

County of Maui Water  
Supply

BOARD OF WATER SUPPLY, COUNTY OF MAUI  
OPERATIONS REVIEW COMMITTEE MEETING  
PUBLIC HEARING

Taken at the Hannibal Tavares Community Center, Main Hall,  
Pukalani Street, Pukalani, Maui, Hawaii, commencing at  
6:15 p.m. on February 21, 2001.

REPORTED BY: GLORIA T. TAVARES, RPR/CSR #262

ATTENDANCE - Operations Review Committee Meeting  
February 21, 2001

Members present:

Jonathan Starr, Chair

Mike Nobriga

Orlando Tagorda

Clark Hashimoto

Staff present:

David Craddick, Director

George Tengan, Deputy Director

Fran Nago, Board Secretary

Shirley Falcon, Clerk

J.D. Kim, Corporation Counsel

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CHAIRMAN STARR: Good evening. I would like to  
welcome everyone to the meeting tonight. I would call the  
meeting to order. This is the Operational Review and  
Evaluation Committee of the Maui County Board of Water Supply,  
and I would like to thank everyone for coming. We have a full  
agenda tonight so I don't want to waste any time.

My name is Jonathan Starr, I'm the chair of this committee. I have committee members Orlando Tagorda, Mike Nobriga, and board member Clark Hashimoto is also with us, and Corporation Counsel J.D. Kim. Fran Nago, our hard working illustrious board secretary is in back signing people in. We also have the director of the Department of Water Supply, David Craddick and quite a few of his staff have come.

And I do want to before we start just set a couple of ground rules. We have a lot of people signing up to testify so I'm going to limit testimony to three minutes and I'm going to ask people to please be as brief as possible. We're going to take testimony in basically the agenda order and so we're going to start with the nature conservancy item.

And before we do that, I just do want to mention that when the board committee -- we're not empowered to act, this committee, we're empowered to go back to the full board in an advisory capacity, and then the full board is the organization responsible for actually doing any action. And on this item where we have already approved the funding, but people did want to be able to make comments in a public venue, so we're happy to provide the venue for that.

Anyway, I would like to bring up our first testifier of Annes Lyons. He's from the nature conservancy. He is going to give a short presentation, the same three-minute time limit, but he is going to tell us about the program.

ANNES LYONS: Thank you, Jonathan, and committee members. My name is Annes Lyons, I'm the director of the nature conservancy's Maui field office. And I appreciate everyone coming here tonight to discuss this very important issue of watershed management.

I would like to point out that the Nature Conservancy -- rather, I was born and raised on this island and, in fact, here in Makawao, in the Pukalani area, and over that time have developed a love, a great love for this island and the people that live here. Likewise, I've developed a great love for our native plants and birds. That is why I have the job that I do, and that's why I do the watershed and forest protection that I do.

The Nature Conservancy does work which is based on at least a hundred years of intuition and now 30 to 40 years of hard science that feral animals introduced to Hawaii are doing grave damage to the collecting ability of our watersheds. This

watershed that provides you, the Upcountry public, your water.

Likewise, our management practices are based on strong scientific studies that have shown that combination of fencing, hunting, and snaring are necessary to reduce our watershed areas to zero populations of feral animals. This is really the only way that we're going to assure the long-term viability of our native forests and it's the only way that I can assure you a long-term source of fresh drinking water.

For this reason, I feel that the Board of Water Supply and the nature conservancy should have a long-lasting and strong relationship. We have very similar values in the protection of our watershed and we can certainly compliment each other over the years. Thank you very much.

CHAIRMAN STARR: Thank you. Members, if you have any questions of any testifiers, just let me know. Next we have Christina Hemming, who will be followed by Elliott Krash.

CHRISTINA HEMMING: I'm Christina Hemming. I guess for this feral problem that seems to be happening, I don't know if it really is, one of the things I wouldn't really support is the catching of pigs through the snaring. I don't think it's very kind to animals. Although there probably is a better way of trapping the animals than snaring by the neck.

And also in the regards to fencing in the watershed area, the fencing should not be treated with any kind of chemicals like arsenic based chemicals or other kind of PCB wood treatments that they usually use for fencing since it's in the watershed area. So I would like to encourage the water board to look at other kinds of steel or iron or something that's not made with the plated uranium.

Also, that maybe there should be hunting activities that, I don't know, that are more religiously oriented to go in, get the animals, and do it in a more sacred way. Thank you.

CHAIRMAN STARR: Thank you. Elliott Krash followed by Ronald Nagata.

ELLIOTT KRASH: Good evening, Chairman Starr and members of the board. My name is Elliott Krash, I'm speaking on behalf of the Kula Community Association. First of all, we want to say thank you very much for holding this meeting up

here in the evening so that the residents who have been most affected for so long by this water situation will have the chance to share their concerns and their suggestions.

We're hopeful that by focusing on a few of the most important issues, the protection of our watershed, meter issuance and the meter priority list, we'll be taking that important first step towards developing some comprehensive and equitable policies governing these areas.

Following our Kula Community Association positions on the agenda items before you tonight, and these are based on our positions, statements that we adopted about a year ago in our community association. Also included are a few suggestions related to each of these items.

First item, the East Maui watershed protection agreement with the Nature Conservancy. The KCA supports the Board of Water Supply funding for the Nature Conservancy watershed protection program. The management of the watershed is essential in protecting the source of our Upcountry water supply, as Annes just explained.

And we agree that you need to continue to require an annual review with public notification, public comment, and that we need to insure that the nature conservancy continues to promote the various means of controlling the animals and working with the other groups that have an interest in the forest, the animal welfare groups, the hunting groups.

Second issue, for the meter issuance policies, the KCA supports the current Board of Water Supply rules and regs that specify that meters shall not be issued unless there's sufficient supply to meet the needs of current users for fire protection, domestic needs, and irrigation. We believe this is essential to the health and the safety and the economic viability of the region. Without water, there's no farming; without farming, no food.

We urge the Board of Water Supply to not issue meters until there is sufficient supply during periods when there's low rainfall, periods when it's hot, periods of peak demand and periods when the levels in the reservoirs and the ditches are low.

Some of the suggestions that we have are: the limits need to be specified in quantifiable terms so we can all understand when new meters can be issued; that you need to continue doing what you are already doing so well this year in keeping the water flowing to us. Using such strategies as the

pumping, working towards increasing the storage, improving the system, digging wells, and exploring some of the other options that are out there.

We feel strongly that no to issue -- no meters should be issued to any individual until there are formally adopted rules on meter issuance policies. And again, we encourage you to do what you are doing tonight, which is collecting community input and involving all the stakeholders in the process of developing the guidelines.

The third item I would like to comment on is the priority list for meters. We support the priorities that are stated in the Makawao, Pukalani, Kula community, Upcountry plan. These priorities give agriculture and Hawaiian Homelands the highest priority for allocation of water resources. They were identified by a broad-based group of citizens and they are specified in the county general plan -- it is specified in the county general plan that all agencies must comply with the community plans.

CHAIRMAN STARR: That's three minutes. Can I ask you to come back?

ELLIOTT KRASH: I'm finished, that's it. Thank you.

CHAIRMAN STARR: Thank you. We did receive written testimony as well from the association. Next is Ronald Nagata to be followed by Christy Martin.

RONALD NAGATA: Thank you very much. My name is Ron Nagata. I'm the chief of resource management of the Haleakala National Park. I'm here representing Haleakala National Park. Very interesting, yesterday I was in Honolulu at the water resource division giving a training course and I pulled out some documents that were available as a handout and one of the documents was about how isolated Hawaii is. Let me just read you a passage real quickly.

Geographic isolation plus its volcanic activity has resulted in the evolution of many plant and animals occurring only in Hawaii. They include 90 percent of the plants, 100 percent of the forest birds, 67 percent of the arthropod, but only one terrestrial mammal, the Hawaiian bat.

Currently, 75 percent of the known bird species are either extinct, 23, or endangered, 30. Of nearly 1,300 plant

species native to Hawaii, 104 have gone extinct and 227 are endangered. 300 insect species are considered endangered. This just tells you the status of the Hawaiian rain forest or its native environment.

Haleakala National Park sits on the top of the mountain, to the north of us and mauka of us is the nature -- makai of us is the Nature Conservancy. This track of land, 5,200 plus acres, is very critical to the protection of some of these endangered and threatened plants. But also important is the work that's being done by the Nature Conservancy in trying to remove the feral animals therein, which includes pigs.

So Haleakala National Park certainly supports the nature conservancy and anything it can do to get rid of the pigs within their preserve in the most economic fashion possible. Haleakala National Park has had a lot of research on feral pigs, and snaring was considered the most economic way of doing it.

