

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

PUBLIC HEARING ON RULES

Held at the Kula Community Center, Kula, Maui, Hawaii,
commencing at 6:00 p.m., on May 21, 2002.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135
IWADO COURT REPORTERS, INC.

A T T E N D A N C E

CHAIRPERSON:

PETER RICE

BOARD MEMBERS:

CLARK HASHIMOTO

KENT HIRANAGA

MICHAEL NOBRIGA

GINNY PARSONS

JONATHAN STARR

MICHAEL VICTORINO

DIRECTOR DAVID CRADDICK
DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR.
BOARD SECRETARY: FRAN NAGO

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TRANSCRIPT OF PROCEEDINGS

BOARD OF WATER SUPPLY

PUBLIC HEARING ON RULES

MAY 21, 2002, 6:00 P.M.

CHAIRMAN RICE: Good evening, everyone. Thank you for attending our public hearing. I'd like to welcome everybody. My name is Peter Rice, I'm the chairman of the Water Board. I appreciate all your time coming out tonight to give us your comments and thoughts and opinions on these rules that are being proposed.

Before we start, let me introduce the members of the Water Board that are here. At the far end is Kent Hiranaga, Clark Hashimoto, Mike Nobriga, Jonathan Starr, Mike Victorino, and Director David Craddick.

We're here tonight to receive public testimony on what you found at the desk there, five documents. The first is

the appeals to decisions of the Director. It's a process whereby if someone feels grieved by the decision of the Director, that you have a process to file an appeal with the Board. That's one rule.

The next rule has to do with our -- it's a practice that the Board will not make a decision regarding water resources where the water resources are defined as 500,000 gallons a day. And then if such a decision comes before the Water Board, that the matter will be noticed and not voted on until another meeting, thereby giving the public adequate time for review and testimony of large scale kinds of water decisions.

The next two documents have to do with the Water System Development Fee. One has to do with the actual fee increase, and the other document has to do with the language that accompanies it. It should be basically considered as one issue.

And the last rule, which I think a lot of you are here for, is the Water Meter Issuance Rule for Upcountry.

On your sign-in sheet you have indicated which rule you want to testify on. I was going to do them as we did in Haiku, in order, so we could take -- we will start with the

rules on the decisions of the Director. We will move in order.

Procedurally, we would like to proceed so that we will call your name based on the order of your arrival here in filling out these sheets. We ask that you limit your testimony to not more than three minutes. And if we get through everybody and there's additional testimony, we will be happy to listen to it.

I think an important thing to note is that the Board is not here to take any action tonight. We are here to receive your testimony, to hear what you have to say, and to take it into consideration as we deliberate our final decision on these various rules, and before we send them to the Mayor and the Council.

So with that, I will start with number one. And actually, as I look at all these sheets, there's only one person who is here to testify on anything but the Upcountry Water Meter Rule, and that is Elliot Krash.

Elliot, you have checked on three of the different rules. If you want to come up, if you are going to speak, have a seat right here in front of us. Elliot, one second. Before you start, I want to acknowledge that we have received written

testimony from Katie Romanchak and the Honorable Charmaine Tavares, who is here. You are here, Charmaine, thank you. And the Maui County Farm Bureau. I acknowledge that written testimony.

MS. KRASH: Good evening, Chairman Rice, and members of the Board. My name is Elliot Krash, and I am speaking tonight for the Kula Community Association. And first of all, we want to thank you for coming Upcountry and holding this hearing where there are a lot of concerns about water issues. And above all, we want to thank you for the work that you are putting in in trying to unravel these very difficult issues, bringing more openness and public participation to the matter of decisions involving significant amounts of water.

Restructuring the fee schedule and developing an Upcountry meter issuance rule, these are ticklish issues, and we have comments on several of those items. First of all, with respect to the decisions regarding 500,000 gallons or more per day, we support that proposed amendment. We feel strongly that more public involvement and information is essential in any decision involving significant amounts of water.

And we'd like to ask you to consider lowering the

required gallon amount to 50,000, at least for Upcountry decisions, because when we are looking at 500,000 gallons of water Upcountry, that's probably enough to serve 500 households using an average amount. And when we are talking even 50,000 that's a significant amount of water, and Upcountry people would like to be involved in that decision. And having two meetings gives people more time and opportunity.

Let me now address the Water System Development Fee issue. We spoke to this in October in support of the fees. They're necessary, they're based on the value of the system, and that is a fair approach. However, at the October meeting a number of questions were raised about the impact it would have on people who have been on the waiting list so long. And we see that many of those questions have been addressed as you have tweaked and fine-tuned this proposed amendment.

For example, people who have been on the list would only have to pay the 1993 fee. There would be a half price fee for accessory dwellings unless and until they're sold. An extension from two months to 36 months before a penalty is imposed. There are other such measures that are helpful to the people that have been disadvantaged by waiting and getting their meter at the old price.

Also, with respect to that fee, we support building into the regulation a simple method to periodically adjust the fees based on some sort of index or analysis. I believe you had discussed this, and I am not sure that it's still in there, but we feel it should be there. And it would make the adjustments automatic, and it would do away with this huge jump that people are experiencing now, seeing an 80 or 100 percent price increase.

If we did it each year or periodically, it would be more fair. And it would also, by making the process automatic, we wouldn't have the procrastination or politicalization of the process.

Now, with respect to the Water Meter Issuance Rule, we are relieved that you are trying to manage this huge problem. This is essential. And while we support the promulgation of this rule, we do have some serious concerns, questions, and a few suggestions. For example, how will this proposed rule prevent the current situation, where we have meters being issued to some people while others are waiting on a list? We know that the proposed rule is going to take care of the current group of people who have detrimental reliance or some sort of counting on getting a meter without being on the

list. But what in the rule is going to prevent that from happening again to another group of privileged citizens, that kind of list being formed?

Secondly, how will the notice of the 60 day limit be given to those people who have reliance or pre-existing rights? How can we be sure that they're going to feel that they are being fairly notified? And 60 days really isn't too long a period of time, especially for people who might live off island, et cetera.

The third question is how much water will be required for everyone on the list? How will we know how many meters can be issued? And I know we have wrestled and grappled with that and tried to define adequacy, and we have many different estimates of this. And I guess some of us still feel uncomfortable that we really don't know where we are on that and which well we count and how much pumping, et cetera. We feel that that definition needs to be clarified, and it should be approved by the Board, and it should be incorporated or at least referenced in this rule.

This proposed rule also does not limit the number of meters that can be issued for subdivisions. Well, I mean if there's a large subdivision early on the list, we will end up

with how much water for the rest of the people on the list?

That's a very big concern.

