

# Kula Community Association (KCA) Community Meeting

Minutes of Wednesday, April 17, 2024

**Location:** Kula Community Center, E. Lower Kula Road, Kula, Maui, Hawaii 96790

**Minutes Submitted By:** Betty Plevney, KCA Secretary

## ATTENDANCE

**KCA Board Members Present** Jim Caldwell, Chuck Carletta, Barbara Fernandez, Dick Mayer, Vinnie Linares, Heather Mueller, Bobbie Patnode, Betty Plevney, Doug Sheehan, Sean Wilson

**KCA Board Members Absent** Pam Eaton, Jordan Hocker, Lou Szabo, Michael Williams

**In Attendance** Sean Marzoeki, Community Policing Officer, Maui Police Department  
John Kalama, Community Policing Officer, Maui Police Department  
John Stufflebean, Director, Department of Water Supply  
Gina Young, Executive Assistant to Councilmember Shane Sinenci and Interim Secretary 'Aha Wai O Maui Hikina Regional Community Board  
Pat McCall, Office of Mayor Upcountry Representative and Director, Parks & Recreation  
Members of the Kula Community Association and of the public

## CALL TO ORDER

President Bobbie Patnode called the meeting to order at 7:00 pm

## Opening Remarks – Bobbie Patnode

### **KCA Board Has Been Busy**

#### ***Completed***

- KCA By-laws Update.
- Analysis/testimony on proposed Kula Ridge Well.
- Upgrade of sound and A/V equipment for General Meetings.
- First KCA Social Media Policy.

#### ***Underway***

- Redesign KCA Website.
- Review plans for traffic light at Oma'opio/Kula Highway.
- Maintain connections with:
  - Mayor's Office
  - County Council
  - Kula Community Watershed Alliance
  - Mālama Kula
- Stay informed on opportunities to improve our fire preparedness.
- Monitor DLNR plan for Kamehamenui.
- Plan Candidate Forum (September).

## **Fireworks Concerns & Community Safety – Sean Marzoeki**

- **Key Points**
  - *Illegal Fireworks:* The use of illegal fireworks not only endangers public safety and property but also affects those who suffer from PTSD, family pets, our kupuna, and those within our community suffering from recent events. Chapter 132D of the Hawaii Statute covers the permissible uses of consumer fireworks. The MPD in conjunction with other agencies, and postal and delivery services, works to prevent illegal uses. The community can help by contacting authorities, providing information, documenting evidence where possible, and educating others. The community can report anonymously.
  - *Crime Statistics in the Kula Area:* The most frequent calls for service from 2021-2023 were for hunting violations followed by dropped 911 calls/advised incidents, personal assist/reports, disorderly noise, and abuse of family. Data shows that of the 5,766 recent calls for service, 1,179 resulted in arrest and/or a report documented.
  - *Recommendations following the August 8th Fires' After Action Report:* This report can be found on the MPD website. It contains 32 recommendations which the MPD could improve. Six recommendations have already been completed, 20 are in progress, and six will be worked on soon.
  
- **Q&A**
  - Are there interventions other communities (in Hawaii or outside) have used, to success, that we are not implementing here?
    - We need community involvement to catch those who engage in illegal fireworks. Community involvement has shown to be the most effective method in other communities of dealing with this problem. An open tip line provides us with the opportunity to gather information from the community.
    - Enforcement is dependant on a state's law and each state is different where some may be easier for prosecution and enforcement.
    - On Maui, we implement undercover operations usually a month in advance of New Years and the Fourth of July. However, those operating in illegal fireworks are part of a close knit community that is very hard to infiltrate. There are many ways they are bringing fireworks into the state such as using the mail and hand delivery.
  - How are you dealing with interoperable communications between police, fire and other agencies such as MEMA?
    - We are implementing a new system using Motorola radios at MPD to be able to communicate better with other agencies. We are able to communicate with the Fire Department via radios now.
  - Questions Not Addressed Due to Time Constraints:
    - Please prepare and mail once per year a letter to residents tailored to local needs and explaining (1) warning signals and systems, (2) appropriate evacuation routes and shelters, (3) who to call for help, including neighbors, and (4) what to have ready to take with you.
    - What is the law regarding noise disturbances?
    - Who in the MPD gave the order to block the north and south ends of Front Street and effectively lock the residents of Lahaina in a "burning theater"?

