

TY Management Corporation
2000 Plantation Club Drive
Lahaina, Hawaii 96761
April 28, 2025 CWRM Meeting

April 25, 2025

Via Email to dlmr.cwrml@hawaii.gov

Dawn N.S. Chang, Chairperson
Ciara W. K. Kahahane, Deputy Director
Commission on Water Resource Management
State of Hawai'i, Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 227
Honolulu, Hawai'i 96813

Re: Commission on Water Resource Management - April 28, 2025 Meeting
Testimony on Agenda Item C-2 (Proposed Approach to Prioritizing Water
Use Permitting Process for Lahaina Aquifer System Area)

Dear Chairperson Chang, Deputy Director Kahahane, and Members of Commission on Water Resource Management (the "**Commission**" or "**CWRM**"),

TY Management Corporation, a Hawaii corporation ("**TY**") is the owner of the Kapalua Plantation Golf Course, the Kapalua Bay Golf Course and the Kapalua Golf Academy (the "**Golf facilities**") and other facilities at Kapalua Maui. Maui Land & Pineapple Company, Inc. ("**MLP**"), through Hawaii Water Service Company, Inc. ("**HWS**"), is providing irrigation water to TY from the Honokōhau Ditch. The irrigation water is provided to TY under an Agreement for Water Delivery (Kapalua Plantation Golf Course) dated March 27, 2009, as amended, and an Agreement for Water Delivery (Kapalua Bay Golf Course) dated September 30, 2010, as amended, between MLP and TY which are administered by HWS on behalf of MLP (the "**Water Agreements**").

TY appreciates the opportunity to provide testimony on this agenda item, and specifically, how water uses should be prioritized in the Lahaina Aquifer System Area.

TY has been an active member of the West Maui community, including participating in the Commission proceedings setting the Interim Instream Flow ("**IIFS**") for Maui Hydrologic Unit 6013 and designation of the Lahaina Aquifer System Area as surface water and ground water management area. *See Attachments 1 and 2* (October 9, 2019 IIFS Testimony, and April 25, 2022 WMA testimony, respectively).

TY has been the owner and operator of the Golf facilities since 2009/2010. TY employs approximately 100 full-time and 35 part-time employees on Maui. The two restaurants in the clubhouses employ approximately 150 people. The Golf facilities are essential features of the

Kapalua Resort, which itself serves as an employment center for West Maui. A discussion regarding the benefits of the Kapalua golf course facilities as they impact the Kapalua Resort and surrounding communities, including jobs and tax revenues directly arising from the golf course operations, is enclosed with this letter as Attachment 3.

Last year, TY developed fifty (50) temporary housing units for the families of the employees of the Golf facilities, the Kapalua Resort, and others who were displaced by the 2023 Lahaina fire. The temporary housing development was fully funded by TY. Additionally, TY has donated one million dollars (\$1,000,000.00) to support conservation efforts in the Pu'u Kukui Watershed ("**PKW**"), which is a vital source of water for West Maui. In February 2024, TY donated \$500,000 to the Living Pono Project, a Hawai'i non-profit entity that previously led conservation work in the PKW, and in March 2025, TY made a second donation of \$500,000 to Aloha Pu'u Kukui, a Hawai'i non-profit entity which has taken over operational responsibility for the conservation efforts in PKW. Attachment 4 (Press Release for Living Pono Project donation; second donation has not yet been publicized). In addition, TY Director Jon Kindred has donated \$200,000 of his own funds to PKW. Our philanthropic support for PKW is focused on many things, including ungulate control and native plant reforestation, and is designed to enhance the sponge that will help to grow groundwater levels and sustainable yield in the underlying aquifer.

Even before Lahaina was designated as a Water Management Area ("**WMA**"), TY began implementing conservation measures at its Golf facilities to ensure its water use is as efficient as possible. For example, TY modified the sprinkler system at the Kapalua Plantation Golf Course to reduce water waste and re-grassed the entire course with more drought-tolerant grasses. TY made improvements at the Kapalua Bay Golf Course to reduce the area requiring irrigation, convert turfed areas to a more drought-tolerant grass, installed pressure and flow monitoring equipment and multiple on-site weather stations which monitor several factors, including rainfall. The equipment turns off or pauses irrigation on a real-time basis when rainfall is detected. Enclosed as Attachment 5 is a more detailed summary of TY's conservation initiatives described above.