Also, bottom line, I guess this is a longer term thing we need to look at, but this rule is not addressing the priorities. What we call the priority list really seems to be just a waiting list, it's not setting priorities. And somehow we need to begin grappling with this difficult issue of how do we set aside a reserve for the priorities of agriculture and Hawaiian Homelands as they have been identified Upcountry. We need to have some legally defensible way to do that. It's not going to be in this rule, but this rule raises that issue.

Thank you very much.

CHAIRMAN RICE: Thank you, Elliot. Are there any questions from the Board? Mr. Starr.

MR. STARR: I want to complement the work that you have obviously put in. You are asking very good and real questions. And you piqued my interest with your last, you know, your last comment. Do you have any suggestions on how? Because it's something we have grappled with, and no one has come up with any mechanism on how you prioritize by use or by

group, you know, issuance of water.

I myself do not know a fair way of doing it. But we all know that agriculture and Hawaiian Homes, you know, have priority and so on. Do you have any more wisdom to shed on this?

MS. KRASH: I wish I did. I would volunteer to serve on a taskforce or committee to help with this, because it is an interesting problem. But maybe some of our other speakers would have some ideas. Every time we start touching on that in some of the committee meetings and other hearings we really are trying to focus on the more immediate issues, which is this one now, unraveling this meter issue. But I look forward to us working on it and resolving it.

MR. STARR: I have one other comment. You were suggesting that we have an automatic increase in the rates, and our original rule had that in it, and we removed it because I think there was a concern by some members of the Council that it was taking away their rights to approve rates by having an automatic increase that they couldn't control.

So the way ordinance is written, there was some

merit to that. And we took it out, though the Board did feel that that was a fair way of doing it, to have a yearly increase. But it was, you know, one of those kind of division of powers issues, and that's why it's out now.

CHAIRMAN RICE: Thank you, Elliot. Okay, in that the rest of the testimony is regarding the Water Meter Issuance Rule, I want to -- there were a few items raised when we had the Haiku meeting as to the list in the audit, and I just wanted to tell the public in general before they came up, because if they want to address one of these particular items you have a chance.

We have had our auditor audit the first 50 names on the list, and it was only limited to the first 50 names because of cost at this point. But we thought it would give us an idea of how much problem may exist on the list. Fortunately, he verified that all 50 names were properly placed on the list, so that's the good news.

The review of the list by some committee of the Board raises many questions. We are not going to answer them tonight. This Board is going to need to deliberate on a lot of them. But so that you know that we recognize that there are a

lot of issues, subdivisions, multiple listings. There are people with multiple listings on the list. Inadequate distribution in areas where people are requesting meters. Subdivisions that have already been approved.

The issue of priorities and limiting the number of meters has been raised, and it's not something that we have decided on, but just so you know that it's something that we have to tackle. So I throw that out so that if you want to comment on those kinds of things when you come up, you have a chance to.

Warren Watanabe.

MR. WATANABE: My name is Warren Watanabe, I'm the president of the Maui County Farm Bureau, and I'd like to give some testimony concerning the water issuance rule.

The Maui County Farm Bureau appreciates the continued support provided to the agricultural industry by the Board and County. Efforts taken to minimize the impact of water shortages to the small farmers and ranchers is well recognized by our members.

I am here to reiterate the Maui Farm Bureau's position on new meters on the Upcountry system. We continue to

feel strongly that issuances 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. Changes in Department policy have reduced restrictions placed on agricultural users. While the rules state that agriculture is not restricted, many farmers voluntarily reduce their plantings because past experience has shown that if rain doesn't come, severe shortages will occur, crop losses will follow, and perennial crops will die. They are not willing to risk financial ruin based on an assumption of non-guaranteed adequate water.

We see several shortcomings to the rule. The meter restricts usage to five-eighths inch meters; bona fide agricultural operation will require larger size meters. This, therefore, presumes that all new meters will be issued to non-agricultural operations, expanding that sector's presence in the Upcountry area. The County has a policy of wanting a rural designation and continued agricultural presence in the area. Continued planting of homes will make it difficult for agricultural expansion in the future as tracts of lands are broken.

Seeking funding for water system improvement was

Hawaii Farm Bureau's top priority during the past legislative session. The legislature responded, and a total of 8 million dollars was allocated to continue with the Upcountry agricultural line. If the water is already to be used by non-ag users, where is the water for this line going to come from?

We also have understood that DHHL's new development will be utilizing the same source as the Upcountry system. This is a prior commitment that needs to be respected. From a strategic perspective, we are concerned whether all of the additional usage that will occur with new meter issuances result in accelerated deterioration of an already weakened system.

Two, the rule addresses low flow fixtures for homes. Nothing is said about water conserving landscapes and irrigation practices. In water short areas on the mainland, incentives are in place to conserve water in deficient areas. These policies need to be in place before there is an issuance of new meters. Most of our farmers have converted to water efficient drip, where the crops allow such irrigation practices. Residences should be required to follow suit.

The Farm Bureau recognizes the plight of many landowners who have had plans for many years for homes but have not had the opportunity due to lack of water. Our farmers too are in the same situation - many have dreams of operational expansion and others of starting new farms. During drought times, production expectations are not realized due to system deficiencies, and financial goals are not met. This means not only loss of livelihood to the farmer, but also to the County, as projected taxes are not recovered.

Yes, farms require water, and many will say that the public is subsidizing this resource to agriculture. Yet agriculture does not require all the other road, utility, sewer, and public service infrastructure all other developments require - that while contributing to tax dollars and the rural atmosphere everyone wants.

This County needs to determine whether their policy of wanting agriculture in Upcountry Maui to support a diverse economic base is valid. If it is, the Board must make the hard decisions to implement that policy. Those living in Upcountry Maui must understand that owning land in the area is a privilege, and there is a price to pay for that privilege.

I thank you again for this opportunity to voice our

opinion, and we are committed to continue working with the Board and the Department to address strategic solutions, including looking at financial resources to improve the system. Thank you.

CHAIRMAN RICE: Thank you, Warren. Any questions of Mr. Watanabe? Mike?

MR. NOBRIGA: Warren, you used the word bona fide agriculture. We have had some instances over other rules where the definition was kind of wavy. Is it your opinion that bona fide agriculture is adequately defined, or is other legislative action required?

MR. WATANABE: Well, I think it really needs to be looked at. As you all know, to me, a bona fide agriculture operation is where the family gets at least 50 percent of its income from the operation. And, you know, I think we all are aware of this area, that in this area that there are areas for something that you know aren't truly agriculture. And I know it's something that we have tackled on the Hawaii Farm Bureau,

state level, Department of Ag. I think it's something that the industry needs to address and come up with a definition that will satisfy everyone.

MR. NOBRIGA: Thanks, Warren.