## **East Maui Water Authority & 'Aha Wai O Maui Hikina Regional Community Board – Gina Young**

- **Key Points**
  - Themes of local control and public trust are replacing a century of private control of water resources here on Hawaii. This can also be seen in a worldwide and continental USA shift in attitudes.
  - A short review of the history of how the changes we have seen on Hawaii followed and included: the impact of the 1978 Hawaii Con-Con (Constitutional Convention); adoption of the 1987 State Water Code; court cases which defined the five public trust uses of water and the acknowledgement that taking water from streams has environmental consequences; discussions on long-term lease requirements; new foreign owner of agricultural lands; the county water needs are no longer being met; and by 2019 policy makers begin to see the need for local control and hold informational hearings.

- Implementing local control involved setting up a water authority that has an obligation to uphold the legal responsibility of the Hawaiian Homes Commission Act and to the State of Hawaii Constitution. This authority can also secure federal and state financing not available to private entities.
  - The purpose of a water authority is to provide community oversight and input, harness local generational knowledge, provide more water for residents and farmers, and manage systems and the watersheds equitably, responsibly, and sustainably.
  - The purpose of the Water Authority Board is to hire the Water Authority Director, be an avenue for the community voice, have oversight of watershed management, and approve the annual budget recommendation. The Board is currently in a learning phase with a key learning being the need to invest in our water systems and support DWS efforts to do so. Most importantly, we have learned that we need to deviate from the false narrative that private entities provide “free water.” We can’t demand control and not be willing to invest in our resources and infrastructure.
  - Success is fixing the watershed, fixing the system, taking care of EMI workers. Success is about the people: being at the table, reaffirming cultural identity through cultural practices, supporting local farming and residents who rely on county water.
- **Q&A**
    - Can you please reread the State Water Code? You neglected to mention of the public trust water uses, i.e., public needs for drinking water and household.
      - The speaker reread the slide contained the Five Public Trust Uses of Water which included “domestic needs of the general public, such as drinking water.”
    - Question Not Addressed Due to Time Constraints:
      - The County funding a watershed research on the Kuanlihakui and Waipulani gulches because during a rainstorm this water floods Kihei and ruins the reefs. The study integrated a series of retention ponds. Could this study be used to create reservoirs to alleviate flooding while harnessing water?
      - Can we get more water for domestic use under the removable permit from CWRM.

### **Water Infrastructure & Security for Upcountry – John Stufflebean**

- **Key Points**
  - The cost to serve Upcountry is more expensive due to treatment and pumping and, with much variation, is estimated to be \$8.75 per 1,000 gallons compared to countywide at \$6.75 per 1,000 gallons.
  - Additional water sources include wells (Makawao wells, DLNR well, Consent Decree resolution, Haiku exploration USGS study and private wells), a Central Maui/Upcountry connection, the Kamole Reservoir and assisting the East Maui Water Authority.
  - Consultants are being used for condition assessment and hydraulic model, the Central Maui/Upcountry connection, infrastructure needs, fire recover, information management and permit processing.
  - DWS is pursuing Federal funding from a variety of sources: FEMA, EPA, Hawaii DOH, Corps of Engineers, Bureau of Reclamation, direct appropriations and CDBG. Funding will be used for the Upper Kula transmission improvement, Kamole reservoirs, Makawao wells, emergency generators, the transmission line, dam safety improvement, watershed restoration, chlorination upgrades and SCADA upgrades.
  - Temporary improvements have been made to the Upper Kula transmission lines with permanent improvement of \$2.5 million in the FY 2025 budget as well as seeking federal funding.
  - Fire suppression efforts include additional water source, generators, additional storage, and infrastructure improvements.
  - DWS is analyzing possibilities of the use of the State ag water line.
  - No additional meter will be provided until DWS develops additional water sources.
  - Disinfection: a study is underway to determine the best way to modify the Olinda plant to use the same chlorination method as Piihola and Olinda. Three technologies are being evaluated.
  - East Maui Water Authority: DWS developed scopes of service for physical analysis, financial analysis, and legal analysis. These have been delivered to EMWA and discussed last week. DWS will assist as requested.