Unfortunately, if we were to do it in any other way, for the Nature Conservancy it would be cost prohibitive. We need to certainly protect our water resources, which includes saving these native species, and therefore Haleakala National Park throws 100 percent support to the Nature Conservancy. Thank you.

CHAIRMAN STARR: Thank you. Next we have Christy Martin followed by Dan Cohen.

CHRISTY MARTIN: Aloha, council. My name is Christy Martin and I'm speaking on behalf of the Maui Invasive Species Committee. The Maui Invasive Species Committee would like to support the Nature Conservancy in their efforts to protect our watersheds, native species, and special protected areas such as Waikamoi.

Our watersheds are very important; we use them every single day when we turn on the tap, when we water our gardens, when we wash our dogs. We need to protect those things, and the Nature Conservancy uses science-based methods to control invasive species such as feral pigs. Thank you very much.

CHAIRMAN STARR: Next testifier is Dan Cohen.

DAN COHEN: Thank you for this opportunity to speak to you about this subject. I'm a real estate broker on Maui

and also I do volunteer work. I volunteer at Hawaiian Canoe Club, also with Kulakai Kunio (phonetic) Maui's Hawaiian immersion kids last year. I have done a lot of back country missions.

I have worked with fencing projects in Awahe (phonetic), Waikamoi, Kahakuloa, the East Maui watershed and different missions with the national park service. I'm here to speak in support of the current maintenance procedures, they are very cost effective, they're efficient and they are practical. I'm also licensed for hunting in Hawaii, so I like pigs, they are delicious.

But the current procedures that are being used are highly effective. I have seen areas that are maintained and I've seen areas that are not maintained. The difference is night and day, and with our current budgets and knowledge and procedures available to us, it's a really efficient method and I support it wholeheartedly. Thank you.

CHAIRMAN STARR: Thank you. Next we have Bill Evanson followed by Reny Platz. Next testifier will be Jeffrey De Rego.

RENY PLATZ: Hello, my name is Reny Platz, I'm here on behalf of myself. I do work with the West Maui mountain watershed partnership. I was involved in the eradication of feral ungulates from Haleakala, and I'm an avid hunter.

To think that the eradication of feral ungulates can be done strictly by hunting is a simplistic view. It takes very precise measures and very specific areas, and in some areas there's only certain ways you can do it. Snaring will only work in certain areas. You can put up traps, you can go up there every day and it's not going to happen.

It takes a very specialized crew of people to make sure that you can do it without bringing in alien species. I support the Nature Conservancy. They are the only ones who have this capability. Thank you very much.

CHAIRMAN STARR: Next is Jeffrey De Rego followed by Phillip Thomas.

JEFFREY DE REGO: I'm Jeffrey De Rego. I represent the hunters from the Maui Hunters and Sportsmen Club. I'm also in the partnership with the East Maui irrigation watershed

partnership. And as far as the way we feel is that if you would take the money for the fencing and snaring and would use it providing more water, the hunters are more than adequate to take care of the feral pig population.

I have been hunting in the watershed area for 28 years and the pig population is about 70 percent less than it was in 1973. As for the water system as it goes, everybody knows, because the water system is 78 years old, no rain, no water. Point-blank fact. More wells, you get all the water you need.

Everybody -- actually, nobody ever seen a pig being snared; it's the most inhumane, cruel way to die. You can stay there for two to three weeks, starvation, dehydration, and finally a slow dying death, and I think that no animal should suffer a death like that. And as far as the watershed goes, point-blank fact, no rain, no water. Make the wells, save the money for that. I think that's about what you should do. Thank you.

CHAIRMAN STARR: Thank you. Next is Phillip Thomas.

PHILLIP THOMAS: My name is Phillip Thomas. Thank you to the Board of Water Supply for allowing this public input, and also thank you very much for supporting the Nature Conservancy's effort to save your native Hawaiian forests and our watershed.

No one wants animals to suffer needlessly. Unfortunately, the only effective methods of feral animal removal require suffering on the part of the animals be it hunting or snaring. And as was pointed out earlier, snaring in some instances is the only way to do this.

I would invite anyone who has an idea that's workable and feasible which is an alternative to snaring to please let the Nature Conservancy and the Board of Water Supply know this. I've heard many options to this but none that are feasible, none that work.

Feral pigs and native Hawaiian rain forests are simply incompatible. In the long term if pigs remain, native Hawaiian forests will be gone.

Do you want native forests? Do you want the native plants and birds? Do you want to protect your watersheds? Do you want to protect coral reefs which suffer from runoff caused by feral pigs? Do you want to protect clean surface water with

lower silt so it's cheaper to clean and give a higher treatment capacity for the limited resources that we have on this island?

If so, there's no other choice but to support feral pig eradication in prime native habitat watershed areas by whatever means are possible at this time. Thank you again.

CHAIRMAN STARR: Thank you. I would like to call Bill Evanson if he is back. Bill Evanson, are you here?

BILL EVANSON: My name is Bill Evanson. I work for the state Department of Land and Natural Resources, natural area reserve system in the Maui district. I work also on the Island of Molokai where we have been flying in hunters for the last six, seven years to help us control pigs in place of using snaring. And the fact is, is the hunters are effective up to a point and then after that when the numbers of pigs drop down low they lose interest and the final pigs basically need to be controlled and removed by snaring.

It is the only effective way. It's not a pretty way, but death is like the ultimate bummer, there's no good or happy thing about death. Some might argue otherwise depending on your religion. Either way you look at it, it's not a fun, happy thing to do, but we got to do it if we're serious about saving our forest and our watershed.

My grandfather came to Hawaii to work for the Hawaii Sugar Planters Association on Oahu where lots of mountains were deforested and there were animals, pigs primarily, running around, and he shot and killed pigs, built fences, planted trees to try and help restore the watershed so that we can get water from the tap. And water is -- if there's any magic on this planet it has to be water. We know that in the drought years.

So I appreciate you supporting our watershed protection; but at the same time trying to address our fears about losing part of our culture. Pig hunting is a big deal, I like eating pig meat myself, I like hunting and if there's a way we can work out both, that would be the best. Thank you.

CHAIRMAN STARR: Thank you. Is there anyone else who would like to testify on the watershed protection agreement and Nature Conservancy? Yeah, go up to the mic and give us your name so we can have it on record. And if anyone else

would like to come, please start to move forward.

JAMIE HUNTER: Thank you. I actually came this week. My name is Jamie Hunter, I have lived in the Makawao area for over 30 years. I actually came to speak on another item but I have several concerns regarding this item that I would like to express, I don't hear anybody talking about them.

Last time I was up at Polipoli, I saw lots of goats doing lots of damage. It doesn't seem to be on the agenda. I also see all over the place, even by Piiholo where I live, I see deer now. How is it the deer have been allowed to be introduced? They are a terrible, terrible danger to our native forests. They haven't got the numbers and the history that the pigs have, but I ask anybody who lives where deer are common, they are a disaster. Not only for pineapple farmers and little farmers growing gardens.

Yet another concern I have that has to do with erosion and runoff at Polipoli, the biggest cause of erosion within the Polipoli area is motorcycles, and they are totally uncontrolled. A friend of mine who works for forestry, I won't name his name, he and I were up there and a motorcycle was tearing apart and they make motorcycle trails, and when the water comes and erodes those ditches and all that topsoil washes away, it does much more damage than pigs. We saw a motorcycle, he said, "Oh, we can't catch them."

I said, "What do you mean you can't catch them? Do you try?"

He said, "No, it's not worth it."

So a motorcycle pulled out in front of us, the chain fell off, he stopped at the hunters booth manned by DLNR people, and he used the phone for help. Nobody cited him. He doesn't know he is tearing up the forest. I love motorcycles, at least I did, but they don't belong in the forest off the road.

So I would like to see the water board address the deer, the goats, and the motorcycles too, if you are going to be concerned about the pigs. Thank you very much.

CHAIRMAN STARR: Thank you. Is there anyone else who would like to testify on this matter? Not seeing any, board members, any discussion? No? Let's move along.

I'm going to request that the next two agenda items

that we take them as one. So anyone who has testimony on either meter issuance policies in Upcountry Maui or the priority list for meters in Upcountry Maui, they'll be asked to speak. And we have quite a few people. Next we have Ken Kleid, who will be followed by Christina Hemming.

First of all, if anyone -- I ask you to try to limit your testimony to three minutes. Can people hear okay? Is it too loud or too soft? Is it okay? It looks good.

KEN KLEID: My name is Ken Kleid. My feelings on water meters are if people have an established lot Upcountry, they have been paying taxes on it for years, and they see all the neighbors with water meters, and they feel when the time comes they can get theirs, I feel they should. I feel the priority should be people that have lots that have been established for years and years and not new neighborhoods even down country.

I was at a meeting Friday where the managing director for Wailea 670 pretty much said we're going to get the water from Haiku wells. So if they're going to get Haiku water, I think Upcountry people should have priority. I feel that if they need a meter, they should be allowed a meter. And the new subdivisions should be in second.