CHAIRMAN RICE: Any other questions for Warren?

Thank you, Warren.

CHAIRMAN RICE: If we can get the subsequent speakers to sit here so the stenographer can hear. Carol Dickson will be our first test subject.

MS. DICKSON: This is my first time. Could I wait for somebody else, please?

CHAIRMAN RICE: Charlie?

MR. MAXWELL: Could I also wait? (Laughter).

Good evening, Mr. Chairman, and welcome to the Kula and the members of the Board of Water Supply. My name is Charles Kuluwehi Maxwell. I was brought up right here in

Pulehu, below Waiakoa, so I know the importance of water. I also served as a former member of the Upcountry Community Plan. Six years ago we met for many, many months, and we came up with a Community Plan that addressed the farmers and the Hawaiian Homes.

If I could, actually I wanted to speak -- I didn't know I had to mark everything, but throughout the documents that I have read, there's no mention about the Hawaiian Homes, none. And yet the state law, the water law mentions the fact that Hawaiian Homes has first call, meaning they have first right to the water. I was one of them that fought dearly in getting the water for Waiohuli with the Board of Water Supply, with Linda Lingle, the County of Maui, and we came up with this \$2 million to make it happen, after 15 years of being awarded.

I have waited over 30 years to come on this land, and finally when I was awarded the land, if I borrow and build a house I will be 92 years old before I pay for it, so I gave it to my son. But I am also on the waiting list up at Keokea. I think the Water Board has to be aware that there is over 6,000 acres, and only 800 acres was given out in Keokea and Waiohuli. There is another 27,000 acres in Kahikinui that is still Hawaiian Homelands. To me, that's development in the

future that's going to happen.

So this 500,000 gallons that's allotted, some of it should be kept to fulfill the mandate of the water act of the law where Hawaiian Homes has first right. And if anybody -- you know why? Why does Hawaiian Homes have first right? Well, Congress in 1920 passed the Hawaiian Homes Act, and they wanted to get Hawaiians back onto the land. But from 1920 until about eight years ago, the Hawaiian Homes Act was mismanaged by the federal and the state government. And there was hundreds of Hawaiians that waited 50 years and more and died on the waiting list. Just remember now, this land that the Hawaiians are leasing was their land. They're leasing the same lands that they owned for 99 years, and that's why they have first call.

So I would like, in all your deliberations, would you please make it a point to allot water to these people? Not just to all the new communities that are coming up, but in the future we have a lot of land that will be built on. So I implore you as the Board of Water Supply to keep this always in mind, Hawaiian Homes, the farmers.

And like the other gentleman was so kind by not wanting to say that up Kula there's gentlemen farmers with gated communities that don't want the farmers to plow next to

them because of the sun and the dust, and this is where it all happens. This is our greenbelt of Maui.

So some mentality -- and I see all your learned minds here can address this and encompass that fact, how we plan the Community Plan. We encompass the farmers and the Hawaiian Homes. Thank you very much.

CHAIRMAN RICE: Thank you, Charlie. Any questions for Mr. Maxwell? Mr. Starr.

MR. STARR: Uncle, you mentioned that you feel there should be priority for Hawaiian Homes, and I agree with you on that. And I know that the water for Waiohuli is set aside and is available, and there's certainly no issue of that, and there's also water for Keokea. You mentioned Kahikinui. Do you feel that it's the right time for the Board or working with possibly the State and other agencies to try to find a way to move some water out to Kahikinui?

MR. MAXWELL: You know, it's part of the Maui community, it's Hawaiian Homelands, and it's been sitting there since 1920, and they're living off the grid there. But you

know there's babies, there's families that's living down there, and yet water, we should -- the Board should allocate. If you have that much, take care of the people that are living out there first.

MS. PARSONS: Uncle, I brought that up when we were talking about Ulupalakua a couple of weeks ago, and it was pointed out to me that Kahikinui is not in the Charter, in the county plan. Because I feel if we are going to put water out even as far as Ulupalakua, then make it enough to take beyond.

MR. MAXWELL: That's why I recommended that this Board put this in the rules. It's in the State Water Code, and that's supposed to supersede. I don't know if you're autonomous, where you are not following the State Water Code, but the State Water Code, and we fought for that, and I testified for the first call for Hawaiian Homelands. So yeah, the Maui Board, the Maui Board of Water Supply should take that initiative, it's time to do that.

CHAIRMAN RICE: Any questions?

MR. STARR: I agree with you, Uncle.

CHAIRMAN RICE: Thank you, Charlie. Robert Fevella.

MR. FEVELLA: My name is Robert Fevella, and I'd like to address some of the comments that have been made so far, and go back to the list, the so-called priority list. I have been on that list for six years. How many of you would be willing to wait on a list for services from the County of Maui for six years? How many of you? How many of you gentlemen and the lady there?

We were promised meters by a chairman of this board in January, and I asked the person, "What January are you talking about?" He told me, "2001." This is now 2002, and it's May, and we have got new members on the Board. All we get is the runaround, wait.

Some people feel there should be no more meters issued. I get no qualms with giving water to the farmers, to the Hawaiians, and to whoever needs water. Why is water supposed to be only for certain people? What about my children? We have land that we have owned for over a hundred

years. Charlie talked about 1920 Hawaiian Homes. We go back to the 1800's. Why can't my children have two meters?

Something is really wrong here, you know. When we are taxed we have got to go down there and pay our taxes. We can't say, "Well, I don't have water so I am not going to pay my tax." They will take your property.

And yet you look at all the development. What has the Board done, what has the Department done for these people? Some of them have been on the list for ten years. They send you one notice that, "We don't have a source to give you a meter," and yet other people get meters. There's a source for them. It's very, very strange and it's very, very hard to swallow.

I have been to so many meetings already, I've testified so many times, and all we get is refer it to committee, refer it to committee, the three words that you people really know well. We want some action, not refer it to committee. Thank you.

CHAIRMAN RICE: Any questions from the Board?

MR. FEVELLA: You guys have any questions?

CHAIRMAN RICE: Frank Zajac.

MR. ZAJAC: Chairman Rice, members of the Board.

Thank you for taking the time to come here tonight. I know we all have other family obligations. I'd like to get clarification from the Board on an item. I have a little three lot subdivision. I have been on the waiting list for over five years for a water meter. I've put all the required services, standpipes in, that the Water Department has required me to do. I have spent all the money.

I'd like to -- I'd request this from the Water Department to let me complete my subdivision and leave the water meter on one lot and go on catchment on the other two lots on my farm until the water meters come available. The Water Department told me that they couldn't guarantee that I would stay on the waiting list if I did that. It would drop me from the waiting list, or didn't have a rule or know what would happen.

