA: Thank you, Mr. Molina. Discussion, Members? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. I'm gonna vote no until I get better information about the actual water credits that we actually agreeing to in advance with this proposal.

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Again, I don't see the benefit to the County to agree to an unquantifiable amount at this time on how much water we're providing the State for their development. We should be concentrating on our developments and our needs first. So, I don't know where that sits with approving this agreement. Thank you.

CHAIR SUGIMURA: Thank you. Any other discussion?

MR. PEARSON: Chair?

CHAIR SUGIMURA: Ms. Lee? Oh, Ms. Lee?

VICE-CHAIR LEE: Yeah. I'm supporting the project because I believe this is just the beginning and, you know, we're not in a position where we have an abundance of water. We need new source and if the State wants to collaborate with us, I'm all for it. Thank you.

CHAIR SUGIMURA: Any other comments? Ms. Kama, Tasha Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Chair. So, I just wanted to ask, so is this how we do things. Do we always usually approve things in advance and then wait to see what kind of credits we get? I mean, is that...because if that's the case we should just, you know, because I know that along today we're gonna ask for same almost kind of thing where the State will be asking for credits. So, I want to know that if that's how we've been doing it before, and the second thing is when, at what time will we know whatever those credits might be that we're going to be getting from the State? When and how much.

CHAIR SUGIMURA: When and how much. So, I guess this is a Wendy Taomoto question or Jeff question, if you don't mind.

MR. PEARSON: I'll go answer and then Wendy can clarify or, you know, embellish if she chooses, but this is the way most wells are drilled. Either it's initiated by the County and we drill the well and we do an exploratory well to determine the viability of the well, then we do the development based on what we think the well can produce. If a developer comes in they'll determine that they are going to dedicate the well to the County. The same thing we do an exploratory well. After the exploratory well and we determine the amount of water that can be pumped, then what comes forth is that as Miss...Member Lee conferred is an agreement that comes before the Council to discuss the specifics of that well, the amount of water that could be produced. When Wendy said a million gallon well and she said four hundred and forty some thousand, that's because County standards look at the total production and then we take two-thirds of that production due to pumping time and we take two-thirds of that production due to peak flow, so you start off with a million and you end up, the developer let's say ends up with 440,000. So, there is some benefit right there to the County with, to allow for better, what would be the word, reliability within our system, but then after that we look at the 44,000 and determine how much is going to be...what credits are going to be. So, I think there's going to be benefit to the County and Member Hokama is right we don't know that answer, but that will come forth at a later date and then the Council again has the

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control over looking at that future agreement.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER KAMA: Chair? Chair?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KAMA: It sounds like that the Department might have a formula that they apply to these kinds of situations and if that is the case, it would be nice to know what that formula is because that will be applied to all the other well developments as we go along. Correct?

MR. PEARSON: That's...Member...

CHAIR SUGIMURA: Yes, go ahead.

MR. PEARSON: That's correct. The formula that I described is it's kind of called a two-thirds of two-thirds. So, you do that multiplication and you do two-thirds times a million and then you do two-thirds times that and you get a little less than half. You get like 444,000 gallons. Assuming that the well can pump a million. So, if that was the case for a developer or for anybody that would be the amount of water that we would be looking at for whoever to use: County, State, private developer, whatever. So, in this case because the County and the State are both providing money to drill this well, that's where we'll look at water credits and a percentage of that, for example, 444,000.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Pearson.

CHAIR SUGIMURA: Thank you. Tamara, did you have a question or did I miss you? Sorry.

COUNCILMEMBER PALTIN: Yeah, I just had a clarification I guess upon hearing Member Hokama's concerns. Did the State have any idea of the type of projects that they would need the water for and just to clarify they're not going to be taking this water to Honolulu, it's all going to stay on Maui for the people over here to use right?

CHAIR SUGIMURA: Correct. Correct. Right.

COUNCILMEMBER PALTIN: So, do they have any projects in the pike that they would use this water for that they could share with us what the water use that the State has in mind would be for?

CHAIR SUGIMURA: So, I see Russell Tsuji would like to say something.

MR. TSUJI: I can try to answer that. As I mentioned earlier and maybe you're not familiar with. We have been planning a project out at what we call Pulehunui which is in the Puunene area where the airstrip, is where the County race track is. We have...

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COUNCILMEMBER PALTIN: Is that the one with Munekiyo & Hiraga as your consultant?

MR. TSUJI: Yes.

COUNCILMEMBER PALTIN: Oh yeah, I've met with them.

MR. TSUJI: Yes. And that EIS that we'll be going through. So, that's our, you know, the Department's project. I understand Jeff's Department had sent other, a list of other projects, State projects that were being looked at as well to the Committee. I don't have that in front of me, but I know there were a bunch of other State projects. Yeah, yeah, yeah.

CHAIR SUGIMURA: It's in Granicus.

MR. TSUJI: Yeah.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER PALTIN: Okay, thank you.

MR. TSUJI: I wasn't privy in that list, but I understand there is other projects as well. Yeah, yeah.

CHAIR SUGIMURA: Okay. Good discussion. Any other questions, Members? Okay. So, if no other questions then I'm gonna ask for again the passage and thank you very much, Member Lee and Member Molina, for the first and second. So, this time all in favor raise your hands and say "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: I see Member Sinenci, Tamara Paltin, Mr. Molina, Keani Rawlins, Alice Lee, Tasha Kama, myself. Who am I missing? Did I miss anybody? Oh, where's Kelly King? She's not here then. Okay. So, she's excused.

MS. MILNER: Chair, she's been having some computer issues again. She's able to listen, but can't currently participate. So, she's trying to figure that out.