And then I heard from Elmer Cravalho at meetings, saying no Upcountry water will ever reach down country. Then I hear the opposite the next day. So there's total confusion. I also feel that there's plenty of water. There's 200 million gallons flowing last week through the ditch in a day.

If they could store the water, we would have plenty. So why don't we look at making a real reservoir and put hydroelectric on it. A little far-reaching thinking, you know, so that we can service the folks that are begging for water, and there's maybe 800 of them on the list.

They are trying to put 1400 houses in Wailea 670 and 3- or 400 in Spreckelsville. Take care of people up here first. Like I said, I don't believe we're out of water. The sugar cane people maybe are upset, but we're only using 5- or 7 million gallons a day and the wells are covering our supposedly drought inadequacy. So to me it's a facade; there's no real shortage, I feel.

I'm a Realtor and I feel for people that are trying to build houses or sell their lots with water. You can't have a meter, hey, you might as well throw the lot away; you are

paying taxes for nothing. It's like night and day, the difference, you can use the lot or you can't.

And there's new policies coming out saying you can't put a meter on an easement. Why? Who is doing this? Maybe you can't even apply for a meter after a certain date. Where is that? Down country, hey, they supposedly got all the water they need. I think down country is the place to worry about. Iao aquifer is tapped, now they're going to want to take water from Haiku. I feel we should take care of Upcountry first and really help the people. Thanks.

CHAIRMAN STARR: Thank you. Next we have Christina Hemming followed by Elliott Krash.

CHRISTINA HEMMING: Hi, my name is Christina Hemming. Well, I have a lot of opinions about this. One is I feel like not only should the water board be here for discussing meter issuance policies, but the wai kapuna (phonetic), who actually owned the lands that the water has the ditches on, they should also be a part of this advisory committee.

I have a question about the wells and the policies used to subvert the water meter issuance, how Mr. Dowling can drill some wells in Kaupakalua and then have 400 houses built in Pukalani. I think in a way I feel that Maui should be declared a water management area district by the state. The state should have more of an input on policy because it's clear that the water board at this point cannot manage the water issues with A&B and EMI as they have been doing.

It is clear that every time there's a drought you go towards opening up the polluted wells and diluting the DBCP and all the other chemicals and fertilizers that have been used in the watershed areas and all in the ag areas that all get pumped into the ditches and then you treat them. You should use that water -- that money that you got from that chemical from the DBCP lawsuit to drill wells and if you want to drill the wells in Upcountry, they have to be up high in Olinda.

You have to identify through the satellite system the actual size of the aquifer. You have to describe in detail the series of aquifers on East and West Maui. The base flow and perennial streams need to be identified and taken into account east of Kailua, which there approximately are four. If you drill 25 wells to service Upcountry and down country, the

base flow of the aquifer is going to be affected.

I also feel like it should be a first come, first serve. Hawaiian Homelands should be given the priority. And the rights to wells should never be allowed to be sold like they did in West Maui by Amfac, selling their wells to that French company Aqua Source. Water is going to be an extremely fragile commodity; we need to do everything we can to protect what is here and we need to encourage the growing of our own foods and the nurturing of our environment.

And I feel like expansion of the Kula Lodge, although it's a nice place, that's not a wise use of water. That was done with the planning commission last year. They are putting in 150 new fixtures. How is that possible when people have been waiting since 1989 for meters? It just seems like there's a lot of corruption and a lot of problems that need to be addressed. Thank you very much.

CHAIRMAN STARR: Thank you, Christina. Next is Elliott Krash to be followed by Gene Wilhelm.

ELLIOTT KRASH: Mr. Chairman, I apologize for not following your directions earlier. I spoke on all three topics and I simply did not get to my last statement which was to say thank you very much for having this meeting. I think the crowd here tonight is testimony to the fact that it was necessary and we look forward to working with you on this.

CHAIRMAN STARR: Thank you. Also, I thank everyone for coming out. It feels good to have a good crowd like this. Anyway, Gene Wilhelm followed by Tracy Stice.

GENE WILHELM: Good evening, I'm Gene Wilhelm. I live in Pukalani. I speak against the issuance of new water meters until the county has dug a new well or constructed a new reservoir. For more years than most can remember, there's been a critical water shortage in Upcountry even when there were considerable less meters than there are now.

The issuance of new meters will only add to the demand for water in Upcountry and in effect will hasten the need to ask for voluntary reduction to domestic water use and subsequently a mandatory 10 or 15, or 20 or 25 percent reduction and possibly even more. We faced some of this in the recent years.

Potential new residents in Upcountry, along with developers, should be acquainted with the perennial shortage of water in Upcountry before they invest in building and then find out that they have to go on a long waiting list for meters because the county has done very little to alleviate the ongoing problem of providing adequate water.

Until the county addresses the problem of a continuing shortage of water in Upcountry, each year we will be faced with water restrictions, even without new meters. Thank you.

CHAIRMAN STARR: Thank you. Next is Tracy Stice, who will be followed by Jamie Hunter.

TRACY STICE: My name is Tracy Stice, I'm here wearing two hats: one is president of the Maui Board of Realtors and another is a Haiku resident who wants water meters.

First of all, the Maui Board of Realtors is in support of additional water source development Upcountry. We have actually written a letter to the governor to release funds that were appropriated last year for design and engineering by the Piiholo reservoir. We see a great need for additional storage in the Upcountry area. There's a lot of water that runs off that can't be captured and utilized.

I served on the Citizens Advisory Committee last year for taking a look at all the resources and it was real clear that we need another big reservoir in that Piiholo area where there's additional treatment capacity which could serve all of the Upcountry area and free up the water so the farmers can have more untreated water to use on their farms.

Secondly, the topic I want to talk about is the two Haiku wells that are now on line: one, the Dowling well and one, the Haiku well. The premise of reducing -- or releasing water meters was based on source inadequacy and that was issued in March 1993, I believe. Since that time, we have about a million gallons of new well water available in Haiku. That's about what Haiku uses.

If you take a look at the list of the water meters, probably about a third of those people on that list live in Haiku. I personally don't need meters in Haiku. I need them in Pukalani, so it won't do me any good.

But it's silly to be restricting people in Haiku

from new water meters because they can't pump the water uphill. There's no way to get the water from those wells up into the Upcountry system. It just sits there. It's not being utilized. It doesn't make sense to restrict people in Haiku who want meters from getting meters. The water is sitting there unutilized.

The last thing, I think there's a real unfair rule practice going on right now, the water department will not issue meters to kuleana parcels, parcels that did not go through the review when they became parcels.

If you go back to the Great Mahele, that's a lot of parcels not eligible for water meters. So if you own one of these old parcels, you may not get a meter. You may want to take a close look at that. I think it's a real unfair practice. There's a lot of people that should be entitled to water that can't get it now and they may have inherited this property a hundred years ago. Thank you.

CHAIRMAN STARR: Next is Jamie Hunter to be followed by Frank Zajac.

JAMIE HUNTER: Thank you for the opportunity to be here and thanks to Tracy for saying a lot of what I had to say. My application was six and a half years ago for Haiku for a subdivision. And I want to respond to the lady from -- the woman from the Kula Community Association who feels that people who buy a lot should have a priority over me that's been waiting for six and a half years, I don't think that's fair.

Somebody could come from California last week, buy a parcel without a meter, never having seen Maui until last week, and I have been waiting with a business plan for six and a half years and all my finances for six and a half years, sitting on a priority list, I don't think the person who arrived here last week ought to have priority ahead of me.

The same thing for agriculture, it's nice to say agriculture is a priority, and the same thing for Hawaiian homesteads, it's nice to say that's a priority; but if I have been waiting six and a half years, I resent anyone cutting in line ahead of me. I think first come, first serve is what due process and what the American way is all about.

I would like to make something clear for those of you who don't know it. There are people here who are mixing up some concepts and locations. The Hamakuapoko wells are

separate from the Haiku well. I'm in a location where the Haiku well, which has been put on line recently, could service all of my application in Haiku.

In May of 1999, the director told me when my zoning was complete, you better apply for subdivision now because if you don't have a subdivision plan in process and your number comes up, we're going to pass you by. So in other words, I had to file the subdivision. And this information was also conveyed by water department engineering people to my professional engineer, Carl Takumi, the same time in May of 1999.

That's why rather than sit and wait and not spend money, we went ahead with the subdivision plan because we were told we would have water by January of the year 2000. Now, I'm not criticizing anyone personally, I think this meeting is very important, I think the staff has been courteous and diligent with me, of the water department, and I want to thank all of you.

I also -- I did not hear the statements except in the newspaper, but I understand that Mr. Cravalho as the chairman of the board has stated that we Upcountry should not be subjected to restrictions when down country is not. And I thoroughly support that statement. And as for where wells are drilled, the depth drilling from upper Olinda, which was suggested by someone else, would make the cost incredibly high.