So I'd like clarification. If I go on catchment, will I stay on the waiting list for meters and be able to get meters, since I have been on the list for over five years?

CHAIRMAN RICE: We will be happy to add that to one of our deliberations. You are on the list and you are under your name, Zajac?

MR. ZAJAC: Yes.

CHAIRMAN RICE: There's a lot of great points that we need to consider.

MR. ZAJAC: That's all, thank you.

CHAIRMAN RICE: Okay, Carol, Carol Dickson.

MS. DICKSON: Gentlemen and lady down there. My name is Carol Dickson. My husband and I own two acres on the corner of Lower Kula Road and Omaopio. I am here tonight to ask that you reconsider the rules for Upcountry water issuance.

We started the Subdivision Act 19 years ago.

Rezoning was something that we had to do first. We were told we had to do the rezoning. Four-and-a-half years later and

\$17,000 at cost we got our rezoning, but only to find out eight months later that we went the hard route, it was on the plan. The Community Plan was considering changing the rezoning on our property. Not once were we told by the County, while we were going through this for four-and-a-half years of writing and following their rules and regulations.

So anyway, we recouped and then began subdivision application, only to be deferred by the Water Board because of a shortage of water in 1993. We kept in contact with the Water Department and were assured that yes, we on the priority list. On October 11, 2001 I read an article and it said there's a chance for the water up in Kula. The situation was going to be solved. October 23rd, 2001 we asked Curt Tanaka to get the papers back together and reapply for -- not reapply, but to get our subdivision going again. October 25, 2001 the request with all the original papers, nothing was changed, went in for application. We got our approval December 27, 2001.

The Upcountry Meter Issuance Rule, that charter that I read -- I don't know if this is different, this is why I thought I'd hold off for a little while -- has a cut-off date of applications of October 31, 2001. Have I missed this for two months? It just seems like I'm back to ground zero again.

The information in bits and pieces throughout all of this seems you can't get anybody to give you an answer. It doesn't seem like anybody knows what's going on or what we are supposed to do.

I do believe we should have been notified and given a chance to comply long before any rules and dates were given, and that we should be able to keep within the grandfather clause. My information not only is that we were going to be knocked off the list because our application wasn't active, which I never realized should have been, no one told us this. All I knew was I was on this list and yes, we were holding off until we got the meter. We couldn't do anything anyway.

This is so frustrating and overwhelming. I was 45 when we started this, and I am ready to retire, and I'm looking at a tremendous amount of money I need to get two meters. Thank you.

CHAIRMAN RICE: Any questions of Carol? Yes, Mr. Victorino.

MR. VICTORINO: I keep hearing this recurring theme about notification. And being new, and I am not going to send it to committee because I want the answer. I'd like to know

what is so difficult about getting notification. And I don't know who is really the responsible entity, whether it's the department or who, but I can't understand why notifications cannot reach you in a timely manner through whatever methodology we can use.

And if there's something that I will make a special note of to look into is, why doesn't notification get out to the public for anything that is going on, whether you are talking about your meters or meetings or anything, because I think it's being unfair to you folks to get caught behind the eight ball every time. Starting over is really bad.

MS. DICKSON: Well, we didn't think we were starting over. We just thought we were reactivating that thing for the seven years that we had been waiting for this, because we were told we could not get the subdivision without the meters and the Water Board said no. So we thought okay, well, I guess they will inform us of when the meters were going to be available.

Well, it was by accident that I was watching television and some woman stood up and said, "We aren't getting our meters." And I thought oh, I'd better find out. So I went

down to the Water Department and they said yes, it was going to be -- going to some kind of committee or something. That they were rejudging all the list, and if you weren't active in your subdivision, if you hadn't reactivated it for eight years, you were off the list. Okay, this is -- like I said, I wasn't sure. And when I read this I get confused with all the fancy words.

MR. NOBRIGA: Me, too. But we are trying to address that very instance.

MS. DICKSON: Thank you.

CHAIRMAN RICE: Richard Mayer.

MR. MAYER: I'm addressing the Water Meter Rule. I greatly appreciate the efforts of the Water Board members who are holding multiple meetings to gather a broad spectrum of input on the Water Meter Rule. And thank you all for coming up to Kula. Unfortunately, the Water Meter Rule, as presently drafted, has several serious and fatal flaws. I hope the Water Board will make all of the necessary revisions before adopting the Rule. I wish to call your attention to the following

issues, questions and concerns:

Number 1. This is one I have mentioned to you before. The Board and the Department of Water Supply is required to honor the Makawao-Pukalani-Kula Community Plan. The Community Plan, which is a Maui County ordinance, establishes the Hawaiian Homelands and agriculture as the highest priorities for delivery of water. Residential development is given a lower priority. And this is in the law, and part of the County ordinances. Until the Community Plan is amended, that is the law. The proposed rule makes no mention of the Community Plan priorities, but illegally attempts to create its own priorities, in other words, the Water Department list substituting for the Community Plan priorities.

Number 2. What happens when the Rule expires in 2005 and there are names remaining on the list?.

Number 3. Many items are defined in the Rule, but where is the definition of the key term "adequacy"? Does adequacy cover drought conditions? You have left a lot of discretion to the Director to make decisions, but have given very little indication of what he should be doing in following the rules and standards that you are setting. And also, does adequacy cover drought conditions, which are the norm in the

Upcountry region, not the exception.

Number 4. For public information and to reduce speculation that things are not being done fairly, the Rule should provide in the rule itself for an internet posting of the list and a regular updating of the list as meters are issued, so that we know it's being done fairly and what's happening.

Number 5. The Rule itself is mute on the problem of subdivisions. It does not seem at all fair that some initial applicants will get more meters than their family would need, while other families get none who are further down on the list. A fairer process would be to issue one meter to each applicant before going back to the beginning of the list for an applicant's second meter.

You mentioned, Mr. Rice, that the first 50 were audited. It would be interesting to see what the remaining 950 have on the list as far as subdivisions.

Number 6. The Rule provides no oversight by the Water Board on how the Rule is being managed. As a minimum, there should be quarterly reports to the Board indicating the number of meters issued in the previous quarter and the proposed number for the upcoming quarter. The Director should

be required to provide the Board with information on adequacy, and how to proceed and how the number of meters compare with the actual supply.

Number 7. When droughts occur, will the percentage cutback asked of residents be the same for all users, farmers, existing residents, residents resulting from new meters? At present, do farmers have a lower standard than residents? What will be the standard in the future, and will existing residents and farmers be exactly equal?

Number 8. Will meters be issued in the same manner for applicants who have very intensive water use needs, golf course, commercial users and farmers? For example, the slaughterhouse was on the list. Will they be issued the next meter? Meter size, after all, only regulates water flow rates, not total usage.

