

-Maui County Department of Water Supply  
Maui Island Water Use & Development Plan  
Public Meeting - West Maui  
March 17, 2016, 6:00 – 8:30 pm

**Meeting Summary**

This was the second of four public meetings and four public workshops scheduled in 2016 on the Maui Island Water Use and Development Plan by DWS staff. Approximately 15 people attended in addition to DWS staff.

A PowerPoint presentation was provided by DWS staff. Written materials included the Agenda, WUDP Public Meeting Schedule, Frequently Asked Questions, and presentation slides. A 'Share your Thoughts' Questionnaire was provided.

The following questions and comments were recorded by DWS staff at the meeting. DWS responses are provided in parentheses.

From a farmer's perspective, put the watershed first. Trees bring rain, water for lo'i, water flows to the ocean, supports farming and fish. The ahupua'a supports this system and extends out into the ocean. On O'ahu the moku have changed drastically. I want food grown on Maui to feed residents for food security, tropical foods.

How much clout will the WUDP have? Will it be the basis of exemptions? Can it be closely implemented without exemptions?

Growth should adapt to the environment. Desalinization cannot support growth beyond the sustainability of the environment, and it is not viable as an adaptive strategy. Use of recycled water is okay.

The impact of the plantation diversion of streams is a concern. Changes have occurred from one generation to the next. We've been waiting for instream flow standards (IFS) to be set. USGS in measuring stream flow has been hampered by Maui Land and Pine, West Maui Land who throw up roadblocks. There is a conflict of interest with the plantation owners, e.g. Pioneer Mill and MLP; they went from agriculture and are now water salespeople, but they are the foxes guarding the chicken. Kuleana lost all their water. MLP have everything to lose if IFS are set. (USGS projects what the flow should be under natural conditions.)

How involved are the watershed partnerships going to be in setting instream flow standards? Are they supportive of instream flow standards? Their support would seem to conflict with the interests of the companies funding them who are now trying to sell water for development.

The PPT slide Kuleana Rights & Public Trust Purposes states public uses have priority over private use – what does this mean? Does the term “private” include kuleana users? (We have heard at these meetings that kuleana rights are superior to public trust uses.)

The County buys water from Kapalua Water Company, which is water diverted from Honokowai stream. Thus Maui County is part of the thievery. The County is knowingly taking water without respecting our rights—supporting a broken system and ignoring some users’ rights. How is the WUDP going to address this?

Without knowing what CWRM is going to do, what is their process, what is their data? DWS does not have a list of every diversion on the west side. West Maui is not a designated water management area. The public can petition and be part of the process. We need a share of the water, not just DWS, Hawaii Water Service, etc. Since CWRM makes the decision if you’re (DWS) not at the table then you (DWS) don’t have a say. (The WUDP should be the guidance document to the County Council and CWRM on what is needed for various users. CWRM indicated it would work on IFS in early 2016. *(Post meeting note: CWRM staff advises that West Maui IFS work is suspended due to other priorities.)*)

USGS studies stream flows – in 1980 all persons with kuleana lands were requested to fill out a form but many did not. How will presently undocumented kuleana users be included in the WUDP?

Kuleana water varies with stream flow. When a ditch has 10-12” of water rather than 4’ of water there is less water pressure which results in less flow and a shortage of water for kuleanas. What about people who want to return to kuleanas? Will the allocation of water in the WUDP impact kuleana users who want to use the water in the future? (DWS is making a good faith effort to find out what all needs are.)

We are way beyond living within our means; what can the land sustain? We should adapt to the local climate.

Movement of water from one area to another changes ecosystems.

Plantation irrigation systems (reservoirs) could be restored and can be used for storage of water for reforestation, firefighting, etc., not for transport to other areas.

Is there a plan to inventory diversions and what’s being used in west Maui? (USGS is attempting to identify what is being diverted.)

Why doesn’t the WUDP differ from the Maui Island Plan? (The WUDP implements the Maui Island Plan.)

If diversions are not being used for pineapple and sugar, then you don’t need the same amount of water. What are the diversions being used for – are they banking it? (We are trying to find data but ultimately this will be addressed through the IFS process.) All diversions are not needed due to

presently very little agricultural use. Are there plans to 100% inventory W. Maui streams and eventually dismantle some?

How much input is DWS taking from the community for the WUDP? (This is the process which started around 2004 for central area; this year we have eight public meetings set up so far plus meetings with groups and others as requested.) Keep meetings short and simple. Regional meetings should address issues specific to that area.