CHAIR SUGIMURA: Okay. So, can she vote if she can't be here on video, Lesley?

MS. MILNER: She could call in and vote verbally.

CHAIR SUGIMURA: Okay. So, I guess we haven't heard from Kelly then right? Lesley? Okay, at this time all opposed say no. Mr. Hokama. So, that'll be seven "ayes," motion carries and one "no" and one excused. Mr. Hokama.



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here today virtually. I'm gonna share my screen so if you can just bear with me. I just wanted to show you. This is...this item actually came up before the . . . back in 2010 the County did execute a Memorandum of Understanding with DLNR back on December 15, 2010 for the maintenance of Makena Road and the Ahihi-Kinau Natural Area Reserve. The contents of this memorandum basically mirror what we are looking at today in 2020. I just wanted to note that back in 2015, the MOU would only have been effective for five years from the date of execution. As you can see, there has been some time since 2015 for which there wasn't an MOU in place and what we did last year was start working on getting this Memorandum of Understanding continued. If can just...if you can see here, I don't know if you can see the map in front of you?

CHAIR SUGIMURA: Yeah, we can see it.

MS. DAGDAG-ANDAYA: Okay. The natural area reserve is in this boundary here designated in white. And the natural...so the area is from this point here all the way to this point here. There is some pavement that extends out to La Perouse Bay, but the natural reserve area ends at this point here. So, if you take a look at and I'm gonna show you the new MOU, in the highlight, I've highlighted that the DLNR and County would actually be responsible for that portion of Makena-Keoneoio Road that runs through the NAR on both sides of the road. So, the same is here in our portion of the agreement. The County shall provide surface maintenance to that portion of Makena-Keoneoio Road that runs through the natural area reserve. So our responsibility would just be for surface materials or surface maintenance on the roadway. We've been, the County Department of Public Works Highways Division has been, you know, since that MOU was executed in 2010, the Department has been doing surface maintenance in the form of pothole patching. Mainly just pothole patching. And when I asked staff to estimate the costs of maintenance per year, they indicated through historical records that we expend approximately \$3,000 a year on patch hole or pothole patching materials. The County is responsible for surface maintenance. The DLNR would be responsible for maintaining roadside vegetation along the NAR. They would also be responsible for the access. They have control over the parking along the roadway and they also install and maintain appropriate signage as necessary. You know, I mean there's other areas, other items to note in the agreement that the, you know, through this MOU it shouldn't be construed as an admission of ownership over that portion of the road that runs through the NAR and that if there was to be a major capital improvement project, both the DLNR and County would use best efforts to jointly pursue monies available through our respective legislative bodies. So, if ever there was any intention to resurface the roadway through a large capital improvement project, we would have to come in together to find the funding. And at this point in discussions with DLNR, Scott Fretz, the Maui Branch Manager of DLNR, there is no intent at this point to pursue a major capital improvement project on the road. The MOU upon date of execution it would be effective for five years, unless it's cancelled or amended or extended upon written agreement. And, basically those are the major points of this MOU. And as stated before by the Chair, the purpose of this, the bill is to authorize the Mayor to enter into an intergovernmental agreement with DLNR, Division of Forestry and Wildlife. So with that, if there is any other questions or any questions, I'd be happy to answer them.

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CHAIR SUGIMURA: Thank you very much, Rowena. Any questions, Members? I see Mr. Molina then Mr. Sinenci's hand. Oh and Tamara Paltin. Mr. Molina? Oh, and Mr. Hokama. Mr. Molina, Sinenci, Paltin.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair, and good afternoon, Madam Director. I guess at a later point I know you mentioned the costs for the County to currently maintain the road for patching and so forth, did DLNR provide a cost as far as how much it cost them to maintain the roadside vegetation or if we agree to this MOU what their costs will be? And also with this road being near the coast, you know, I'm concerned about has there been an impact statement about coastal erosion and the road and eventually when the, you know, a major capital improvement has to be done, I assume it will be a 50/50 split. So, I'm sorry that's about three questions in one, but can you respond?

MS. DAGDAG-ANDAYA: Sure. And unfortunately I didn't get to ask that question of DLNR about how much it would cost them per year to do their portion of the maintenance and again their portion of the maintenance is vegetation, clearing, signage, maintaining the access points. I'm gonna go back to the screen and I'm gonna share with you the map of the area. If you can see on the map the natural reserve area is this, both mauka and makai. So on the makai portion, it's pretty vast and it's lava rocks. So, it's quite a ways from the shoreline, but this is an area that is protected and one of the reasons for this agreement is to also have that partnership with the County to protect this area and, you know, for the environment. So, but if you can see here it's pretty, as far as coastal erosion, it is any kind of maintenance work that we do, wouldn't have an affect or would have very little affect.

COUNCILMEMBER MOLINA: Okay. That's good to know. So, it's just that portion with all that lava fields I guess yeah. So not, I guess the portions of Makena Road that's near the coastline then yeah?

MS. DAGDAG-ANDAYA: Correct. And if I may I'm gonna share with you another, I don't know if you can see this. This is a Google map of the Ahihi-Kinau area. So, can you see us driving?

COUNCILMEMBER MOLINA: Yeah. Real good.

MS. DAGDAG-ANDAYA: This is what the road looks like. We've done a lot of pothole patching over the years and on both sides it's pretty much lava fields. So, this is what the area looks like. This is looking up mauka and if I can turn this around, this is the makai view or looking makai. Okay.

COUNCILMEMBER MOLINA: Okay. Well, that answers my question on that then. Okay. Thank you. And then at some point we can get that information from the DLNR about what their cost would be.