- **Q&A**

*Sources of Water*

- Why all the wells? What about surface water collection and reservoirs?
  - We need both frankly. The surface water comes from East Maui (EMWA) and there are constraints on that source. There is surface water that falls right here in Kula, but the issue is storage. We need a lot of storage to carry through the entire dry season. Additionally, we have to figure out how to treat the stored water in location for potable uses.
- When are we going to use the Haleakalā Ranch land for more water storage?
  - We are looking at storage everywhere including Haleakalā Ranch.
- How are wells replenished? If there is no rain, i.e., a drought, wells go dry. With drought occurring worldwide, this may make the wells solution moot.
  - Water seeps into ground and replenishes the well. Surface water is very short term; if it stops raining, you run out of water very quickly. Wells are much longer term and keep pumping even when it doesn't rain. All the other islands all have wells and use very little surface water. This needs to be sustainable over time though.
- If the Upcountry reservoirs run dry, (1) can water be pumped up from elsewhere, (2) how much does that cost, and (3) how much time does it take from the decision to pump until it is usable Upcountry?
  - Currently there is no physical connection between Makawao and the Central system. It is being designed. We plan to build that line so we can pump from the Central to the Upper system. The cost is 10-12 dollars per thousand gallons.

*Water Conservation & Consumer Empowerment*

- Why aren't we discussing water conservation, education, initiatives and normalization of responsible water use? How can we provide residents with tools to increase their own catchment and supply?
  - We are just preparing to bring a Water Conservation updated ordinance to County Council. We did a thorough review of what we can do but the number one thing is smart water meters where you can find out in real time how much water you are using in real time. Second most important is smart irrigation systems.
- Is there an abundance of water but a lack of leadership? Why are we so dependent on DWS as if you're the only option? Why can't we empower ourselves to build catchments? What is the legal limit?
  - All you can catch.

*Desalinization & Other Options*

- What about desalinization technology?
  - We are looking at four locations to see what it would take to make desalinization work. It takes a lot of power to get salt out of water then you are left with a salty brine that needs to be disposed of. This is a long term solution and will be helpful for South and West Maui.
- [Statement by member of the audience. No question posed.] With all the development taking place in Kihei, I am fearful you will send Upcountry/East Maui water to Central and South Maui. There are options in those areas that we don't have up here such as recycled water and desalinization. I think the entire water system should be connected, period, so we can all help each other. But there are more options for providing water to Central and South Maui then up here in Upcountry.

*Water Use & Enforcement:*

- When we are in a drought, it is visibly apparent who is using irrigation (non-ag) for their properties. Is there a role for enforcement of water restrictions, does this currently happen, and do DWS employees drive around with eyes wide open?
  - We don't have enforcement officers so most communities find that peer to peer enforcement is most effective. We are looking toward enforcement officer but it is best if the community handles it.
- I called in my neighbor multiple times and DWS would come and give a warning but my neighbor continued to abuse the system. My neighbor did not get a fine.
  - The water code as currently written makes it difficult to enforce so we are working on this.

- Water is a community responsibility. I think about that and living within our means and the water available to us. When we are on water restrictions, it is very clear to see water abuses and misuse, driving from one green property to one dry one. Could you please speak to who we can go to help for enforcement and what would it look like if it took place.
  - There will be a call-in line to report on water use as we develop our conservation plan.
- If Upcountry goes on mandatory water restrictions, would it not be prudent to have the entire county go on the same restrictions?
  - Currently if Upcountry is short of water, the practice is that Upcountry alone goes on mandatory water restrictions, but once we get the Central and Upcountry systems connected, we all will share in this.
- Are all water rates the same regardless of where the water is supplied?
  - The rates are the same everywhere on the island. Everybody pays the same no matter how much it costs to bring water to you.