CHAIRMAN RICE: Questions for Mr. Mayer? Thank you, Richard.

MR. MAYER: Jonathan asked a question of several people. He didn't ask any of me. And you asked the question about the allocation with regard to the Upcountry Community Plan.

MR. STARR: How do you think such an allocation should be handled?

MR. MAYER: Thank you. As vice-chair of the Upcountry Community Plan, it is something that I helped along with Charlie Maxwell, who is here, have worked on, and I have talked with other members who could not come tonight. And many of them feel this was a very key element of the Upcountry plan. I would suggest that if a new water source is developed, let's say you develop a well with one million gallons, that 25 percent be set aside for Hawaiian Homelands, 25 percent for agriculture, and using the remaining 50 percent for residential use. In other words, something in the rule. And that's really off the top of my head today, but something of that nature might be a way of allocating.

And I just want to point out with the Hawaiian Homelands why that keeps coming up as such an important issue. Right now the resident population of Kula is about 6500. The Hawaiian Homelands have 6,000 acres on the closest property here. And even if you make two acre lots, which a lot of them are making, that would be 3,000 lots. If you have four people

per lot per family, that would be 12,000 people.

In other words, the population of that Hawaiian Homelands at build-out would be double the population of Kula at present, or about equal to Pukalani and Kula. If it's given away to multiple subdivisions before that, there may not be enough water for the Hawaiians and the community, and the County ordinance felt that was essential.

CHAIRMAN RICE: Thank you, Richard.

(Applause).

CHAIRMAN RICE: Charmaine?

MS. TAVARES: Good evening, everyone. My name is Charmaine Tavares, and I'm the resident Councilmember for Pukalani-Kula-Ulupalakua. Of course, this subject is very dear to many, many people. That's why you see so many out here tonight. I think a lot of the questions that I was going to bring up have been brought up already by previous testifiers. I gave you a copy of a letter that I sent to the Board in March, and listening to some of the explanations that you folks have been giving, comments that you have been giving, I can see

why it's been so complicated or hard to get answers to the questions. And they're still in the works, I would assume.

I think that all these different questions that are being answered I think boil down to one really simple thing that needs to be answered. If people are on the waiting list, why are there meters still being given out to people who aren't on the waiting list? I guess that's the basic question that everyone is asking. And if there's a reason why the people who are on the waiting list are not being given water, they need to know why not.

So if you live in the boonies and there is no way to get water out there, there's no pipelines, nothing, are you on a wait list or not? Are there different kinds of waiting lists? Waiting lists for people where they're near a line and can get water, a waiting list for people who aren't near a line and they have to dig a well before water is available? I think a lot of this leads to the confusion about the so-called wait list and the priority.

I also would like to put in a plug for what Dick Mayer and others were saying, that people worked very hard on the Community Plans and the Water Use and Development Plan that, required by ordinance right now, is supposed to include a

plan for water distribution according to the Community Plans that are adopted. And the Water Use and Development Plan does need to be updated, and I hope you folks will work on that. Because the last Community Plan is up at the next meeting, which completes the 10 year review, even though it's ten years late. This is the 1990 review that's finally being finished in 2002, so it's a 12 year review.

But we all have challenges ahead of us, and I would like to emphasize that I think the County Council wants to work with you, the Board of Water Supply. We have to be in this together. We are trying to help our communities through our different areas of responsibility. Please don't perceive us as people who are obstacles in what you are trying to accomplish. We really do want to work with you, because our constituents are your constituents, and we need to see that Maui remains No Ka Oi.

I think a lot of times the media is going to pick up that they want to start controversy, an "us and them" kind of situation. There's already words that there's a fight between Charmaine and David, and we are going to fight to the end to see who is standing. We're just here to help you do it through your venue. But hopefully we can work together on this so we

can get a real good product out to our people. And I want to thank you for letting me come and testify tonight.

MR. STARR: I have a couple of questions.

CHAIRMAN RICE: Any questions? Mr. Starr.

MR. STARR: I'll start with probably the easiest one. One of the testifiers earlier said that they would prefer to see an increase built into, an automatic increase built into the rule, but I know there was some concern at the Council regarding that. Do you have any advice or, you know, what do you feel about that?

MS. TAVARES: I think when you heard from the Council about the increase tied into the Consumer Price Index they didn't particularly like the increase to be based on that kind of an index. I know the last time water rates came in for review it was a graduated scale for over five years, and that was adopted by the Council. So I think because of their uncertainty with a Consumer Price Index tie-in that that made

it a little hard for some members to kind of accept.

If you were to come in with say, okay, the growth rate in the last ten years has been three percent, so what we'd like to say is we want to see a three percent. But rather than a percentage, to actually attach a dollar amount, so it's going to be so many dollars this year and next year. I think that would fly a lot better than tying it into something that's nebulous and not real firm at the time that you make that decision.

MR. STARR: Okay, thank you. I know, you know, I second your comment about us working together, and I feel that's why we are here. We are trying to untangle a very difficult and tangled ball of yarn here, and it's very difficult to untangle. And I think we're really trying, and I think the people and the Council are trying with us to do it.

And your letter brings up a lot of very important points and things that ultimately are going to have to be figured out. Do you feel that we should wait until all of these points have been sorted out and the whole list is audited and all of that, or should we kind of try to move boldly ahead and try to get it done even if there's unanswered questions?

MS. TAVARES: I think you should try to move ahead.

When we hear "no response" or when people tell us they get no response from me it means that I don't care, and that's why I am not responding, so I think that if you have some answers to some of the questions that would be great to even answer those.

And I know it's a complex matter, and the questions that are raised are not ones you can just sit down and say, "Oh, yeah, we can just answer this." You recognize this is an issue. Whatever work you are trying to do on that, I don't think you are going to have all the answers within the next 30 days, or a year, maybe. But at least if we know we're working toward that goal, I think people would be better or more supportive of what the Water Board is trying to do.

MR. STARR: And the third thing is, one of the most difficult things for me as a board member has been dealing with this, you know, people getting issued meters while other people are on the list, and I still don't really have the understanding of it that I'd like.

I want to call on Corp Counsel. I know he didn't

quite escape far enough away, but could you explain to us about the empty lot ruling and detrimental reliance, as you understand it? Because I understand those are the two issues upon which meters have been issued.

MR. KUSHI: Mr. Chair, obviously I wasn't prepared for this question. But as I understand from what the Director has stated to the Board previously, the empty lot ruling is such that if one had a lot fully subdivided, a legally created lot with equity, the feeling is, for the theory of law, is that he's entitled to all governmental benefits. The fact that they didn't apply is up to them. This is what the term "pre-existing rights" are.