MS. DAGDAG-ANDAYA: Absolutely.

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CHAIR SUGIMURA: Thank you. Next we have Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Director Andaya. I just had a clarification question. So, the MEU...MOU, excuse me, is just to have the County continue to maintain the road and the DLNR to take care of the shoulders of the road and there are no plans right now for any CIP projects nor is there any funding right now. Is that correct?

MS. DAGDAG-ANDAYA: That's correct, Councilmember.

COUNCILMEMBER SINENCI: Okay.

MS. DAGDAG-ANDAYA: So, in discussions with Scott over at DLNR, Maui Branch, there is no intent right now to resurface the road and, you know, in a way, the way the road is with the bumpiness it serves as a traffic calming so that it, you know, so that people don't drive fast and I can tell you for sure we were driving pretty slow on this road over the weekend. So, yeah, there's no intent right now to resurface it.

COUNCILMEMBER SINENCI: Thank you, Director. Thank you, Chair.

CHAIR SUGIMURA: Thank you, Mr. Sinenci. Next, Mr. Hokama. Do you have a question? And then Ms. Paltin after.

COUNCILMEMBER HOKAMA: I think it's Ms. Paltin's turn, Chair.

CHAIR SUGIMURA: Oh, okay. Ms. Paltin? Sorry about that.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Hokama and Director Dagdag-Andaya. Can you tell me please how many residences live on this road where we're resurfacing?

MS. DAGDAG-ANDAYA: Sure. I'm gonna go back to the Real Property Tax. So, what I stated earlier the DLNR shall be responsible...or and the County for maintaining that portion of Makena-Keoneoio Road that runs through the NAR, the natural area reserve on both sides. So, when you look at the, I'm looking at Real Property Tax and so there's this . . . this is generally the area on both sides. So both sides, this one, this area, this parcel here is State DLNR. And then this parcel here is also State DLNR. So, when you look at the definition where it says that portion of Makena-Keoneoio Road that runs through the natural area reserve on both sides of the road. So, there are some private properties beyond the natural reserve area. If you can take a look here. Like right here that's a private property. I believe this one here is I think both State and Ulupalakua Ranch, but the...when you look at the definition, it has to be on both sides of the road.

COUNCILMEMBER PALTIN: Okay, so, you know, I'm not sure why we're doing this. Why are we improving access to a natural area reserve? What we've been seeing is with this shutdown or whatever of the past two months, a lot of the fish are coming back, the ocean's never look so clean without that slick of sunscreen on it, why would we pay

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money to make access better for tourists to go to a natural area reserve when we can't do that for Hui F Road? We can't do that for Nahiku Bridge. We have given enough money to the tourists. They can do this themselves. I'm not for this at all.

CHAIR SUGIMURA: So, I hear you.

COUNCILMEMBER PALTIN: Yes.

CHAIR SUGIMURA: So, I just want you...I got a text from a fisherman who is watching this and he is saying it's not only for visitors, but there are local fishermen, fish women who fish too that, you know, are . . . enjoy the area. So, I just wanted to broaden the discussion. Ms. Rowena Dagdag, do you have any comments on that?

COUNCILMEMBER PALTIN: But we're putting this road ahead of Hui F Road, ahead of Nahiku Bridge where we have people that have been paying high property taxes for many years and they're not getting any relief and it's...semantics may be different, but the situation is the same. Nobody is claiming these areas. I mean, it's not realistic for the court to go and fill potholes on Hui F Road. So, why are we now filling potholes for this natural area reserve?

CHAIR SUGIMURA: Conservation.

COUNCILMEMBER PALTIN: I'm not for increased access to take.

CHAIR SUGIMURA: Okay, so . . .

COUNCILMEMBER PALTIN: I mean, we should go slow.

CHAIR SUGIMURA: Rowena, do you have any comments on that?

MS. DAGDAG-ANDAYA: You know the only comment that I have is that, you know, we've been participating in this memorandum or the maintenance of this road for some time now and this is a natural area reserve more than just for tourists, but for all people, so there is an actual program under Department of Land and Natural Resources, Division of Forestry and Wildlife. On my screen is just information about the natural reserve area and, you know, that's...and the trails and the different points and cultural sites that are not just enjoyed by the tourists, but by all people who visit the area. So...

COUNCILMEMBER PALTIN: And I guess I'm wondering have you seen the management during peak periods, how well the State actually does manage access?

MS. DAGDAG-ANDAYA: Right. And that was the question that I had for Scott. When I talked to him earlier today I asked if they were going to be engaged in a management plan for the entire Makena area which includes the Makena Beach Park, or, you know, Big Beach, the Makena State Park and that he said that they were, you know, they were in the beginning stages of working on a plan similar to what Kauai has done for Haena State Park. The area that we are focused on doesn't include Big Beach or, you know,

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Makena State Park. This is just the natural area reserve. So, as far as managing the area, my understanding is DLNR is in the beginning stages of preparing a management plan, and then another thing I also offered to Scott was that once they start, you know, once they move forward in those discussions about the management plan that we'd be happy to assist, or you know, be able to provide our input on what we've seen thus far.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Good questions. Rowena, who is Scott?

MS. DAGDAG-ANDAYA: Scott is the Maui Branch Manager for DLNR, Division of Forestry and Wildlife.

CHAIR SUGIMURA: Oh, okay, okay, not Teruya.

MS. DAGDAG-ANDAYA: And unfortunately, he couldn't...yeah, he couldn't be on the call. I, yeah, I gave him the information, but I understand there's, you know, there's some, yeah, just issues with time, so.