CHAIRMAN STARR: Three minutes.

JAMIE HUNTER: Thank you.

CHAIRMAN STARR: Next is Frank Zajac to be followed by Robert Fevella.

FRANK ZAJAC: Thank you for having me tonight. I guess I just don't understand this water planning process or non-planning. By stopping all the new meters and allowing a few large developments, you have less people paying to upkeep and maintain the system. Hawaii has some of the lowest water rates, Maui does, in the United States.

And the way that most places pay to upkeep and modernize their system is to charge -- charges for new meters and subdivisions thousands of dollars, tens of thousands of dollars, and developers and home builders are happy to pay them

to have the meters. It helps maintain the overall system, upgrade the old ditches, build reservoirs, and everyone wins.

But right now by limiting the water meters you have large landowners that are going in putting their own wells in. They have got water, they are doing the subdivisions, you are not holding down development at all, you are just putting all the burden of maintaining the system on the people that are here using water on a tax basis that's already here.

So I encourage the county to evaluate the system, charge cost of service, what it costs to get water wherever. What it costs to upgrade the system and develop storage, develop new wells that should be added on to that. I think that's all I have to say. Thank you.

CHAIRMAN STARR: Thank you. Robert Fevella followed by Ken Tavares.

ROBERT FEVELLA: Good evening, everyone. My name is Robert Fevella and I'm one of those that are on the waiting list I believe since 1996. My belief is that meters should be issued in the priority with the farmers, the native Hawaiians, and the family subdivisions. And after that, anybody that owns a lot should be entitled to a meter.

And for those of you in the audience and wherever that don't want no more meters issued, let me tell you something. Most of you live in subdivisions that have been built in the last 40 years. And I can name them because I work for the phone company, I know all the subdivisions, because I worked in them.

And the first subdivision was camp Maui. This subdivision down here, this one here, Pukalani Terrace, Makani, all of these subdivisions up in Kula, Kula Kai, you name um, all of these subdivisions have been built in the last 30 to 40 years. Yet people say that we are -- they don't want no more meters issued. We got ours.

No way, our families go way back. They have owned the property for over a hundred years. The property is zoned half acre lots. Why can't we get a meter? Why we gotta wait? There's a 6-inch line in front of the property, a 300,000 gallon tank up the hill, and they telling me we don't have capacity, but they take the same pipe and run it down to Hawaiian homes, which is fine, I have no qualms with that.

There is some sort of discrimination going on here.

Down below anybody can get a meter that they want. Upcountry we're second class citizens. But let me tell you, the waterworks have come a long way. I have not carried a drop of water in a gallon -- or a 55-gallon barrel for the last 30 years. I got to say that.

And when these subdivisions were built, we had the problems we have today and it was worse; and yet we didn't come here and testify in front of the board and whatever and say we don't want no more meters. We want the water for us. Now, I see signs there's no water, no building. I don't think that's right.

CHAIRMAN STARR: Three minutes.

ROBERT FEVELLA: Thank you.

CHAIRMAN STARR: We have Ken Tavares, who will be followed by, it looks like Ralph Ikeda.

KEN TAVARES: My name is Ken Tavares. I own a lot which is in a 45-lot subdivision. There's 44 homes and just my lot. I cannot get a water meter. I'm in the subdivision, back in the '70s, the county asked me to put up water storage, water assessment fees, which I did pay, back in the '70s. And if they used that money, I'm pretty sure they could develop something that I could get water.

Not only that, the lines were 4 inches, we had to replace it, off-site water. All developers know that. The county choke you until you die with off-site water and now this is almost 40 years later and we still have the same problem.

I don't know if the county is doing their job, which I don't think so, because if they did take the water storage, water assessment fees from me and every developer before Kamehameha school, before King Kekaulike, before Makawao elementary, I think I would have a water meter.

I have another lot in Maui Uplands, I cannot get a meter. What you expect me for do, pay the taxes? Don't build a house? That's all I have. Thank you.

CHAIRMAN STARR: Ralph Ikeda followed by Terry Adams.

RALPH IKEDA: Chairman Starr, members of the board. With due respect to Mr. Fevella and the other speakers, we do

have a water shortage problem, it's apparent when you have to cut back. And in view of this, I would like to suggest a moratorium on the issuance of water meters.

But however we could kind of get around that by saying that the people who have owned their land for X number of years, the longer the better, would have preference, do it on that basis, on the priority list, rather than someone just coming in, buying a piece of property and saying okay, I'm going to build. They would be way, way back. Maybe that's one way to get around that problem.

But irregardless of what we do, we have to get an adequate water supply for everyone, for the businesses and for the residents.

I forgot to mention I'm Ralph Ikeda, resident of Pukalani. Thank you.

CHAIRMAN STARR: Thank you. Next is Terry Adams, who will be followed by, I believe it's M. Cabrinha.

TERRY ADAMS: Thank you. My name is Terry Adams, I live in the Kula area. I would like to echo what Mr. Kleid, Stice and Fevella all said. They said a lot of things I would like to say.

There's one segment of the applicants that are -- a lot of people on the list that I had not heard anything about. And that is people who have one water meter serving many dwellings, two or more dwellings on one piece of property that would like to subdivide, and could prove, whether it's 5 years, 10 years, 80 years, that they are not going to be using any more water, not one more drop of water, but they would like to have separate meters for those two or more dwellings on the same piece of property.

I live on a piece of property with two homes on it, I would like to subdivide it. We're sharing one water meter coming off the main for 11 years now. I cannot get a subdivision for that piece of property because I need two water meters, even though I can prove that two water meters -- we won't use one more drop of water that we have in the last 11 years. It's the same two homes; the same number of people in each home. We're not going to be using any more water.

We do need a water meter so we can subdivide for retirement purposes, to give to our kids, to sell, whatever we want to do with our God given right with our property. I know

we're not alone. There's a lot of people on that list.

I think priorities should be to maybe take it on an individual basis, or if you can prove that you are not going to be using any more water, what is wrong with getting a water meter for your piece of property if you are not going to be using any more water?

We all know that we're talking about water here and the shortage of water. If we're not going to be using any more water, why not issue the meters to the people that are not going to be using any more water first? Then after that we can take it individually or take it by how long you own the property.

We all know that the water shortage is a serious situation. But I can't even get acknowledged by the water department or anybody for another water meter even though I can prove I'm not going to be using one more drop of water. I think that's unfair. Thank you.

CHAIRMAN STARR: Our next testifier I believe is M. Cabina or Cabrinha, I'm sorry if I mispronounced it. Followed by Shauntel Tabisola.

M. CABRINHA: I do not wish to testify but I am for the issuance of meters. Thank you.

CHAIRMAN STARR: Thank you. Shauntel Tabisola. Is there a Shauntel here?

SHAUNTEL TABISOLA: I'm not testifying.

MS. NAGO: She does not wish to testify.

CHAIRMAN STARR: Angie Robello followed by A. Cabrinha.

A VOICE: Both of them are for issuance of meters.

CHAIRMAN STARR: Okay. Warren Watanabe followed by James De Rego.

WARREN WATANABE: Good evening, my name is Warren Watanabe, I'm the president of the Maui County Farm Bureau. The Maui County Farm Bureau appreciates the continued support

provided to the agricultural industry by the board and county. To minimize the impact of water shortages to the small farmers and ranchers is well recognized by the members. I am here today to reiterate Maui County Farm Bureau on new meters on the Upcountry system.

We continue to feel strongly that issuance of new meters should be curtailed until system deficiencies are corrected. We will never have a perfect system. However, current users should not be expected to undergo water shortages on a regular basis. The quantity of meters issued should be based on the adequacy of water for most of the time.

During the drought of the past few months, most farmers were not impacted by the water short situation in the East Maui system. We saw symptoms of the drought in sugarcane fields along Haleakala Highway; but most of the other farmers did not experience water shortages. We were fortunate in having low evaporation rates resulting in reduced irrigation requirements.

This same situation during the summer would have had very different effects. The regularity with which we seem to have droughts during the past decade reemphasizes our position that additional water sources and transmission system improvements need to be completed before there is expanded usage on the system.

I would like to add, tomorrow we'll be going to testify for the House Finance Committee. For the past four years we have tried to have tax credit for farmers and ranchers who put in their own storage system. As you know, they passed the legislature last session but the governor vetoed the bill, so we're now making another attempt with the cooperation of the state tax department and the governor.

Also, we got on the priority list. We agree with the Kula Community Association that agriculture and DHL should be given priority.

CHAIRMAN STARR: Thank you very much, Warren. Thank you for always being in the forefront of legislative movements to help improve the situation. Next is James De Rego.