#### *Water Problem or Not*

- Is there really a water problem? If yes, then why is there new construction and if no, why can't I have a water meter?
  - Yes there is a water problem. It's due to overreliance on systems that were designed on how things used to be and now things are changing. We need to adjust to the new realities.
- Current Upcountry water usage is use 9 million gallons per day on a hot summer day. To satisfy every water meter application, it would increase the demand to 13 million gallons per day. EMI is currently ordered to limit their take of surface water to 40-45 million gallons per day. Why does one company on this island get to take 2/3 of a public resource and we aren't able to get the water? There is plenty of water!
  - The State allocates the water. We can only take what we have been allocated.
- There are at least ten tanks in the Upcountry system that are offline or no longer there. Why has DWP not ever rebuilt or fixed the tanks? More tanks equals more storage of water.
  - I will need to get back to you on that.

#### *Grants for Water Projects*

- What Federal funding application grant projects have been submitted and have been awarded to the County in the last year? What will that do to help get people water meters on the Upcountry list?
  - We are doing a massive set of work to apply for grants and they all fall on different application schedules. We've gotten some small grants but are looking to get some big ones.

#### *Appreciation*

- I appreciate you, John Stufflebean, for making yourself available for these meetings.

#### *Kula Ridge Project*

Note: Questions on the Kula Ridge project were not a topic for this meeting, though a few were addressed in the moment. The remainder of these questions can be brought to the **May 8th Community Meeting** on this topic to be held at Pukalani's Mayor Hannibal Taveres Community Center at 6PM. It will be co-hosted by Councilmembers Tom Cook and Yuki Lei Sugimura (Correction: we initially noted this as a May 11th meeting which was incorrect.)

- Will the County request RFPs to get competitive bids because there was no RFP or public involvement. Why is the County of Maui not seeking competitive bids because the cost of this will affect all of Kula. Will you be seeking other competitive bids?
  - The vote by county has been delayed. When you are offered something by a property owner, it doesn't require a bid. Anyone could offer such a proposal. You get a bid when you have a bunch of people who can offer the same thing, but when it is a property only that property owner can do it. Anyone in the community can look at the entire Kula Ridge contract, it is online. If you have concerns you can bring them to the May meeting.
- You say this property offers something unique that others can't so what is it that is unique? Why can't the department put out a bid for water supply non-specific to a TMK.
  - When we ( DWS) drill a well, we put out a bid.
- There are already dates on the county calendar to make a decision about this project and that concerns me.

- Why does the agreement involve other properties?
- Who give a few members of the Board the right to make a decision for our community without our input?
- Why do we allow all the new developers to open new subdivisions? We have hundreds of local people waiting to give property to local children!
- Why are the survey pins all the way down these roads to the property or is the department already dealing behind our community's back?
- Explain these wells to be put in for two private subdivisions in Waiakoa, i.e., Kula Ridge, and Free Market Ventures. Why are our costs going up for residential and especially for farm water?
- Please no wells. How can this foreign Chicago for-profit develop build these proposed wells? Seems like going against the vote for public water.

*Question Not Addressed Due to Time Constraints*

- What are the Upcountry water rates specifically (1) residential rates per 1,000 gallons, (2) current rates, and (3) if the DWS will pay 5.95/1,000 gallons, what will we pay?
- Why am I paying a high ag tax when I'm not allowed to farm due to no water and it is illegal to transport water across property lines?
- If an EMP takes out Maui's electric grid, how will DWS supply water to the people?
- Water is lost from Nahiku water system to Waikamoi due to a lack of maintenance and upkeep. Why not replace and repair and place more reservoirs when we do have the rain?
- Well Drilling and Pumping:
  - How deep to drill to find water?
  - What is the footprint of a pump station?
  - What is the footprint of a solar grid?
  - What is the noise factor of a pump plant?
  - What happens when no sun for the solar system associated with pumping?

**ADJOURNMENT**

Meeting adjourned at 8:45 pm.