CHAIR SUGIMURA: Okay. Thank you. Rowena, you have any other...I'm sorry, Tamara, you have any other questions?

COUNCILMEMBER PALTIN: Not at this time. Thank you so much.

CHAIR SUGIMURA: Okay. Mr. Hokama and then Ms. Kama.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chair. Thank you, Department. Yeah, and again yeah, I know this is a special area, you know, from the State's perspective this is the first national reserve...natural reserve in the State and it's the first I think and maybe the only reserve that has both aina and kai included in a reserve. And so . . . *(inaudible)*. . . interesting that I need to ask this question yeah, in the exhibit that we were given, one of the first one states that on June 29, 1973 that's Executive Order 2668, establishes NARS and then the next paragraph State Executive Order 2998 that excluded the road from the natural area reserve. So my question was in the original and initial executive order, was the road included as part of the reserve?

MS. DAGDAG-ANDAYA: That's a good question, Councilmember Hokama. And I, you know, I did see that as part of the MOU, unfortunately I don't have that answer for you.

COUNCILMEMBER HOKAMA: Okay. And, again, you know, in the early '70's I would say, what was that, maybe Governor Ariyoshi time, more than likely, but at that point in time with the Land Use Commission and everything else going on, I cannot see the State designate an area reserve including the road that they didn't have control of or it had decided about ownership and that some smart Attorney General later on said we better exclude the road. But I find it interesting that maybe we need to go and bring back that first 2668 order and verify what was the, whether or not the road was included in the original designation of the reserve. Because that would make sense if the verbiage is

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the doctrine which is to exclusively manage and protect the natural resources of that region. Exclusive. So, they must have been given the type of authority for the exclusive management over the land and the ocean. So, that is my point, Chair, that I need some departmental or a legal response for the Committee please if you would consider that.

CHAIR SUGIMURA: Yeah. Thank you.

COUNCILMEMBER HOKAMA: Other than that, you know, again it maybe not to the same degree, but I agree with Ms. Paltin about minimizing general access because it's a special area and a reserve, but I also need to know is that road also a designated evacuation route under certain conditions. And maybe EMS, MEMA, or Police or Fire can respond whether or not it is a designated evacuation option for us. Thank you, Chair.

CHAIR SUGIMURA: Okay. So, I guess did you want Corp. Counsel to weigh in on that, Mr. Hokama? Did you want us to ask, or look into this?

COUNCILMEMBER HOKAMA: Yeah, if they can give us a comment. If they can give us a comment that would be fine, Chair.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER HOKAMA: I leave it to your discretion.

CHAIR SUGIMURA: Okay. So, Jen Oana, did you hear the question from Mister...or Mr. Hopper, one of you?

MS. OANA: I don't have information as to executive orders, but maybe Mr. Hopper does.

CHAIR SUGIMURA: Okay, Mr. Hopper?

MR. HOPPER: I don't have that specific information on the executive orders. The emergency route issues, I would agree would be for some departments that would maybe have that information. The history of the executive orders, I'm not sure. I'm sure the Committee could get...ask the State to provide those executive orders and review them, if they're not there. And I apologize I didn't work on this agreement, but I'm familiar with the issue in general. So, I offered to attend the meeting and assist. But yeah, we would need to get the executive orders for a full history of that if that's the Committee's request.

CHAIR SUGIMURA: Okay. Thank you. Mr. Hokama, any other questions?

COUNCILMEMBER HOKAMA: Just clarification for Ms. Dagdag. So, the amount you spend annually for those \$3,000 or so, you're just taking it out of your Highway Maintenance Fund at this time?

MS. DAGDAG-ANDAYA: That's correct. Yes. It's no CIP, it's just regular road maintenance operations funding.

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COUNCILMEMBER HOKAMA: Okay. Thank you very much, Director. I appreciate the response. Thank you.

MS. DAGDAG-ANDAYA: Thank you.

CHAIR SUGIMURA: Thank you. And, Ms. Kama, did you have a question, Ms. Kama?

COUNCILMEMBER KAMA: Yes. Thank you, Chair. So, question for Ms. Dagdag, so, when the weather's really bad and it rains a lot, what are the conditions of the road like?

MS. DAGDAG-ANDAYA: Well, it is a really bumpy road and staff had mentioned that they tried to go out there proactively, but when the conditions do get bad and some of the road, or the potholes appear, DLNR will call our office to ask for assistance in the pothole patching. So, they'll go out there after the rain and do any necessary patching. I think there was one work order where they had to patch 200 holes, but those are like really small potholes that had to be patched.

COUNCILMEMBER KAMA: So, when people drive on the road whether it's good or bad and let's say they're just fishermen going out there to fish or lay net or something like that, what kind of a toll does it take on the vehicle?

MS. DAGDAG-ANDAYA: Well, we took our vehicle, our personal vehicle out there, and it is a pretty bumpy road. We did have to drive really slow. I'm gonna pull up the map again or the photograph, but as you can see, you know, it is pretty bumpy along this portion. I'm gonna go back here. So, a little pothole right there. But that generally this is the kind of condition. It's...if you are familiar with the back road to Hana, in some portions, I think this is a little bit better, but it does tend to slow a driver down, so.

COUNCILMEMBER KAMA: And what was the intent of the road? I mean, why is the road there?

MS. DAGDAG-ANDAYA: I'm not sure about the intent, but I would assume that the road is there to provide access through the national reserve area and to also, there are some private properties at the end. My understanding is that there is Ulupalakua Ranch has some land over there. There's some additional DLNR lands and there is some private properties. La Perouse Bay is in that area there. So, State DLNR does have an area for parking and access to that portion.