JAMES DE REGO: That's me. I lived here for a long time right here in Makawao, and I seen we had water shortages, every year we have water shortages. I don't care how much water or reservoirs they build up in Olinda or Piiholo, with no

rain, no water. And that's the truth. Everybody knows that.

And as far as water meters, I think they should give water meters to those people that have their own land, families that want to give their sons and daughters a piece of land to build their home in. They should have the first priority. The developers should stay way behind.

Right here in this area, I live not too far from there. They got water meters in the past five years. Couple hundred of them. And people are still waiting for ten years for a water meter. Why give the developers and not the poor guy that has a piece of land that he wants to give to his son or daughter? I say give meters to those that need. Thank you.

CHAIRMAN STARR: Thank you. Next will be Francina Gibbs followed by Madelyn D'Enbeau. Is there a Francina Gibbs? Madelyn D'Enbeau followed by David Florence.

MADELYN D'ENBEAU: Good evening, my name is Madelyn D'Enbeau. I'm the chair of the Makawao Main Street Association. Some of you have attended our meetings where water has been discussed. It's always been a very passionate subject. The association has supported the community plan with the priorities that several speakers have already mentioned. The top priority being shared between farmers and the Hawaiian Homelands.

And then in our meetings there's been a lot of discussion, like Mr. De Rego just brought up, about family subdivisions and people that want to subdivide for their families somehow having priority. I would like to add something to all of this. It's maybe a little bit more technical.

When you talk about water adequacy, you are talking about, okay, we have got this many homes, this many businesses, and we can predict how much water they are going to use so we can decide if we have an adequate source. The problem with what the water department does, as I understand it, is they don't plan for peak use. They plan for average use.

Now, that would be like saying we have no traffic problem on Maui because, hey, at 2 a.m. there's no problem. If you average it all out, there's no problem. The difficulty is that if you plan for only average use, that means in the summer, which I guess here on Maui we call summer by a

different name, we call it drought; but anyway, in the summer, the people in Haiku, for example, tend to irrigate more, water their plants more, because they don't need to do it in the winter and so forth. Demand goes up.

And so that's probably the peak demand time and I imagine it's the same for the farmers, and that's what needs to be planned for. We need to say we don't have adequate source until we can provide water to people all year round and not just during the three wetter seasons. That would be something that I would urge on the water board that you look at. Are you planning for average -- based on average use or on peak use? I think that would be pretty significant.

And I will note for people that have seen the new -- the annual reports, it's true that over the last two years 127 water meters were issued in 1999 -- well, actually it's the fiscal year, so between '98 and '99, and then this past fiscal year was 96 meters. And I think that's one of the big problems. We have got this priority list, but everybody can see that meters are being issued to somebody for some reason which none of us really are privy to.

And I think that -- I hope what we're doing here is getting ready to pass a rule which will be properly promulgated and then we'll set forth the standards that you are going to use to issue water meters so it will no longer be a mistreatment. I think that's what really bothers the people, is what's going on here.

I would like to urge those two things: that you plan for peak use rather than for average use, just as we do in traffic and electricity and so forth, and that if there's a way to give preference to family groups, that that would be, I think, most people's preference. Thank you very much.

CHAIRMAN STARR: Thank you. Next is David Florence to be followed by S. Raymond.

DAVID FLORENCE: Good evening, my name is David Florence. My remarks are primarily addressed to the water board, the county council, and the executive staff of the county who have a responsibility to all of us. I have been here since 1986, I've got a water meter but was not of terrible concern to me because I had one when I bought my house.

At the risk of appearing simplistic, I think the solution is simple but not easy or inexpensive. From 1950,

measure the following baseline points: population, reservoir capacity and usage. Then project in ten-year increments the same baseline points, and then do the math.

I am not a hydrologist, but I believe that wells may ultimately adversely affect the aquifer. We need to consider macro and not micromanagement of our water problems. Thank you.

CHAIRMAN STARR: Thank you. We have S. Raymond to be followed by Steve Barker. Is there an S. Raymond who would like to testify? How about Steve Barker?

STEVE BARKER: Thank you very much. My name is Steve Barker, I have been a resident of Kula for 30 years. I'm a real estate broker and appraiser and have been on the list for a number of years for the water meters.

First of all, I think we -- we're Upcountry, we're in a high elevation area and it's very difficult to deliver water up in that area, and I think we all have to recognize that it's a tough problem.

Given that as an appraiser I look at properties all the time and appraise them, and I have found the impact of the water meter and non-water meter and identical properties and it is about a hundred percent impact. A \$50,000 property without a meter, next door with a meter sells for 100,000. So when you simplistically say no more issuance of water meters, you are putting a tremendous tax on those people that do not. So that's one given.

The other part of this water meter or water, it's a finite commodity. It is like electricity in California, when they don't have enough, everybody shares in not having enough. But as far as I'm concerned, with water, everybody should share in the plentifulness and the lack of. If it's down to 10 gallons per user per day, we should all share in that lack of. And to say that some people get and some people don't, it's a tremendous tax.

That leads into another issue, is that conservation has not been talked about here. That if people were required to have a 10,000 gallon tank next to their property, you would expand your storage immensely and each individual would then be responsible for their conservation of their own water resource.

And I think that you've got to -- I'm not going to

talk about developing new sources, but encourage conservation and a more responsible use of water and we should all share in the lack of or the plentifulness of. Thank you.

CHAIRMAN STARR: Thank you. I'm going to call for a five-minute recess to take a stretch. And the department has brought some handouts over there. And speaking about conservation, Ellen Kraftsow is here. And there's some tablets you can put into your toilet tank to see if your toilet is leaking so take those and the handouts. In five minutes we'll be back.

(A recess was taken.)

CHAIRMAN STARR: Is there an M. Chavez? Do you want to testify? You'll be next followed by Jeffrey De Rego.

MACARIO CHAVEZ: My name is Macario Chavez. I'm in a situation where my folks would like to make it possible for me and my family to own our own home. And I have been on the waiting list since the late 1993s. My folks and I are afraid they will pass away before they see this happen.

I support first come, first serve. I feel it's the only way to keep it honest. We have been bumped down the list two times since then and both times we have been given reasons that were all mysterious.

I have been a carpenter for 20 years on Maui. In the last three years I have been more involved and I've been on projects working for builders and questioned one time how they got the meters, because I had a list with names on it and I looked down the list and they were not on it. I was fired the next day. I went to the unemployment office; I was denied unemployment. They told me I was fired for being insubordinate.

Today I feel very disappointed by what's going on with the water department because I know there's something that's not right.

CHAIRMAN STARR: Thank you. I would like to call Jeffrey De Rego, who will be followed by Audrey M. Antone-Blaak.

JEFFREY DE REGO: I just want to say that I -- about

this water meter issues and the meter system itself. I really think that the board don't even know how you going to get water to these people. And it's really sad that when you pay for gasoline, for electricity, for telephone, you can use all you want.

The only thing in the County of Maui that you cannot use all you want certain times of the year is water. And that's not the people's problem. That's you guys' problem. I think it's about time you guys get off your horses and give the people water. Thank you.

CHAIRMAN STARR: Thank you. Next is Audrey M. Antone-Blaak, who will be followed by Barbara Luke.

AUDREY ANTONE-BLAAK: Aloha, water board, chair, members, and fellow Maui residents. My name is Audrey Antone-Blaak. I have submitted copies of this presentation to all members of the water board. I will try to be factual and brief.

I visited the water board website at [www.mauiwater.org](http://www.mauiwater.org) yesterday and printed out, I believe it was an 810, I apologize, I wrote 880, tax map keys waiting for water meters.

Since September 2000, there has been no TMKs added to this list. And based on the average of ten per month over the last several years, the total should now stand at approximately 900 tax map keys. If at least 50 percent of these tax map keys were ready to receive water meters according to water board codes, at \$3,350 each that would bring in revenues, and I hope my math is correct, to \$1,557,750 to your board.

Isn't providing source considered credit towards obtaining a water meter? Would this be enough money to pay for a new well? How much exactly did Everette Dowling pay for his -- excuse me, our new Haiku well? How many water meters was he issued for drilling that well? Who paid for the electrical upgrades for pumping the well that was required along Kaupakalua Road that took three to four months to complete, along with police escorts every day?

And I really would like an answer to that question. Since I'm writing a letter to the board, I would like an answer in writing.

Was that price factored into the agreement when the

number of water meters were issued to Mr. Dowling or was that an afterthought? Are not most of the tax map keys on the list already community planned and state zoned appropriate for issuing water meters? Is it not a better policy to allow county planning agencies to control zoning and development rather than withholding water meters as a source of controlling development rights?

The Maui News editor in today's Maui News seems to think so. And I quote, controlling overall development should be handled by county planning agencies.