The other one I am not too sure in terms of the exceptions to the priorities. The section on detrimental reliance would be something that if someone applied for a meter and they were told to do X, Y, Z, put in so much funds, and then because of the drought or because of the lack of water they may have some detrimental reliance on expectations to get a meter. The fact that there is no source should put them up above the ones on the priority list.

David, is that correct?

MR. CRADDICK: Yes.

MR. STARR: Thank you.

CHAIRMAN RICE: Any other questions for Charmaine?

Thank you, Charmaine, appreciate it.

MS. TAVARES: Thank you.

CHAIRMAN RICE: Bruno Goldberg.

MS. GOLDBERG: Good evening. My name is Patty Goldberg, and we own property in Haiku. This is our first meeting, and we are not quite sure how this all works. We have applied for a water meter. Like Mr. Fevella, we feel frustrated that we have children we want to subdivide the property for.

And we just wanted to know what the technical problems are to getting a second water meter, and how much longer do we have to wait? And if we cannot get a water meter, what are our options Upcountry and Haiku? Continue the

projects of building and subdividing for the children? And if there is a list that we can get, if we are still on the list, that would be great.

CHAIRMAN RICE: Were you on the list?

MS. GOLDBERG: Yes, we are on the list, but we don't know where we stand. So, you know, we don't know the technicalities, we don't know how it all works. So if somebody could tell us, that would be great. We don't want to get to the point where Mr. Fevella is, frustrated and angry. We'd like to be informed and work together.

And, you know, also we don't want to be in, you know, a wheelchair and then we get the meter, you know. It's a difficult situation. When you come here you have a little dream and you feel blessed to have a little land. Also, I feel for Mr. Maxwell. That's unfair. It would be great if we could get some kind of clearing on how it all works.

CHAIRMAN RICE: Okay. Any questions? Sorry, Patty, hold on. Any questions for Patty? Okay, thank you.

Michael -- I am so sorry, is it Michael Daskin?

MR. DASKIN: I am going to pass.

CHAIRMAN RICE: You are going to pass. Do you want to be last? Mo Moler.

MR. MOLER: Aloha, aloha ohana. Mr. Chairman, members of the Board of Water Supply (Hawaiian language spoken). I am the spokesperson for Ka Ohana O Kahikinui. This evening we are here on a mission for our future, and that is to protect our native Hawaiian rights to water. We want to make sure that Hawaiian lands is included in this rules, and each homestead have adequate water to live in and to survive. How will this rule affect us?

Number two, we would like to see plans in this that shows how the Upcountry Community Plan is adhered to and incorporated. In part three of the Community Plan policies and recommendations implementing actions and on page 34 on the water is objectives and policies is to, number one, "Prioritize the allocation of water as new resources and system improvements become available as follows: (a) for maintenance

and expansion of diversified agricultural pursuits and for the Department of Hawaiian Homes projects."

And then, "(b) for other uses including development of new housing, commercial and public/quasi-public uses." It is also our understanding that the highest priorities for water use is with Hawaiian Homes and other developments for the Hawaiian community, agriculture and the existing communities as stated in our County plans, our water code, Water Use and Development Plans and your state constitution.

In conclusion, we would like to insist that there be language consistent with this plan, please, that protects us Native Hawaiians to our rights to our water, our lifeline. Water is life, Ka Wai O'ola.

And members, we are very happy we see here of your water concerns for us in Kahikinui. Mahalo. And yes, this is the right time, Mr. Chair and members of this Board. We have 105 lots of 10 to 20 acres each. We have 76 families that have signed leases, and about half of them have started to clear and build their homes and landscape.

We would also request that the water line going into Ulupalakua be continued with the same diameter, whether it be 8-inch or 12-inch, into Kahikinui. Mahalo for your support and

for the time for us to share our concerns and requests.

Mahalo.

(Applause).

CHAIRMAN RICE: Any questions from the Board? Mr. Starr?

MR. STARR: I have a question. Do you know if there ever was a line that went out?

MR. MEHOE: Yes, there was an old Kula line that started from Waikamoi and I believe ended in the gulch, and maybe we can upgrade this line. We can do it through the Kula line. Just continue the line, please, to all the citizens of Kahikinui.

CHAIRMAN RICE: Thank you, Mo. Any other questions of Mo?

MR. STARR: Yes, I want to ask the Director a question, and it is on this matter, but there has been some discussion at a recent meeting regarding a possibility of putting out a line toward Kahikinui. Is that feasible in your

view, and what would be the problems in doing that, David?

MR. CRADDICK: I'd have to look at it and see.

MR. STARR: Okay.

MR. MOLER: One more thing. We are into building allies and supporters, and if we can help and create financing for the Office of Hawaiian Homelands, Department of Hawaiian Homelands to help pick up the tab for the lines to continue the line from Ulupalakua to Kahikinui, let us do that, please.

MS. PARSONS: David, on the same line, you showed me the section, and I believe it was in the Charter, with regards to Kahikinui when we were bringing up concerns.

MR. CRADDICK: In the Community Plan.

MS. PARSONS: Because if that needs to be addressed, we have got Charmaine here and she could help get that done. Could you explain that section?

MR. CRADDICK: Well, Kahikinui is not in the Kula-Makawao Community Plan, it's in the Hana Community Plan, and there's no provision in the Hana plan for water for Kahikinui. Now, in Jonathan's question you would need to study whether it would be cheaper to get water out there. There is a lot of water out there in Kaupo, but by the time that water comes out to Kahikinui there's not much left. So you probably have to find other sources of water that are a little closer to where they're needing it. And that's why I say it needs a study to come up with a realistic solution.

MR. STARR: Another Kaupo rule will not permit any expansion of the Kaupo system, but I do hope we can start working toward some kind of plan that maybe between the community and the Board and the state and maybe federal we can all get together and look toward getting water to Kahikinui in the not-so-distant future.

MR. MOLER: We appreciate that, and we would like to be involved in the plans, please.

CHAIRMAN RICE: Thank you, Mo.

MR. MOLER: So we can work together. Mahalo.

CHAIRMAN RICE: Thank you. Rae Ann Yap.

MS. YAP: I'm Rae Ann Yap, and it's my first time, it's scary. Such a privilege to own property in Maui, incredible life we have in America that we can have all this development, and thank you for caring about us to plan our communities. It's quite overwhelming. When I go to other countries and I step down steps and practically break your neck because there's no regulations, then I appreciate regulations when I come back to America.

I can't believe, it's too emotional, this meeting, but I praise God for the chance to be able to have everybody talk and everyone listen. All I'm addressing is I have been on the waiting list for a long time, but I have bought property with the understanding that the people who I bought the property from was on the waiting list, and that when their name comes up it will be transferred to me. And that was the benefit when I bought the property. I was promised, and I

would love you to honor that. I heard that that's an issue that might be changed. I hope not, I hope it's a bad rumor.