What happened in East Maui- the order to return water to the streams is going to happen here. The law needs to be adhered to. The law is notoriously not being abided by.

Think hard about kuleana rights. HRS 7-1 pertaining to gathering rights are not necessarily tied to real estate. The State Constitution provides for kuleana including gathering rights mauka to makai. Kuleana and Native Hawaiian gathering rights are different. (Post meeting note: HRS: [http://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0007/HRS\\_0007-0001.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0007/HRS_0007-0001.htm)).

How much water is on Maui? (CWRM has established that the sustainable yield of all aquifers on Maui Island is 427 mgd. Some aquifers are more studied than others, and CWRM is evaluating sustainable yield for the Hawaii Water Resource Protection Plan update.)

How was the total water on Maui data determined? (The sustainable yield was set forth in the 2008 State Water Resources Protection Plan.)

The West Maui community may not be interested in water issues in different geographic areas on Maui—keep it relevant to location of community.

The West Maui Community Plan will be updated; the WUDP should reflect values adopted in the community plan, then the WUDP can be useful for Council members as the basis of decisions.

Plantation wells are brackish. Stopping stream flow affects aquifer recharge.

The Frequently Asked Questions that were handed out at this meeting state that use of alternate water sources (such as recycled water) can contribute to groundwater recharge. This is good and should be put in the WUDP. I'm not sure recycled water can significantly contribute to recharge—quantifications based on supporting data should be supplied.

CWRM should designate West Maui a water management area.

The WUDP should be used as guidance for CWRM.

The WUDP appears to “compartmentalize” water issues as a way to avoid the fact many laws are being broken.

How is “offstream” use defined? (Offstream use for East and West Maui is 90% agricultural use.)

Stream restoration recharges aquifers according to how the ecosystem naturally evolved. Water flow from the streams to the ocean is not “wasted” as industrial agriculture once thought.

Referring to the PPT slide, Kuleana Rights & Public Trust Uses— most locals cannot afford “economic” and “social” interests as presently defined--who decides what are the “best economic and social interests”? (CWRM decides). Development causes runoff polluting streams and nearshore waters.

Diversions should only divert excess water from streams—why can’t developers find a way to support instream flows?

If the DWS uses diversions for meeting the Public Trust Doctrine, they should use “public utilities” stream diversions.

Adhere to the Water Code, don’t look at desalinization because this is living beyond our means.

Consider traditional uses of water and ahupua’a system and farming. We are not wasting water by letting it flow to the ocean. Housing should not be located next to streams. Agriculture should be next to streams. Put houses where they were traditionally. There should be a law not allowing houses next to streams per traditional practices.

The way diversions are built is not conducive to stream flow.

Watershed partnerships involving large landowners don’t want IFS.

What is the federal government’s role in water? (Water quality standards; no direct role in WUDP.) Endangered Species Act is another example.

Policy should require that wastewater be used for irrigation.

The PPT slide, Focus Issues, Competing Interests, Uncertainty, states policy guidance is lacking/unresolved. Instead of injecting recycled water into the aquifer, use it for irrigation. This can offset water taken from streams.

Consider Wao akua watershed. Restore forest depleted by industrial ag. Limit housing in watershed/forested areas. If we are going to survive we need to restore the watershed. Tradeoffs - ahupua’a management – plant acres of trees for each house. Provide some edible landscaping at each residence.

Provide more West Maui specific information at these meetings, e.g. the “Total Water” pie charts should be West Maui specific.

How much water is private water companies using from streams? Data submitted is not from trustworthy sources, i.e. foxes guarding the henhouse again. Water to plantations should be deprioritized and restricted.

Adverse possession has been used to secure water for mono-crop agriculture and development—large landowners cut off water from the land.

All West Maui streams should be subject to instream flow standards.

The County Council gets monthly water reports. Pioneer Mill closed up 17 years ago but there are still diversions.

How can we better ourselves? Regarding kuleana rights, MLP made it so hard to get to our lands. What if people want to move back to their lands- how will the WUDP plan for the uses will they want to undertake and how much water they will need. The 1895 case, Horner v. Kumulilii established that sugar cane gets water after kuleana uses.

We need to go on water restrictions. The County can control future growth, but also has to serve existing uses.

Only 17 acres are needed to supply all our biodiesel needs. There needs to be more comprehensive discussion, not just water. (The West Maui Community Plan amendment process which is wide in scope is beginning.)

What streams is CWRM going to adopt IFS for?

What happens to all the comments at these meetings? (They are summarized, provided on website and provided as part of record for adoption of the WUDP.)

*Prepared by DWS staff, 3/21/2016*