In closing, it would be my sincere request to ask the water board to publish step-by-step guidelines, since not everyone can access the Internet, as to how to go about applying for a water meter, and if they are not available, what alternatives, if any, are available, such as well drilling or water catchment systems, that would fulfill subdivision requirements if the fire protection infrastructure is already in place.

It would probably make it so much easier for the various departments of the water department who have to answer these same questions over and over and it would put in writing legal guidelines eliminating possible misinterpretations, or God forbid, favoritism of one resident over the other.

Water is the source of all life. In this modern world it would not be erroneous to add the word "home" to that old wise saying. No more water, no more house and there's no ala paka heia moi (sic).

CHAIRMAN STARR: Thank you, Audrey. Next is Barbara Luke to be followed by Thea Engesser. Barbara Luke? Thea Engesser followed by Glen Cole.

THEA ENGESSER: Thank you for allowing me to speak. My concern is the Haiku aquifer. Having lived in Haiku since 1974, I've seen over the years quite a decrease in the rainfall. My assumption is that aquifers are in the direct proportion to rainfall.

And I remember 25 years ago the developers of Wailea saying we need a good water source, we'll take it from the Iao aquifer because it's limitless. So they along with the county Department of Water Supply joined forces and brought transmission lines across Central Maui to Wailea. Well now, they have tapped out and the state wants to take over the Iao

aquifer. So now the drilling goes on in Haiku.

And I'm not concerned for myself for meters. I have a home, I have a meter, I'm fine. I'm concerned about the health of this island. Global warming is happening; it's not something that's going to happen in the future. It's happening now. The prediction is in this century that we just started, our temperatures around the world are going to increase by over ten degrees which is going to create deserts where there are tropical rain forests.

We're not going to have the water we need to get very serious about conservation. We need to start looking at improving our technology and desalinization if we're going to continue living on an island. We don't have limitless resources.

When you talk about having all the gas we want, having all the electricity we want -- I just visited in California for ten days, they don't have that. And if they don't have that there, we can have the same problem here. We really need to look at -- our fossil fuel supply is dwindling throughout the world, we cannot rely on it. Our water is dwindling, we can't rely on it.

I encourage the board, I encourage everybody, the powers that be, to please start thinking conservation.

Alternate sources of energy and water. Thank you very much.

CHAIRMAN STARR: Thank you very much. Next will be Glen Cole followed by Aric Nakashima. Glen Cole, please. Not here right now. Aric Nakashima, please. And Susan Olmsted will be next. Is Aric Nakashima here? Susan, I know you are here. Followed by Lionel Santos.

SUSAN OLMSTED: My name is -- can you hear me like this?

CHAIRMAN STARR: Get closer.

SUSAN OLMSTED: My name is Susan Olmsted, I live in Ulupalakua. I have been on the list for water since '89. I guess I don't see myself on there, though. I jumped through lots of hoops about that.

What I would like to say is I think one important thing is that I have heard stated in a bunch of these public meetings is that most of the way that the water has been developed on Maui in the last 50 years is a developer comes in,

he wants to put in a development, he puts in transmission lines, blah, blah, blah, donates it back to the department and ahhh, we have water service. And this has happened over and over in all different areas.

I think the census said Maui has 125,000 population and we have about 5 to 6 million tourists a year in Maui. So obviously the resources are going to mostly visitors and developers. I think that that's a mistake.

I think this idea of when there's cutbacks Upcountry, if there was cutbacks island-wide, hotels would be squirming to pay for the -- they would be loving to pay the \$3 million it's going to take to put in more transmission lines and more storage Upcountry to use the water that floods through Maui constantly at 300 inches a year on the wet side.

I think it's an economic issue, basically the money is not going towards the basic people that live here to create systems that help us. And I think that if you said we're all on the same economic pot, because the argument is, well, it's the Iao aquifer that serves Wailea, so why should they cut back because they have adequacy.

But if you looked at it as an economic situation where the money is not going -- it's going to South Maui, it's going to Central Maui, it isn't going to develop enough systems Upcountry, and looked at it that way, we are on the same pot. So it would be completely fair to make cutbacks island-wide, and then everyone would say: We want to solve this problem. We demand this problem be solved. Not just a group of people that have lived Upcountry for 10, 20, 30, 40, 50 years.

So I think if we make a little bit of hard choices and make some demands and say: We're not going to have more development. You can't do Wailea 670 until the whole Upcountry system is solved.

They are multi-billion dollar developers, they are going to say: I'll contribute a million. And Joe Blow and someone else will say: You mean I can't put my thing in until this problem is solved? I have a million bucks for that. Low and behold, 3 million bucks rolls around pretty easy. But we have to put our foot down and say: No, no more development until some of the infrastructure for the small amount, 125,000, of people that live here is done.

So I am asking for -- make some serious demands and stand behind them. They are not going to say: You know what, El Salvador is tropical, I'm taking my five-star resort there.

They're not. They're not going to build homes for only second and third homeowners rich -- only the rich ones from the mainland, no affordable housing for local people, like Wailea 670. They're not going to want to do that in Nicaragua.

CHAIRMAN STARR: Three minutes.

SUSAN OLMSTED: Thank you very much.

CHAIRMAN STARR: Thank you. Next is Lionel Santos, who will be followed by Ann Carter.

LIONEL SANTOS: I'm Lionel Santos. I have my name down on that waiting list. I don't know if they threw it away or if it's still in. But I think that if they feel that we don't deserve the meters or they don't have enough water, if you want to lease land from the state and the state cannot provide water, they charge you a dollar for rent, then why don't all these people who are waiting for water meters, why their taxes aren't cut down to a dollar because your land is useless?

Have you guys ever thought of that? Then you might get more money from the legislature to develop a water system because it's only a dollar for rent. And it's all the taxes you pay. I don't have a water meter, the land is useless. I can't even raise a duck on it because there's no water.

And if you go down Haiku way, down along the ocean, if you guys know anything about the oceanfront, what have you, you see a lot of fresh water coming out from underneath, all the water from the aquifer is going down into the ocean. I can go show you a lot of places where there's water.

And that's a couple of thousand feet or a hundred feet that you are going to have to drill to hit water, but you guys won't drill, you won't pump, everything is wait for the rain. If there's no rain, there's no water. I think that's baloney. I think it's time for you guys to stop and look for things like that. Thank you.

CHAIRMAN STARR: Thank you, Lionel. Next is Ann Carter followed by Zandra Amaral.

ANN CARTER: Hi, my name is Ann Carter. I'm a Kula resident and I also am on the list for a water meter, and I am

here for personal interest wanting a water meter -- water meters to be issued Upcountry.

I'm in a situation -- my family has been in these islands for generations and a water meter was last issued to my grandparents probably in the 1930s. And how does that get passed on to generations when we can't -- when there are several of us left in the family and we can't get another water meter? How do we handle that situation?

And we try to conserve water. As I'm not getting issued a water meter, I drive by on Hanamu (phonetic) Road, there's a new tank being tested last summer and I watched, in the middle of the drought, water floods Hanamu Road. 44 million gallons of water, because they had to test that tank to make sure that it works.

Couldn't that water have gone to farmers like myself who are trying to make a living that have cutback and not grown crops? I watched it flow down the street and down a gulch totally wasted, while I can't get another water meter. Thank you.

CHAIRMAN STARR: Zandra Amaral, please come.

ZANDRA AMARAL: Aloha, I'm Zandra Amaral. I'm from Kihei, born into the territory of Hawaii and come from a local longtime family. My interest here, my fellow friends and commissioners, board members, is I've got family members that live up in Kula, have before we became a state, who have farming land and who need water to farm their land.

I realize that you are given the prudent responsibility of assigning meters, but when we do -- what we need to do, first of all, I believe, to make it work, we need to put in place policies and procedures, my brothers and sisters, that follow our board members. The rules cannot change from board appointment to board appointment. They have to run concurrent.

Because, you see, the people's needs runs concurrently; their needs don't change. Though the board members change. That's what the people have suffered with for centuries -- for years.

The first thing I would like to suggest in the apportionment of meters, I have noted on your list here, fellow commissioners, that people have been on here from 1989. I find that inexcusable. It's probably a family that has lived here

before we became a state. It's probably a farmer. It's probably someone who wants to subdivide their small, modest, humble land so that their children and grandchildren might be able to enjoy a home that they can afford.

I would suggest humbly, ask you when considering the apportionment of meters, first of all, to take care of the people who live here. Do not worry about the people who are to come. Because I promise if you take care of the people who are here, other people will come. But we'll be able to mold them in and they will be able to fit in nicely without your local people suffering. That has got to stop.

And I believe, first of all, what we need to do is you need to sit back and look at your policies, procedures, number one. Number 2, you need to sit back and look at who are our farmers. Who are our small family members who have lived here generations on end who want to subdivide so their children can have a home.