CHAIRMAN RICE: It's a rumor. Thank you. Any questions of Rae Ann? Thank you.

Blossom, Blossom Feiteira, please.

MS. FEITEIRA: Good evening, and thank you for this opportunity. I apologize for my lack of proper thoughts. I just got off a meeting with the Department of Hawaiian Homes Commission on the Big Island, and I was notified of this meeting. I have several concerns, as we represent 20,000 families that currently sit on the wait list for Hawaiian Homelands. And right now for the Upcountry area there is approximately 4,001 families that have already been awarded lots 17 years ago.

I have some concerns about this simply because these families are not prepared right now to apply for a water meter, you know, and to have something like this pop up right now -- we have been working very diligently with the Department to move things along so that we can open up these lots and move our families on, and now we are looking at a potential obstacle

because they have to go sit on another wait list now to get their water. I have a concern about that.

CHAIRMAN RICE: Hawaiian Homelands is already taken care of.

MS. FEITEIRA: Does this include above Keokea?

MR. STARR: To my knowledge, it includes the 400 some-odd lots at Waiohuli, and I think it was 50 some-odd ag lots. That's to the best of my knowledge. That is set aside, and so there won't be any issue. I'd like to have David confirm that.

MR. CRADDICK: The 500,000 gallons have been set aside for Waiohuli and Keokea.

MS. FEITEIRA: So our families are not going to have a problem in getting the water meters?

MR. CRADDICK: Well, let's say ten of them use 500,000 gallons. That situation, although possible, is not very likely. But they could use all the water up.

MR. STARR: 500,000 gallons should be much, much more than adequate for that.

MS. FEITEIRA: I didn't get a yes from Mr. Craddick. But further, you know, the department is in the process of developing a strategic plan of development for the Maui island, and we will begin doing that in October of this year. So I'm kind of wondering with these new rules that you guys are coming out with, maybe we should just come in and just blanket a whole new request for the necessary water we are going to need.

MR. STARR: I actually went to the Commissioners and said you should look ahead and then, you know, when your needs are identified we should work together to find a way to make sure that that water will be available before the time comes.

MS. FEITEIRA: Okay, that would be great. That's all, thank you.

CHAIRMAN RICE: Any other questions for Blossom?

Thank you. Terry Driskell.

MS. DRISKELL: Good evening. My name is Terry Driskell, I'd like to thank you for your time. My concern lies in the fact that I know your task is formidable. There are numerous issues on the table here. My concern lies in the time element. Most of us who have been on the waiting list a long time, we have seen boards before you, we have seen directors before you. We will see probably boards after you and directors after you. My concern lies in that everything that we all do pertains to time.

I'll ask you but one simple question: Give us a timetable when these issues will be resolved. I'd like to know when it's going to be done, where somebody says, "We are done now, here is where you are, and you are going to be number whatever." We are going to give X to Hawaiian Homelands, we are going to give X to the farmers, and this is our list, the people who have been on the list.

Please give us a timetable when your task will be done. If you would like to do it tonight, there's a quorum here. Thank you guys. That's all I have to say.

(Applause).

CHAIRMAN RICE: Any questions for Terry? Thank you, Terry.

UNIDENTIFIED SPEAKER: Referred to committee.

CHAIRMAN RICE: Frank Garcia.

MR. GARCIA: Good evening. My name is Frank Garcia, Junior, I am representing my father-in-law, who back in 1974 applied for a second meter for his farm. He was granted a second meter and has been paying that meter for the last 26 years. Okay, so we built our house, we have three dwellings on this property. The next -- he was leasing the next door two acres and feeding this water meter on that land. And back in 1974 there was, you know, nobody up in Kula. This was on a trust basis.

So being that Mr. Nagamatsu, the next door owner, he needed a water meter next to his house to feed, you know, because his water meter was on the border with Jack's, they switched it over back in '74. They had no record, you know, there was no computers. So two years ago they sold the property and they sold grandpa's water meter with it. So now

we are stuck with three dwellings on a five-eighths water meter and, you know, it's not adequate enough. We don't have enough water pressure.

And I just want to know, they took away the water meter from gramps, which was bought and paid for. Okay, theoretically now he don't have a water meter. That makes him on the waiting list since '74, so that makes him priority number one in my eyes. And just as I said, he's not here, because he's been to so many countless Water Board meetings he's tired of fighting. He's 75 years old, so therefore, I took it upon myself to get this done.

So all what I ask is, you know where -- you know who is first priority on this list, and if 26 years counts as first priority. Second of all, you know, it's hard when you guys go home and, you know, take your shower and have a lot of hot water and water pressure. Think of all my children who they're crying because they cannot get the shampoo out of their eyes because of a trickle coming down.

That's all I have to say. I thank you for your time, and I would really want you guys to look over this situation and please grant us our second meter that was granted 26 years ago. Thank you.

CHAIRMAN RICE: Wait. Any questions? Okay, thanks.

MR. CRADDICK: I have got one question for him. Is he talking about Pops?

CHAIRMAN RICE: Do you want to speak to Director Craddick? Daniel Grantham.

MR. GRANTHAM: Good evening, Chairman and gentlemen and lady. My name is Daniel Grantham, and there was a few things said here earlier that I wanted to comment on. Normally I agree with Charmaine, although tonight when you asked the question about the audit I have to say we need to take a pause. I have seen the first 4,272 numbers on that list. There are a lot of subdivisions. These subdivisions were, you know, put in before the ag bill and before the minimum lot sizes, you know, were put in.

There's a 2500 acre subdivision in there from A&B. There's a 219 acre subdivision from -- I'm sorry, I had to leave in a hurry to work and I forgot to bring the list. I had

a list of half a dozen large subdivisions, Maui Land and Pine. There's an almost 1,000 acre subdivision on Ulupalakua Ranch land. If those are two-acre subdivisions, your meters are not going to go very far. They're certainly not going to make it past A&B's subdivision.

It's not hard to find out what's on the list. There are three categories: They're an ag category, a building permit category, and a subdivision category, and there are three different prefixes to the number that it's on. What you need to do then is go down to the Land Use office and find out what the subdivision is. If it's too hard for somebody on your staff, I'll be happy to do it at consultant rates. It might take me a week, at most. I really think you should look at it, and I think it's very important to know what you are working with.

The other comment, there was some mention of the media creating an "us and them" atmosphere. I thought I noticed some of you looking at me, and it made me a little nervous. What I type, I don't editorialize on it. Just if you guys hang yourself with your own comments, that's your kuleana, not mine. I don't change anything, I just put it on the way it is. If I say something in testimony that creates some

discomfort, so be it, but that's me acting as a person.