TY understands that irrigation of Golf facilities is not a public trust use of water, however, the Golf facilities and irrigation of the same serve several important public purposes, including:

- Serving as a fire break through active management and maintenance;
- Recharging the underlying aquifer;
- Serving as erosion control, stormwater and sediment retention basin, preventing discharge and sediment from reaching the nearshore areas and causing potential adverse impacts to coral reefs and marine resources;
- Providing employment opportunities in West Maui;
- Serving as an important economic driver of the Kapalua resort, directly impacting all resort partners and surrounding homeowners;
- Providing a home for the Hawaii Technology Academy since the Lahaina fire;
- and

- Providing a venue for community events and recreational opportunities, including youth golfing and tennis, junior development programs and competitions. For example, the Kapalua golf course has hosted the annual Sentry PGA Tour event since 1999, the largest sporting event for the State. This event has substantial benefits for the Maui community, including generating approximately \$9 million in charitable donations to local non-profit organizations. *See Attachment 3* (Impact Statement). The prolonged lack of irrigation water could jeopardize TY's ability to hold community events.

Under HRS § 174C-50(b), the Commission is authorized to issue permits for the continuation of existing uses if certain criteria are met "and the existing use is reasonable and beneficial". MLP and HWS are in the process of obtaining a Surface Water Use Permit ("SWUP") for TY's existing uses at the Golf facilities (among other uses). TY believes the irrigation of the Golf facilities is a reasonable and beneficial use.

As the Commission is aware, over the past several months, a dispute has arisen due to notices sent to some water customers of MLP and HWS stating, *inter alia*, that (1) MLP raised its waters rates due to capital improvements to the ditch system, and (2) water shortages in the Honokōhau Ditch require that TY and other customers cease all use of irrigation water for various periods of time, resulting in TY's filing of a formal complaint with the Public Utilities Commission ("PUC"). *See Attachment 6* (HWS notices). In response and pursuant to its contractual rights under the Water Agreements, TY requested that MLP be transparent in its decision to drastically raise the rates of water delivered to TY and to substantiate the rate increase with information on how the rate was calculated and estimated operating and maintenance costs. While TY would like to find a way to resolve these disputes, TY has requested that the Commission get involved: (1) because MLP and HWS have an ample supply of ground water with which to supplement water from the Honokōhau Ditch with water from wells owned by MLP and to ensure that MLP and HWS can provide uninterrupted service and an adequate supply of irrigation water to their customers, and (2) to investigate whether MLP and HWS are treating its irrigation water users the same, or if certain users are being given preferential treatment in connection with the supply of irrigation water. TY has also asked the PUC to determine if MLP's water services should be regulated as public utilities with rates and charges that are appropriately determined by the PUC.

As the Commission recognized when it established the IIFS for the Honokōhau Ditch, MLP and HWS have "plenty of capacity in its drilled wells to utilize groundwater as backup supply for its non-potable needs when insufficient water is available in the ditch." May 18, 2021 Staff Submittal at 6, Agenda Item B-2. CWRM staff has also previously noted that MLP wells "are sufficiently far from Honokohau and the existing pumpage is below sustainable yield and no risk for affecting surface water resources." *Attachment 7* (Excerpt of May 18, 2021 CWRM Meeting Minutes, pages 1 and 4, Item B-2). Rather than exploring any alternative to provide water to its customers, MLP and HWS have denied water delivery to its non-potable water users knowing full well the severe impacts that decision would have on non-potable water users. Given that MLP has sufficient water to supply both its potable and non-potable water customers, TY is asking that MLP take reasonable action to allocate potable water to meet the County's and

other potable water users' needs to allow for water from Honokōhau Ditch to continue to be used to meet irrigation needs so long as the instream flow standard is met. There is no other option for TY and other irrigation water customers of HWS other than water drawn from the Honokōhau Ditch. All TY is asking for is for MLP and HWS to provide the services that it contracted for. Instead, MLP and HWS took the drastic and unnecessary action and stopped almost all irrigation water service to its irrigation water users.

While the dispute between MLP, HWS and TY is not before the Commission on this agenda item, it is important that the Commission is aware of this dispute in the larger context and discussion of the prioritization of water uses generally, which are the subject of this agenda item. Irrigation water to the Golf facilities and many other non-potable water users in the area is currently provided from the Honokōhau Ditch system and no other source of irrigation water is available at this time. It is crucial that the Commission ensure that all existing water uses are considered in its decisionmaking and that sufficient water is delivered for those uses.

Thank you for the opportunity to testify on this agenda item.