And number 2 (sic), that's another thing we need to do; we need to look at development and break it down into two areas: number one, the small individual, the small family who wants to create a home for their children so they can live in their native land; number 2, we need to look at the developers who want to develop for people to come and live.

Now, all of you gentlemen are well aware of the cost of real estate in Hawaii. I have a son and daughter married with three children each, I have six wonderful grandsons, they can't afford a home here on the Island of Maui. Sad for someone who was born into the territory of Hawaii.

These subdivisions that are going in are not for our children. God bless, I'm not a development, but I am foremost and primary, I am very adamant and passionate about taking care of the needs of the people on end. Because unless we do that, we have lost the boat. And I think that this has gone on long enough, I don't blame it on any of you.

CHAIRMAN STARR: Three minutes.

ZANDRA AMARAL: Thank you. But if I might finish. Again, I think the only thing that's going to help these people out here, and I see many of them who have farmed these lands for well over 40 years, shame isn't, we can't take care of them.

What we need to do is work on policies and

procedures that follow the board. Because you may change gentlemen -- and I notice there's no ladies up there -- these people out here do not change. We are the same, our needs are perpetual. Help us figure out the rules, first of all, so we can --

CHAIRMAN STARR: Your time is up, Zandra.

ZANDRA AMARAL: Thank you.

CHAIRMAN STARR: Aric Nakashima.

ARIC NAKASHIMA: Good evening, water board, chairman and the members. My name is Aric Nakashima. I'm here on behalf of the Pukalani Community Association. I myself have lived here all my life, basically. Like everybody else in this room practically; right?

We had a meeting last night, a board meeting, and I guess one of the topics was this meeting here tonight. Some of the issues was about the water meters. There's been a lot of things said tonight, I believe. And I believe Zandra said a lot there to, very passionate, very good speech. She said a lot. And I guess it voices a lot of the sentiment that we all have.

When it comes to water meters, what we kind of wondered about was, basically, if you have so much development and there are so many water meters available, when does development stop? I don't know if that was mentioned before, it probably was. But that's one of our questions that we had.

And there are a few more other questions about water meters and about availability of water. Upcountry, we go through this thing it seems about every year, the drought situation. And trying to take care of everybody, we know that's pretty hard. The water board has a big responsibility.

And the thing is farmers hurt, like Zandra just explained, they all hurt. Economically, their viability to pay for their mortgages, send the kids to school, it all comes down to a lot of concerns that we all have in all of us, whether we live here in Pukalani, Hailiimaile, Haiku, or Makawao, these concerns are basic.

And we just hope that the water board is -- well, we know you guys are always thinking about it, about our welfare and stuff. And we would like to hope that you folks would be

making more meetings and more hearings like this so everybody has an input, yeah.

And I guess more after you do this, you probably get a better response and probably better gauges as to what the community really wants, and that is, I guess basically what we're all looking for is fairness. Fairness for our children, our families, our families that are waiting for maybe, say, subdivisions to be opened up. I know that's a problem, too, about water meters. But the thing is fairness, justice.

And that sometimes -- you know, like somebody wrote in a letter in the Maui News, the people in Kahului pay the same rates that we do. They get water. The water is not -- they don't have any drought restrictions down there. We all pay the same rates. This was in the Maui News, I believe. That's probably been brought to your attention.

But again, what we're looking for is fairness and some, I guess some action too, I guess, yeah. We know you guys are thinking about it, but we're just here to remind you about it and just hope that you do a good job. I know you will.

So on behalf of the Pukalani Association, by the way, greetings. Thank you for coming up here. And again, if you can make more hearings available to us, you folks might get a better handle on what's happening from the people. Anyway, thank you very much.

CHAIRMAN STARR: Thank you, Aric. On behalf of the committee, it really does feel good to be up and doing this and having all this input.

There were a couple of other people we missed, let me see if they are back. Barbara Luke, are you in? Let's see. Is Glen Cole here? If there is anyone else who would like to testify on these matters, please come, but give me your name first.

MARK COLLINS: My name is Mark Collins. And it's kind of fitting that we're one of the last to testify, because we're pretty low on the list. But we purchased a lot that is Olinda house lots, 1915 is when it was developed and yet it's not considered an existing lot.

A couple of people have spoken about conservation and I think that might be the means of some compromise, if you are looking for some compromise to be able to issue water meters. So I'm throwing out an idea of why not have agreements

with people that have been waiting and want water meters, that they go an extra step to conserve water, that they put in catchment systems, that they agree to use devices that save water. There's many different opportunities to save water.

And then you can issue these meters knowing that you are going to have some folks that know the value of water and will be conserving, and I think they would be happy to go that extra step to conserve. That's all I need to say.

CHAIRMAN STARR: Okay, thank you very much. If there's someone else who wishes to speak up, please give us your name before you start. If there's anyone else who would like to follow up, please come to the front of the room.

AL GIORELLA: Thanks for letting me speak. I'm Al Giorella, I have a lot on this list since 1995.

First of all, I heard talk you guys might be considering wanting to do away with this list. To me that's a shame. You have people who have been waiting in line for years, and to change policies or something like that is totally unfair. It's like waiting in line at the motor vehicle to be told we opened up around the corner or something like that. That's totally crazy, in my mind.

I had some free time this afternoon so I had my secretary just for curiosity start going down this list and I'm about in the middle of it and I said do me a favor, why don't you check 30 or 40 people behind me, just for curiosity, and coincidentally we count at least three or four of these TMKS that have houses built on them since 1997 and 1998 and the obvious question here is, what happened? How did these guys end up No. 489 on the list and they built a house in 1997 without a water meter?

I think this list has got to be followed and I think it has to be updated. I think right now it's kind of ludicrous. It's so outdated. There are so many people on here that probably have meters. Spend some time to update the list and, you know, fair is fair. Thank you.

CHAIRMAN STARR: Is there anyone else who would like to give comments on the subject? I don't see anyone. I know I have one or two things I want to say. Let me open it up to committee members. Mike, Orlando, do you have any comments?

MR. NOBRIGA: You surprised me, Jonathan. I'll defer my comments to you.

MR. TAGORDA: No comments.

CHAIRMAN STARR: I really appreciate hearing all of this. I'm certainly -- we heard some ideas that I don't think anyone has ever thought of before, and definitely some fresh comments and it's good to hear what people are thinking.

I know that the board takes this very seriously. I think some people think that we don't take this to heart, but we really do. The fact that we're not -- have not been able to issue meters to all the people who want it is not something that makes being on the board really fun or pleasant.

We certainly would like to, and I'm sure every one of us would like to be able to issue meters and create adequate water to everyone who wants it, but it's not quite so easy. A lot of the testimony tonight has brought out that it's a very complex thing and it interrelates with what's available in the system, and trying not to force cutbacks.

And one of the things that I know I'm proud of is the staff of the department has worked very hard for the last year. And even though it has been dry, there have not been mandatory cutbacks, and this is something that used to be very difficult and uncomfortable for the board to put into practice.

The minor victory is we have not had to force any mandatory reductions, and use in the system has been able to be kept going. Even in dry times. And people have helped and cut down on use when we needed it. And we spent a lot of energy and a lot of money pumping water up the hill. And so we are in a position where, at least this year, we have not had any mandatory cutbacks. Hopefully that will continue through the next summer.

And we really do have to grapple with the issue of meters, whether we want to go ahead and issue meters on the list or whether we have to conserve what we have. We heard both sides of that tonight. I know there is certainly a movement to try to make the system adequate to add some wells to the system Upcountry, so that there will be plenty of water if we do add wells and we can certainly bring closure to the waiting list if we add the source.

Anyway, I want to move on to the last item, and we

do have one more item and there are some people who have signed up to give their comments. And that's relating to item D, which is the evaluation of director and staff, and we have asked if people want to give comments on the criteria that the board should use in the evaluation of the director.

So I would like to call Christina Hemming to be followed by Barbara Luke, if Barbara Luke is back.

MR. CRADDICK: Jonathan, the staff is prepared to give a presentation on this meter policy. I don't know if you want it, but we have it and it's available for the group to get a little more factual information than what was passed out here tonight.

CHAIRMAN STARR: If we still have time after we finish the testimony. Christina, are you here?

CHRISTINA HEMMING: I'm Christina Hemming. One thing I would have liked to have heard is the list of criteria that the water board has actually come up with to evaluate the director. Do you have that list? Can you tell us what some of that criteria is? That doesn't cut into my three minutes?

CHAIRMAN STARR: We don't have a list of criteria; we're trying to develop one. That's why we're looking for input from the public.

CHRISTINA HEMMING: I'm ready to try to be specific to a list of criteria for the director. Although I do question how powerful the director is in the water board, I would love to see the chairman of the water board have some criteria set for him too, Mr. Cravalho. I personally believe he should be removed from the water board. And I also believe that the water board -- the director and the water board should be elected by the public.