COUNCILMEMBER KAMA: So, do you know why that road was not part of the area reserve and the fact that nobody wants to claim any type of kuleana or jurisdiction on that road so that it just kinda of like hangs out there all the time and we have these back and forth discussions about to repair or not repair?

MS. DAGDAG-ANDAYA: No, I'm sorry, I don't, yeah, I don't have that information.

COUNCILMEMBER KAMA: Okay. So, do we think we're gonna resolve this at any point in time in the future so that we can figure out somebody has to take care of it, or we're

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gonna keep doing this all the time. I mean, I think \$3,000 is probably a very small fee to pay for that, but over time it gets expensive and over time if we want to be able to prohibit people from going, we should make a decision about we're either gonna do it or not do it and not get hung up with something like this all the time. So, that's just my thoughts, Chair. I don't have any recommendations. I don't have any answers, but I think we should resolve the issue and get to the bottom of the executive order, see what it says, and maybe it was just something somebody left out about...well maybe there wasn't a road when the EA was done. Executive order, I'm not sure. And maybe nobody thought it was important enough to think about a road. I don't know. But certainly this will come back I'm sure. Thank you, Chair. Thank you, Ms. Dagdag.

MS. DAGDAG-ANDAYA: Thank you.

CHAIR SUGIMURA: Thank you. Mr. Molina, but before I call on Mr. Molina I got another text from the fisherman saying that they don't fish at the reserve, they just drive through. I don't want people to think --

COUNCILMEMBER KAMA: Oh yeah, yeah, yeah.

CHAIR SUGIMURA: --that they are there --

COUNCILMEMBER KAMA: Yeah, they got at the other end.

CHAIR SUGIMURA: --not recognizing, yeah, the importance of the land. So, Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm not sure what your intentions are for this item today, but based on the amount of requests for information from the State, I'd hope that you consider deferring this item and then we can get all that information back from the State and I think Corp. Counsel also sounds like they need some additional clarification. So, just my thoughts. Thank you.

CHAIR SUGIMURA: Yeah. Thank you. I think that's a good recommendation. So, the kind of questions that I have for DLNR is the costs that they've been maintaining or having to pay, as well as ours. Rowena did some research, so I appreciate that. And the other question for DLNR is about their management plan. Sounds like they're working on it and where are they and we would like to hear about their status or...and then, Riki's question regarding the Memorandum of Understanding which is in 1978 was it, anyway, to get more information about this road and --

COUNCILMEMBER PALTIN: Seventy-three.

CHAIR SUGIMURA: --intent of that. In 1973. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I did want to add, you know, Member Paltin brought up, if there are any rescues, if we can get . . . if the area is prone to emergency services or rescues at the end of the road.

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CHAIR SUGIMURA: Oh that's right. Yeah. Sorry about that. Yes.

COUNCILMEMBER SINENCI: If fire is...and if the road has ample places in it to turn around. I know there's parking at the end, but I don't know if it's a one-lane road and emergency vehicles can access. Thank you, Chair.

CHAIR SUGIMURA: Okay. Yeah, we'll add that to our list of questions and then we'll try to schedule this when we can get DLNR present. So Tamara and then Keani Rawlins-Fernandez.

COUNCILMEMBER PALTIN: I can yield to Member Rawlins-Fernandez if she hasn't spoken, because she hasn't spoken yet. I just wanted to clarify the information, but I can wait.

CHAIR SUGIMURA: Okay. Thank you. Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Okay, just quickly. Aloha, Director Dagdag-Andaya. Mahalo for your presentation and mahalo for pronouncing the wahi inoa, our case names correctly. I really appreciate that and my understanding it's not La Perouse Bay, it's Keoneoio Bay; that's the correct name of the bay. I don't know if they wanted to rename that. So, couple questions. One, how many lane miles is this?

MS. DAGDAG-ANDAYA: This is...it's generally a little over two or a little less than two miles.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. DAGDAG-ANDAYA: And lane miles, I would say about four, or you know, it's pretty narrow. So, if you're looking at the pavement width, I'd say it's about like, you know, it varies from I want to say like 18, maybe 15 to 20 feet in some areas for about a little under 2 miles.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And I was trying to find it on the MOU, how long is the MOU good for?

MS. DAGDAG-ANDAYA: The MOU is good for five years and it's located on Page 2 under Item C, No. 5, C5.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, there I see it. Okay. Mahalo. Okay. And, for the resolution, and anywhere else that we have . . .*(inaudible)*. . . to make a change, can we add diacriticals? 'Cause it seems like people are struggling with the pronunciation of the words. It's `Āhihi - Kina`u and Keone`ō`io. `Ō`io is the lomi `ō`io fish that everyone, you know enjoys eating. `Ō`io . So, it's the `ō`io sands, or sandy `ō`io. Mahalo.

CHAIR SUGIMURA: Thank you, Ms. Rawlins-Fernandez.

MS. DAGDAG-ANDAYA: I believe the diacritical mark for Kina`u is facing the wrong way. So....

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COUNCILMEMBER RAWLINS-FERNANDEZ: The `okina is definitely facing the wrong way. It's an apostrophe and I believe there is a kahakō over the "i."

CHAIR SUGIMURA: Very good. Any other questions? So, Members, Mr. Molina is correct, there's a lot of good...oh, I'm sorry, Tamara, that's right you had a question.

COUNCILMEMBER PALTIN: So I just wanted to clarify on the management plan some of the questions are is there an estimated timeline for when that will start the process to make the management plan and an estimated time for when the management plan will be completed and if they have contracted with a consultant to make the management plan or if they are planning on doing that in house for the management plan of the area? I know...

CHAIR SUGIMURA: Status, right?