Sincerely,

TY MANAGEMENT CORPORATION,
a Hawai'i corporation

By



Jonathan B. Kindred
Its Director

ATTACHMENT 1

TY MANAGEMENT CORPORATION

October 9, 2019

Ms. Suzanne Case, Chairperson
Mr. M. Kaleo Manuel, Deputy Director
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809
VIA EMAIL to: dlnr.cwrm@hawaii.gov

RE: Written testimony on the "Instream Flow Standard Assessment Report; Island of Maui Hydrologic Unit 6013; Honokohau June 2019; DRAFT PR-2019-03"

Dear Ms. Case and Mr. Manuel,

This is written testimony submitted on the above referenced matter. TY Management Corporation is the owner of the Bay and Plantation Golf Courses at the Kapalua Resort, as well as associated assets. TY acquired the Plantation Course in 2009 and the Bay Course in 2010. We retained Troon Golf, the world's largest professional golf course management company, in 2011 to manage these courses. These two courses are simultaneously essential landscape features and economic drivers for the Kapalua Resort, which itself is the employment center for this part of Maui.

The Maui Land and Pineapple Company (MLP), via the Kapalua Water Company (KWC), provide the irrigation needs for these properties. The water is delivered to us through systems supplied by the Honokohau Ditch, which utilizes water from diversions on Honokohau Stream and other sources. While the amendment to Interim Instream Flow Standards (IIFSs) for Honokohau and other West Maui streams will immediately and directly affect the major diverter on the stream (MLP / KWC), as major water users and customers we have a significant and immediate interest in these proceedings.

We have been aware of the efforts of the Commission on Water Resource Management (CWRM) to set Interim Instream Flow Standards (IIFSs) for the past few years in West Maui. In that regard we have appreciated the work of and communications by Kaleo Manuel, Ayron Strauch and other staff as they have prepared to recommend a new IIFS for Honokohau Stream. We have reviewed the Instream Flow Standard Assessment Report (IFSAR) referenced above, and have some specific comments to offer.

Our guiding perspectives

Before we offer these comments, however we want to share three perspectives that guide our remarks:

- First, we recognize that water in Hawai'i is held as a Public Trust, there are four protected "Public Trust" uses of water that courts have recognized, and our golf course irrigation is a non-Public Trust use. Protecting Public Trust uses is a Hawai'i Constitutional obligation.
- Second, as we live below one of the wettest areas on earth, with abundant ground and surface water sources, in an era after expansive plantation agriculture has ended, we believe there is enough water to fully provide for Public Trust uses, existing uses, and future uses anticipated in state and county plans. This will be possible if the CWRM and other stakeholders move forward together in a thoughtful, respectful, and practical way.
- Third, we believe that while our irrigation use is not a Public Trust use of water, we believe that under the law our use is an "existing use of water", and our uses meet the legal standard of being both reasonable and beneficial. Indeed, as at least some of our uses predate the closure of plantation operations, we may be one of the oldest still-extant existing offstream water uses.

Comments on the Draft IFSAR for Honokohau Stream

We have four major comments on the draft Honokohau IFSAR at this time, focused on the section on off stream uses beginning on page 90. We agree that an examination of non-instream uses is a critical component of the IFSAR and the IIFS amendment process. However, it is critical that the information therein be factually based and legally accurate. In that regard:

1. The introduction of the section (p. 90) implies that offstream use of water for agriculture is a use of water under the Code that is a higher priority than other offstream uses. It so implies by discussing agricultural lands, related water demands, and assertions of agricultural advocates. Other than taro cultivation and the public trust uses of the Department of Hawaiian Homelands, generalized agricultural uses of water are not Public Trust uses of water. They may be existing, reasonable, and beneficial, depending on the facts at hand. However under the Code and case law, they are not Public Trust uses, nor do they have a prioritization among non-Public Trust uses of water.
2. We believe there are significant problems with the data regarding offstream uses by the golf courses and others in Table 14-1 (page 92). For instance, it lists uses attributed to a "Troon Golf" water gauge beginning in 2009, even though their management began in April 2011. We have endeavored to work with staff to provide information to correct these matters to the best of our knowledge. However, it is no substitute for receiving transparent, accurate information from MLP / KWC. We believe the IFSAR should not be finalized

before that information is provided and we and others have a chance to review the data.

3. We believe the discussion of Important Agricultural Lands (IAL) (page 99) is both distracting and confusing. IAL are lands that have been legally designated as such by the LUC under HRS Chapter 205 Part III; we believe there are no lands in this area with that designation.
4. We believe that the report generally understates the poor quality of the ditch system and its appurtenances. We believe it is critical for CWRM and other stakeholders to be able to differentiate between diversion levels and use levels.

Again, we appreciate the work of the CWRM staff in this endeavor and we are appreciative of the State taking these important steps to fulfill its duty. However, without better data available on other offstream uses, the condition of the ditch, and a clearer legal grounding on the relationship among offstream uses, drawing conclusions on this draft of the IFSAR will be hampered. We would ask that after better data are provided by MLP / KWC and others, additional review and comment periods be allowed prior to report finalization.