The criteria would be available for listening to all the public's needs, open to the environmental impacts, not having closed door sessions for hiring hydrologists. No closed door meetings at all period, pretty much. The director should take into consideration first the impact upon the environment and the Hawaiians who own the land that the ditches are on.

I think that, for instance, the memorandum of understanding that was developed by A&B and the water board and

the director should never have been allowed, because there was never any public testimony for the memorandum of understanding.

And then the director put on this great stream restoration meeting, which was like a joke, because eventually at one point of the stream restoration, Mr. Craddick got up and said -- and he seems like a nice man, he takes a lot of flak from the public, so I'm sure it's a very difficult job -- basically he said look, you are going to get one billion gallons a day --

CHAIRMAN STARR: Please stick to the --

CHRISTINA HEMMING: Stick to the topic, okay. That basically Maui needs to be made into a water management area and we should have a director that's going to take care of the water resources here for the people who live here and the tourist can come second. Thank you.

CHAIRMAN STARR: Thank you, Christina. Barbara Luke, are you here? No Barbara Luke. Zandra Amaral, you want to comment on the last -- you signed up? I guess not. That ends our public testimony for tonight.

MR. NOBRIGA: I have something.

CHAIRMAN STARR: Mike. I turn it to Mike Nobriga.

MR. NOBRIGA: I thank everyone for taking the time out of their busy schedules to be with us tonight. I know sometimes this process seems fruitless and just a waste of time, but I want to assure you that it's not.

Our charge is that everyone must have an equal access to water. The rules and procedures that govern the department, the director, and the board must be interpreted equally, the same way for everyone: big, small, subdividers, condominium, agriculture, or Hawaiian Homes. Thank you.

CHAIRMAN STARR: Well said. Orlando?

MR. TAGORDA: No comment.

CHAIRMAN STARR: I want to allow the director to

make a short presentation, which I'm asking him to stick on to the subject that we have on the agenda. So David Craddick will give his view of the situation regarding the list of meter issuance.

MR. CRADDICK: Okay, the current rules and regulations of the board were approved in January 7, 1977. Boy, it's real dark in here. Okay. Now, rule No. 2, Section 1 has -- which is regarding subdivisions, talks about extensions or connections to the water system, from the subdivision to the public water system shall be approved provided that the department has sufficient supply of water to take on new services without detriment to existing services.

Rule No. 3, Section 1 is regarding individual services. And it basically says the same thing that the subdivision does, that the premises have to be within service limits established by the department, adjacent to a distribution main where pressure conditions permit, and they can get water service, again, provided that the department has a sufficient water supply developed for domestic use.

Now, in November 1st of that same year, the Kula rule was passed. Basically it said no new water meters except for 5/8 inch meters for extension or connection on the upper Kula line, no new water meters larger than 1 1/2 inches on the lower Kula line for extension or connection, and no agriculture meters.

Now, the Kula rule was extended or amended nine times between 1977 and 1991. In '83 a major change was made, it allowed what's called family subdivisions, and there are a lot of those that were approved between 1983 and 1993. In 1984 they allowed the conversion to agricultural rates for customers that were of record in 1984. But no ag meters after that. You can see the results of those policies here in this graph showing the meters.

In 1977 you can see where the number of meters kind of slowed down. In '84 it kind of took off where you could get ag meters again. The regular meters, you can see in 1977 there, a slight increase after '77, and issuing meters Upcountry, little bit of a slowdown in the early '80s. In the mid to late '80s, it increased fairly rapidly. Around 1991 it basically slowed down again.

Now, in 1993 the Board of Water Supply recognized a shortage condition, and implemented what was called a finding.

And it was based on these two rules that I told you about earlier, 2.1 and 3.1. Now, what happened at this point here the Kula rule lapsed on March 21, 1993. This came in four days ahead of that. And this shortage condition affected the entire water system: Upper Kula, Lower Kula and what's called the Makawao system which serves Makawao, Haiku, and Pukalani.

Along with that shortage, some guidelines were published in the newspaper after the board said to go ahead and do it. And I'll skip through these guidelines fairly quickly. There are some things, you know, that said if you had a lot and you did nothing in reliance on having that lot, after seven years you wouldn't get a meter.

Anyways, all of these guidelines came up for review in this court case here. I called it 930241. It was the first case filed that time, it was filed March 16, 1993. So you can see it was like two days after the board took action and this case was filed. And the plaintiffs said their rights were violated and Kula rule should have been kept in effect.

Now, corp counsel, approximately a year later, recognized that we were possibly going to lose that case regarding the guidelines that were published in the newspaper. So corporation counsel told the board, based on rule 2.1, 3.1, that they could continue to deny applications for building permits and subdivisions.

The director should review individual applications to determine whether the applicant had received some commitment from the department through official assurances to provide water service prior to that 3/16 date.

Now, there have been some variances from that. The water department has allowed not only commitments that the water department gave, but they have allowed commitments that the county made and probably the most notable of those is the, let me see, what was it called, Makawao Upland or something like that, on Key Road.

Another one, I remember one of the testifiers was talking about this, the Board of Water Supply allowed four situations where people could retrofit and by reducing consumption of existing places could get additional meters.

Now, the board subsequent to that said nothing prevented those people from then increasing their usage and getting it right back up to what it was. And probably one of the most notable examples of that was Seabury Hall. A lot of retrofitting was done there to cut their consumption, they

added a new gymnasium and more buildings on the campus. So in effect, the retrofitting done there had no effect.

The DWS has also allowed larger meters with high consumption over five years to be turned in for multiple smaller meters that use less water than the larger meter.

Anyway, that ruling of corporation counsel again was based on this summary judgment that the court gave, saying that the director's finding was a rule which is invalid because it was not promulgated pursuant to HRS Chapter 91. Final judgment was given because there were no remaining issues.

And basically the court did not say that the Kula rule was still in effect when it had lapsed, but it did say they failed to follow their rule making procedure and needed to do that. The case was appealed three times and it's currently on appeal.

Now, the priority list came later in that same year, 1994. And it was published in the Maui News, Honolulu Advertiser, and Haleakala Times. The priority list was to administratively allow priority for applications denied water meters. The next line will be a copy of that add. But if people could show they had done something in reliance on being able to get a meter, their names were put on the list and we also needed an order to process, to deal with people denied water service until it is available.

This was the notice and you can see it says the Board of Water Supply is reviewing its list of persons waiting for Upcountry water service. If you were refused a water meter or a larger meter since 1977, you may qualify for consideration. The 1977 date was picked because that was the Kula rule. From 1977 to 1993, the department did not keep a list of people that were denied meters, and it was quite an administrative problem for us to sort that out.

Anyways, that was the ad and basically that list remains to this day. It's gone from 1 to over 800 now.

Somebody had mentioned last, you know, the department was not allowing meters for these empty lots and in, I think it was October 1999 corp counsel gave a verbal presentation to us that we could deny those type of meters.

Since that time, the board has allowed meters for one of those empty lots, so we again talked with corp counsel and we have again started issuing meters for those empty lots, again, provided they are adjacent to an adequate line in the road next to their property.

Now, water has been available from a number of projects. One was regulation that A&B would do the ditch to make more -- the water level higher in the ditch so we could get more water out of it. That happened December '97.

The Haiku well, which was drilled in 1979, was finally put into service in June of 1999, 20 years later. It was held up for a number of years in the East Maui EIS; but since the well was drilled long before the East Maui plan was even conceived, the court did say that the Haiku well was not part of that EIS.

The Hamakuapoko wells, which were drilled in '91, were finally brought on line in 1999 after two emergency declarations by the mayor and governor to allow those to be brought on line. There was a memorandum of understanding with A&B that hopefully will allow us to do some things with the non-potable system and stream flow and also have a steadier supply of water there.

And the Kaupakalua well has been in service since January of this year, with a fully full-sized pump running with Maui Electric power. And my understanding is that Dowling paid about 3 million for that well. I don't believe he paid anything for the power. That's something you would have to take up with Maui Electric.

Since 1999, we have three and a half million gallons of groundwater available for the Upcountry area. Those are the Hamakuapoko wells 1 and 2, Haiku well, Kaupakalua well.

Hamakuapoko well is by court order we can't give meters off of those wells.

We have a problem here, my projector is acting up. Anyways, this is a picture of the Haiku well. This blinking picture here is the Hamakuapoko wells, if you catch it in between blinks. And this is the Kaupakalua well. That's basically the end of my presentation there, I think. Thank you.

CHAIRMAN STARR: Thank you, David. I would like to thank everyone for coming tonight, and the board really does like to hear people's input and please give us your comments, give us your testimony, and thank you for coming out and letting us know what you think. I would like to adjourn the meeting and we'll see you next time. Aloha.

(The deposition concluded at 8:15 p.m.)

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