COUNCILMEMBER PALTIN: Yes and we have had some rescues there. Mostly they go by jet ski. You know if...those types of areas like for Honolua Bay and like that, there is a mini truck so they wouldn't take the full ladder apparatus in, they have a mini and, you know, if time is a factor, there's Air One comes in and they have like a Billy Pugh net, but generally speaking the fastest way to get there is jet ski or helicopter. But yeah, for me, I think, you know, to do this is to put the cart before the horse. That area has been as a natural area reserve like many of our marine life conservation districts get loved to death and to promote easier access before a management plan is in place is like putting the cart before the horse. And during this pause having seen how much all the ocean is coming back, I think we should recognize that and be firm that, you know, our natural area reserves, our marine life conservation districts needs to be stringently managed so that they can be preserved as natural area reserves, rather than exploited and ease of access for multitudes of people with no plan for management. Thank you.

CHAIR SUGIMURA: Thank you. Okay, Members...oh, Keani you have one more question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick one and I know you said that you would reschedule this when we have DLNR so it's a question for DLNR, with regards to enforcement. How many DOCARE officers are assigned the area, for when they come. Mahalo, Chair.

CHAIR SUGIMURA: Thank you. Any other questions? Good discussion, Members. So, I'm gonna defer this for another meeting when we can get DLNR here to educate us. Rowena, thank you very much for all the research that you did on this item.

MS. DAGDAG-ANDAYA: Thank you.

CHAIR SUGIMURA: So, I'm gonna defer this for later.

COUNCILMEMBERS: No objections.

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**COUNCILMEMBERS VOICED NO OBJECTIONS**

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR SUGIMURA: For the previous...

COUNCILMEMBER RAWLINS-FERNANDEZ: No objections.

CHAIR SUGIMURA: Thank you. For the previous item if I didn't say it I'm gonna file County communications that are related to that item which is County Communication 20-227 and 20-197 if I didn't say it earlier. So, that's for the...

COUNCILMEMBER RAWLINS-FERNANDEZ: No objection.

CHAIR SUGIMURA: Thank you, for the previous item.

**ITEM WIT-25: MAUI ISLAND WATER USE AND DEVELOPMENT PLAN (CC 19-162)**

CHAIR SUGIMURA: Next we have the last item on our agenda, I think Mr. Hokama might have another appointment so he might excuse himself after some period of time. But the last item on our agenda is the Maui Island Water Use and Development Plan. Members, if you remember we took this up, Member Lee as the Chair of this Committee took it up last year. And then I took it up for two meetings in January and I would like to complete this which we have until the ending of this year to complete it. All of us took a mini break for Keani Rawlins-Fernandez for our budget meetings and so now we're back in motion and I wanted to ask the Department to just kind of refresh our memory on this, to give us a brief summary, and but I'm gonna dive into it in more detail in the meetings ahead in June. And I hope to finish this so that we can, it can be utilized and sent off to CWRM for final approval. Also, as you know, that Lanai plan has been approved before they took up the Maui Island Water Use and Development Plan and, Keani, once this is done, then Molokai plan, they'll be working on Molokai. Yeah. So, that's how important it is that we kinda keep this moving forward. I did hear what Dick Mayer said in testimony. So, the Department we can, you know, talk about that later. So today, if the Department just could give us a brief summary of this. They did do a PowerPoint presentation and I believe that is Eva Blumenstein, oh, Mr. Pearson, do you want to give us a brief summary of the...where we are on the Water Use and Development Plan, like five minutes, and then we can, you know, continue this in the June meetings.

MR. PEARSON: Oh I can . . . thank you, Member Sugimura. Yeah, I'll be brief on the brief summary. So, Eva just put this eight-slide presentation together just to kind of, as you said, kind of remind everybody of where we're at and what we're doing and this will help. I this will kind of kick start when you get back to your Committee in June hopefully to move fruition of this. So, I'll just let...I see Eva there. I haven't heard from her yet. I see her camera off.

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MS. BLUMENSTEIN: . . . can you hear me?

CHAIR SUGIMURA: Yeah, here she is.

MR. PEARSON: There we go. Okay. So, I'm gonna just pass it over to our Water Resource and Production Division Head and let her go ahead, unless you want to say something else, Member...Chair?

CHAIR SUGIMURA: No, I'm fine. So, Eva, you know, thank you very much for all the work that you've done for these volumes and volumes of chapters regarding the Maui Island Water Use and Development Plan and just kind of briefly just give us where we are and then we'll continue this in June. You don't have to go through, you know, like your normal great presentation. So, thank you for doing this.

MS. BLUMENSTEIN: Sure. Do you want me to share the screen or just kind of...

CHAIR SUGIMURA: You can. You can if you . . . yeah, it's up to you.

MS. BLUMENSTEIN: Yeah.

COUNCILMEMBER KAMA: Yeah, share the screen.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Thank you.