Sincerely,

A handwritten signature in cursive script, reading "Tadashi Yanai".

Tadashi Yanai
President

ATTACHMENT 2

TY Management Corporation
April 25, 2022

Commission on Water Resource Management
State of Hawai'i Department of Land and Natural Resources
1151 Punchbowl Street, Room 227
Honolulu, Hawai'i 96813
Via Email: dlmr.cwrm@hawaii.gov

RE: Written Testimony on the Recommended Designation of Lahaina Aquifer Sector, Maui as a Surface and Ground Water Management Area

Dear Chair Case, Deputy Manuel, and Members:

This is written testimony on the above referenced matter provided in advance of the April 26, 2022 Public Hearing on same.

TY Management Corporation is the owner of the Bay and Plantation Golf Courses at the Kapalua Resort, as well as associated assets. TY acquired the Plantation Course in 2009 and the Bay Course in 2010. We retained Troon Golf, the world's largest professional golf course management company, in 2011 to manage these courses. Troon retains approximately 100 full-time and 35 part-time employees on Maui in carrying out this responsibility. Our two golf courses are simultaneously essential landscape features and economic drivers for the Kapalua Resort, which itself is the employment center for this part of Maui.

We understand the precious nature of our water resources, and our management team has actively employed tools to ensure that our water use is as efficient as possible. We have done this in the absence of Water Management Area designation because we want to be good stewards of our island resources and effective contributors to our West Maui economy.

Our potable and non-potable water needs are provided by the Kapalua Water Company (KWC) which is now owned and operated by Hawaii Water Service Company (HWS). The potable water is sourced from groundwater wells owned by Maui Land and Pineapple Company (MLP), and the non-potable water is sourced via the Honokohau Ditch which utilizes water from a diversion on the Honokohau Stream owned by MLP.

We participated actively in the Commission on Water Resource Management (CWRM) review and setting of Interim Instream Flow Standards in our hydrologic unit between 2019-2021 and we appreciated the opportunity to do so. We are now concerned about this current process of designation and wish to ensure that the CWRM understands the extent to which we have historically relied upon both the ground and surface water resources as noted above.

We understand that water in Hawai'i is held as a Public Trust, and that there are four constitutionally protected "Public Trust" uses of water. We further understand that our golf course irrigation is not a Public Trust use.

However, while our irrigation use is not a Public Trust use of water, we believe that under the law our use is an "existing use of water", and our uses meet the legal standard of being both reasonable and beneficial. Indeed, as at least some of our uses predate the closure of plantation operations, we may be one of the oldest still-extant existing offstream water uses.

We respectfully request that CWRM consider all of the implications for existing reasonable and beneficial users of water in our area when considering a final decision on designation. If designation does occur we believe it is critical to ensure adequate protections for reasonable and beneficial water users which have historically relied on the existing water systems.

Thank you for your consideration and your service to the state of Hawai'i.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. B. Kindred', with a stylized flourish at the end.

Jonathan B. Kindred
Director

ATTACHMENT 3

TY Management Statement

Kapalua Golf & Tennis (TY Management) employs 131 local employees. 57 employees are union workers. Our 2022 wages were \$6 million. We contributed \$245,922 in Maui County property taxes and \$1.3 Million in GET taxes to Maui County and State of Hawaii.

The PGA Tours' Sentry Tournament of Champions, held at the Kapalua Plantation Course, is the first of three consecutive Professional Golf Tournaments in Hawaii broadcast by NBC and the Golf Channel. These annual January golf tournaments showcase Maui, Oahu and Big Island during prime time viewing on both the mainland and to an international audience. The beautiful Hawaiian Islands versus harsh winter weather is an important image for the US golf industry and the state of Hawaii.

The Hawaii Tourism Authority 2022 estimated economic sales impact is \$47,969,819 sales. (See below)

- Total Sales Generated by Visitor Expenditures are sales from visitors for Maui Lodging, Food and Beverage, Rental Vehicles, Retail and other guest purchases.
- Total Sales Generated by Business Expenditures are Business to Business expenditures to Hawaii companies for site preparation (for example, rental buildings and equipment, transportation, landscaping, setup and removal of temporary buildings, stands, security, fuel) supplies, waste removal and other event costs.