So thank you for your time, and good luck with this very difficult issue. And I do want to really second Charmaine's comment that we need to work together. There aren't any good guys and bad guys here. Let's all just work together and help Maui as a whole. Thank you.

CHAIRMAN RICE: Hold on, Dan. Any questions for Dan?

MR. STARR: I have a question.

CHAIRMAN RICE: Yes, Mr. Starr.

MR. STARR: For a change. In regards to subdivisions, and just going through the list, do you think, you know, you made some comments that you think that it may be wrong to issue an unlimited number of meters to a subdivision on the list. Do you think it should be one meter per applicant or three, or some other number? What do you think would be fair?

MR. GRANTHAM: Just off the top of my head, most of

the subdivisions are small family subdivisions, and I think people who have been on there, you know, waiting for a couple of meters for their family, I think those people have a real right to help. I think you really need to look at the list and figure out how far you can go. I mean I would say no more than three to anybody. I think three is enough to help a family out. If they have to wait for, you know, another two next time around, so be it. But at least maybe you will get through most of the list. And I think the people who have been on there waiting deserve that opportunity.

MS. PARSONS: Daniel, do you realize too that some of these subdivisions do bring our infrastructure up so that we can get water to some of the areas where we are not able to? I don't know if you understand that whatever A&B might be bringing to the table, the infrastructure may be something that's needed to get water where we couldn't get it before or to have the funds to get it in.

And a lot of the infrastructure throughout the County, some of it comes from planning phases that may not have been thought through, and a lot of it has recently been done, has been done in order to put the infrastructure in so that you

could. And it may seem like a lot of houses or one reason or another, but the infrastructure went in, and it did it with the sewers and it does it with the water.

These folks want their meters, and we have just got to make the right kinds of decisions on how they get their water. And it's not just giving it willy-nilly here and we don't get something back for it. So I hope you understand that. I don't want to seem like it's ever given without cost.

MR. GRANTHAM: I'm glad you mentioned that, because it seems like for the past, you know, 20 or 30 years the Water Department has been in a position of not having the money to do it's own infrastructure, and as a result we have had some maybe questionable developments. I think that's a very valid question to ask, and I think that you need to look at your revenues.

Before you came on the Board last year there was a presentation by some financial consultants who told the Board that -- I can't remember the exact numbers, but what sticks in my mind is that you're taking in \$4 million a year now, and you really need to be taking in \$15 million just to keep the system running. So I think you need to look at where your money is

coming from, and having enough money that you don't have to go say, "Well, we are going to make a deal with so and so so that they will give us the money to develop a source or a supply."

MS. PARSONS: But I think folks would prefer we make a deal than to raise their rates. You have to do one or the other, normally.

MR. GRANTHAM: I could respond to that.

CHAIRMAN RICE: We are not here to debate, we are here to get your testimony.

MR. GRANTHAM: There are costs that come with making deals, too.

CHAIRMAN RICE: Thank you, Daniel. Okay, anyone who hasn't spoken who would like to speak?

MS. BLACK: Good evening, everyone. My name is Audrey Antone Black, and mostly I'd like to ask tonight, as the previous speaker did, what if it would be possible -- and I

would like to actually spearhead to see this getting into the rules -- for water catchment being approved. Because truly I can say to everyone here tonight, there will be no other options, that will be the only option.

I know I have been to these meetings long enough.

Most of these guys know I have been to every meeting. My father, who is 78 years old, told me, "Don't bother, don't try. The big boys get what they want. They're going to get all the water. Don't try."

You know, there's times when I wanted to go and apologize to him for trying so hard. I want to tell him he was right. I really do. So I'm going to ask you guys tonight, because I don't believe you are going to give us water meters. So at least please include in the rules an option for catchment, because you obviously said tonight you don't have a rule to give approval for catchment, is what the gentleman said. So could you please include this in the rules? We can probably write a letter and bug every single one of you before this goes to Council. I don't think there will be any other options for us. Please let us catch our own water, at least.

(Applause).

MR. DURSO: Good evening, Tony Durso, Ulupalakua Ranch. This is a public setting. I just wanted to get something straight.

Mr. Grantham, I would like you to confirm with the Ulupalakua Ranch office this thousand acre subdivision that you said we've had. I just want to make sure that I am not missing anything from our own records and that sort of thing. So before you say things like that, let's make sure we have got the facts straight, okay.

MR. GRANTHAM: Just read it from the list.

MR. DURSO: I make no bones that we have applied for more meters. That's something we have done in the past. Like I said, I am just not that familiar with a thousand acre subdivision. Just like I said, confirm it with us, please.

CHAIRMAN RICE: Thank you, Tony. Yes, ma'am.

MS. ROMANCHUK: Hi. I'm going to read it, I changed it a little bit. My name is Katie Romanchuk, I have been on

the list for awhile. Regarding the water meter distribution issue, please keep it simple. Give out a five-eighths water meter per applicant, if that will not be overtaxing the system. This is the equitable thing to do, as otherwise a few could get many meters, while most get none. Individual people who have been waiting on the list for years should have priority over other developments on the island.

People who live Upcountry live here because it is quiet, lush and rural. If after everyone on the list has received one water meter and there are still some left, then give a second water meter to those who want it until you run out. I know you will never be able to please everybody by the nature of your job, but I hope you will do your best to limit growth to protect our environment or water supply for future generations.

Please stand up for the small guys and don't keep giving more water to the larger developers. And also I urge you to follow the Community Plan regarding the Pukalani Triangle. Thank you.

CHAIRMAN RICE: Any questions for Katie? Thank you, Katie. Anyone else who has not had a chance to speak? Yes,

ma'am.

MS. MONTALVO: Good evening. My name is Josette Montalvo, and I presently live on my parents' parcel in a 796 square foot cottage, and I am currently drawing water from their water meter. And I just wanted to comment that if you are looking at limiting the amount of meters that you are going to issue for a family subdivision, that you take that into consideration.

The person is already drawing water. Should that be counted as one more meter? I don't think it should, because what does the water meter do? It just records the amount of water a person is drawing for billing purposes. So we're asking for two, but it really is more like one, because we are not drawing the system any more.

CHAIRMAN RICE: Any questions of Josette? Thank you, Josette. Anyone else who wants to speak?

(No response).

Okay, thank you all for coming. We appreciate all the good input, and we are going to use it in our deliberations. The meeting is adjourned.

(The proceedings were concluded at 7:40 p.m.)

IWADO COURT REPORTERS, INC.

"By Water All Things Find Life"

Department of Water Supply
County of Maui
P.O. Box 1109
Wailuku, HI 96793-6109
Telephone (808) 270-7816
Fax (808) 270-7833

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