MS. BLUMENSTEIN: Okay. We are here. All right, yeah. I'll be really brief. I don't want to be a broken record here. So we have started public hearings, did all the public process through 2016 to 2018. We submitted a plan to the board in August 2019 and then subsequently they approved it, submitted it back to us and so you Council received our draft in March of 2019. And after this, if the Council adopts it then it needs to go to CWRM for final approval. So, once we get through Maui island, we want to move on to Molokai. And this is the Council meetings for the different parts of the plan, so the recap from Chapters 1 through 16, that's how far we've gone. We did part one in early 2019 with the WAI Committee. We went through part two that same year and then we just got into the first three chapters of the part three which is the regional plans. So, we ended in the end of June with Central and Koolau. So, maybe we can continue in June. We can do two chapters at the same time. I'll explain in the next slide. It makes sense to combine some of them. So, we could do Hana and Kahikinui and the last one will be Lahaina, Chapter 19. So, yeah, I was also listening to Mr. Mayer's testimony. So, we have a specific approach and methodology to the plan that we have to follow from the State Water Code. It is based on hydrologic units. So, we have it divided by this colored aquifer sectors. There's many other requirements, of course there's State Water Code and Maui County Code so we can't really deviate from that. It has to be consistent with the Maui Island Plan, the adopted community plans. It needs to allocate water

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resources to land use. It also is not DWS-centric, it has to apply to all water uses and users, potable, non-potable, et cetera. So, it's not a specific plan for the departments. It's not our CIP plan. Part two that we reviewed earlier in the year, we went through the island-wide issues. Water resource adequacy and demand for...on the island as a whole, but we kind of had to dive deep into the different regions because there's obviously, there are resources that are shared between regions. So, to meet island-wide demand, we really rely on transfers between different aquifer sectors. This is just a snapshot of demand by 2035 on an island-wide basis. So, we went through in part two. Part two also addressed the island-wide water resource strategies which were a lot of the issues and solutions to them that apply island-wide. Conservation may not be specific to an area, water shed management, et cetera. So, we went through island-wide resource strategies and then again those are refined for the individual regions in part three. The strategies for each aquifer sector, each chapter is divided into resource management strategies which is conservation, watershed management, water quality management, conventional water source development, that's kind of what you think of developing wells or surface water. And it also looks at alternative water sources so that's recycled water, stormwater reuse, et cetera. So again, the aquifer sector is the hydrologic units that we cannot really deviate from. It has to be some form of hydrologic unit per State Water Code. And so, we started with the orange one, Wailuku, and because the Department's central system, you can see the light blue line spans from all the way North Waihee out to Paia, Kuau and down south to Makena. Obviously that spans multiple community plan boundaries and aquifer sectors. So, in the Wailuku Aquifer sector, we did address the Central system as a whole, recognizing that there's transport of water resources and demand is spread throughout the two regions. Then we did Chapter 15 and 16 at the same time. That was Central and Koolau. That was the last meeting we had in, on January 22<sup>nd</sup>. We addressed the Upcountry system as a whole. That's the dark-blue lines. You can see that also spans from the bright green Koolau Aquifer sector. That's where most of the water sources for the Upcountry system originates and then it spans through the brown aquifer sector of Central, even a little bit into Kahikinui. So, we do recognize both water, natural water and planning boundaries, they are not synchronized. So, we're just kind of doing our best to address the systems and the strategies as a whole. So, in Chapter 15, Central system, that's where you find sort of the summary of East Maui, contested case, the demand for the Upcountry system as a whole, the Upcountry water meter waiting list, and then in Koolau we addressed water demands specifically within Koolau. So, the export and import of water addressed in both those aquifer sectors and chapters. So, in June I hope that we could consolidate Hana and Kahikinui. That's the purple and the gray aquifer sectors. They share the same community plan. And then last would be Lahaina, Chapter 19, which is the last chapter of the plan. Where the community plan and the hydrologic unit actually coincides.

CHAIR SUGIMURA: Okay.

MS. BLUMENSTEIN: Also, we would like to address some of the outstanding issues that were...main water resource related issues that happened after we submitted the plan to Council in March, actually after we submitted the plans to the board in 2018. We have not modified whatever the board recommended us to do, to address some of those major

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changes, whether that is Mahi Pono, acquiring HC&S lands, some of the contested cases that have been resolved and whatnot. So, we are ready to do that and incorporate it, but it's not in the current plan because we have submitted a bill for an ordinance with the March 2019 plan attached, but I'd be more than happy to do that.

CHAIR SUGIMURA: Okay. So, Members, anybody have questions for Eva? I see, oh, Tasha. Ms. Kama?

COUNCILMEMBER KAMA: Yes. Thank you, Chair. So, Eva, you know on part three on your regional branch, on the map in the gray? You have these kind of like two squiggly lines. They kind of like border Kaupo and I guess it looks like Kahikinui. So, what are those blue squiggly lines that borders Kaupo, Kapahulu [sic] and I guess must be Kahikinui?

MS. BLUMENSTEIN: Are you saying the kind of purple lines?

COUNCILMEMBER KAMA: Between the purple and the gray there's a blue line? What are those blue lines again?

MS. BLUMENSTEIN: The blue, well the blue there is tanks and the service lines are sort of purple.

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: In the purple area.

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: Yeah. So, blue is tanks. Purple is pipelines.

COUNCILMEMBER KAMA: What is the purple?

MS. BLUMENSTEIN: Pipe. Water pipe.

COUNCILMEMBER KAMA: Water pipes? So, the blue is tanks. And where do the tanks serve? What community do those tanks serve?

MS. BLUMENSTEIN: The Kaupo community.

COUNCILMEMBER KAMA: The what?

MS. BLUMENSTEIN: We're talking about the ones in Kaupo?

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: Yeah. So, that would be the Kaupo community.

COUNCILMEMBER KAMA: So you have one, two, three tanks?

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MS. BLUMENSTEIN: They are not owned necessarily by DWS, but I believe there are three tanks. This is not a system schematic with the details, so you don't see all the details of the system though.

COUNCILMEMBER KAMA: Right. That's why I'm asking. Because I don't see those details. So, who is on that water system? Who gets water from these tanks?

MS. BLUMENSTEIN: The residents of Kaupo and Kaupo Ranch.

COUNCILMEMBER KAMA: The residents of Kaupo and Kaupo Ranch?

MS. BLUMENSTEIN: Yes.

COUNCILMEMBER KAMA: Do you know what the population is out there?

MS. BLUMENSTEIN: Not off the top of my head.

COUNCILMEMBER KAMA: Does the community of Kahikinui...I'm sorry.

CHAIR SUGIMURA: Mr. Pearson? Mr. Pearson, do you have an answer for that?

MR. PEARSON: Yeah. I think there's...this is the Director, I think we have about 35 meters and as Eva said, it's for Kaupo Ranch and the residents out there. The source comes from the ranch. It's non-potable, but for some reason 50-some years ago, they asked Water Supply to help meter that. So, we deal with the meters and the distribution system and Kaupo Ranch provides the non-potable source.

COUNCILMEMBER KAMA: So, the land in which your tanks are on, those tanks that belong to what, Kaupo Ranch?

MR. PEARSON: That's correct.

COUNCILMEMBER KAMA: And it's in the gray. Correct?

MR. PEARSON: Yeah, yeah. I guess. It looks like it's on the gray one. Yes. So...yes. And it's Kaupo Ranch's tanks. They'll maintain them. Again, they put the potable water in from...they have a diversion that's way up on the mountain that they have for their source.

COUNCILMEMBER KAMA: Okay. Well, thank you. Thank you, Chair. Thank you, Mr. Pearson.

MR. PEARSON: You're welcome.

CHAIR SUGIMURA: Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. I just had a --

CHAIR SUGIMURA: Mr. Sinenci?

COUNCILMEMBER SINENCI: --clarification question. Yeah. Thank you, Chair. So, Ms. Blumenstein, so you mentioned that we're following the regional plan. So, East Maui, Hana is with Kahikinui. However, it looks like you go back to your plan that Hana also goes into the Nahiku area up to Waikamoi. But you mentioned the Koolau district will be part of the Upcountry district. Is that correct?

MS. BLUMENSTEIN: So, we addressed, the aquifer sector, Koolau was addressed together with Chapter 15, the Central Aquifer sector. So, the Koolau Aquifer sector, eastern boundary is Makapipi Stream. So, we have not addressed Hana. So, Makapipi Stream and East we would be addressing next.

COUNCILMEMBER SINENCI: But it'll still be under the Hana regional plan? Is that correct?

MS. BLUMENSTEIN: Yeah, so the Hana Aquifer sector and Kahikinui Aquifer sector I was proposing consolidating those just in one meeting. Addressing both of them. So, you can see on this map the red is the community plan boundaries. So, the Hana Community Plan spans Koolau, Hana and Kahikinui Aquifer sectors or portions of them.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Any other questions for the Department? Okay. Mr. Pearson or Eva, you want to say anything? I'm gonna close out this section.

MS. BLUMENSTEIN: No, we look forward to the next meeting.

MR. PEARSON: Just as Chair said, you know, we look forward to moving ahead on this and getting it to a place where the Council can make a decision and we can get it to CWRM. Dick Mayer I think brought up some good comments and I think we could go into some more detail, but that doesn't have to be as part of this effort and we can still, you know, meet some other concerns that Chair may have, or even other residents that makes sense, as far as evaluating this in a better detailed matter. But hopefully we can move forward on this and get to its fruition.

CHAIR SUGIMURA: Okay. Thank you. Eva, do you have anything? Yes.

MS. BLUMENSTEIN: Yeah. Thank you. I just want to remind you, I mean, I understand also and I hear what Mr. Mayer is saying in terms of more specific Department-centric plans, but we have to address all the users and uses. Although each plan does include sort of like a micro plan for the Department system. Back in 2009 when the Central District plan was passed by Council for the Department system only, that plan was rejected by CWRM because of that very purpose. So, I'm not trying to be irritating. I'm really just trying to meet the State Water Code.

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CHAIR SUGIMURA: Thank you. Yes. I do remember by reading your document that was a problem. We had to go back to CWRM and get them to approve. So, thank you. Ms. Kama, you have a question?

COUNCILMEMBER KAMA: Yeah. Last question, Chair. I was just wondering. So, has the Department looked at the Kahikinui regional water development plan and have you incorporated that into your chapters?

CHAIR SUGIMURA: Department?

MS. BLUMENSTEIN: The DHHL plan?

COUNCILMEMBER KAMA: Yes.

MS. BLUMENSTEIN: For Kahikinui? Yes. The Water Use and Development Plan incorporates the 2017 State Water Projects Plan for DHHL.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Thank you. Any other questions, Members? Okay. Seeing none, so I'm gonna defer this. We'll take it up again at the next meeting, Eva and Jeff Pearson.

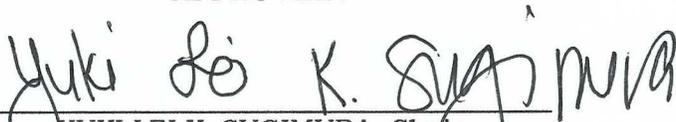
**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR SUGIMURA: And so at this time, Members, we have come to the end of our meeting. Thank you very much for a good discussion. We'll bring back the item number, the second item back once we get DLNR able to join us for the meeting and to answer the questions that you had. They were good questions. So, at this time, Members, the meeting is adjourned. . . .(gavel). . .

**ADJOURN: 3:09 p.m.**

APPROVED:

  
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YUKI LEI K. SUGIMURA, Chair  
Water, Infrastructure, and Transportation  
Committee

wit:min:200518:ta

Transcribed by: Terianne L. Arreola

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I, Terianne Arreola, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 29<sup>th</sup> day of May, 2020, in Makawao, Hawaii

  
Terianne Arreola