2022 SENTRY TOURNAMENT OF CHAMPIONS							
ESTIMATED ECONOMIC IMPACT ANALYSIS							
	<u>Event Date</u>					January 5-9, 2022	
	<u>Out-of-State Attendees</u>					11,000	
	<u>Far East Attendees</u>					-	
	<u>Average Length of Stay</u>					10	
	<u>Business Expenditures for Event</u>					4,500,000	
TOTAL SALES GENERATED BY VISITOR EXPENDITURES							
(Visitor Expenditures x Output Multiplier 1.6)							
<u>Visitor Expenditures</u>		<u># of visitors</u>	<u>x</u>	<u>\$ spent/day</u>	<u>x</u>	<u>days on Maui</u>	<u>Total</u>
		11,000		237.10		9.77	25,481,137
		-		0.00		0.00	-
Total revenue generated by visitor expenditures				25,481,137	x	1.60	40,769,819
TOTAL SALES GENERATED BY BUSINESS EXPENDITURES							
(Production Spending x Production Sales Multiplier 1.60)							
Business Expenses							
	TV Production (includes The Golf Channel & NHK expenditures in the State)						
	Sentry Expenditures						
	Functions & Entertainment						
	Operations/Administration/Sales						
				Total Expenses		4,500,000	
Total sales generated by business expenditures				4,500,000	x	1.60	7,200,000
TOTAL SALES GENERATED BY VISITOR & BUSINESS EXPENDITURES							
				40,769,819	+	7,200,000	47,969,819
OVERALL ECONOMIC IMPACT OF THE 2022 Sentry Tournament of Champions							
\$47,969,819.20							

In 2023, the Golf Tournament donated \$694,705 and since 1999 a total of \$8.5 Million has been given to various Maui Island charities. The 2023 charities are:

- Boy Scouts of America, Maui Council
- Friends of the Children's Justice Center
- Hale Makua Health Services
- J. Walter Cameron Center
- Ka Lima O Maui
- Lahainaluna High School Foundation
- Lahaina Junior Golf

The title sponsor, Sentry Insurance, has signed an agreement with PGA Tour to host the tournament at Kapalua through 2035. This long-term commitment allows our local businesses and charities to count on this event's support for another twelve years.

Kapalua Golf courses are public and welcomed 75,209 golf rounds in 2022. Hawaii residents are charged a special reduced Kama'aina rate of \$79 at the Bay in 2022 and \$95 at the Plantation. Total Kama'aina rounds in 2022 were 12,989 or 17% of total rounds.

Kapalua's tennis and pickleball facility has eight tennis and eight pickleball courts supporting the local tennis and pickleball community.

The golf courses provide a restaurant at each facility - Taverna Restaurant at the Bay Course and Plantation House Restaurant at the Plantation Course. Both restaurants offer dining and catering/events services and use the golf course areas for outside events.

Outrigger Kapalua Villas rents office space at the former Bay Clubhouse.

In short, Kapalua Golf & Tennis is a valuable amenity for the Kapalua Resort and the West Maui community by generating wages and taxes; increasing property values; and providing recreational opportunities. The impact of Kapalua Golf & Tennis is widespread and will continue for the foreseeable future.

THE LIVING PONO PROJECT ANNOUNCES CONTINUED DONOR SUPPORT TO PRESERVE PU'U KUKUI WATERSHED; Requests additional community support for the Uhiwai Reforestation Project

February 21, 2024

Maui, Hawaii (February 22, 2024) – The Living Pono Project today announced donations totaling over \$650,000 to support the non-profit's preservation efforts of the Pu'u Kukui Watershed (PKW), the largest private nature preserve in Hawai'i. Set atop Mauna Kahālāwai (the West Maui Mountains), the Pu'u Kukui Watershed is one of the wettest spots on earth and is a vital source of water for the Maui community.



The Living Pono Project received more than \$650,000 to support their preservation efforts of the Pu'u Kukui Watershed. Left Photo (from left to right): Pomaika'i Kaniaupio-Crozier, Conservation Director for Pu'u Kukui Watershed Preserve and ma kai conservation areas; Neal Hoapili Ane, Living Pono Project Executive Director; Donors Sven & Kristin Lindblad; Tua Pittman, Master Navigator from Cook Islands; Kainoa Pestana, Conservation Manager for Pu'u Kukui Watershed Preserve.

Led by a donation of \$500,000 from Kapalua Golf, other donors to support the launching of this year's fundraising campaign are Kapalua Resort Association, Jonathan Kindred, and Sven & Kristin Lindblad. The commitments provide financial support for conservation efforts, including personnel, equipment, and supplies.

At over 9,000 acres of contiguous native rainforest, Pu'u Kukui Watershed Preserve (PKW) was established to protect west Maui's native rainforest and associated native plants and animals. This intact ahupua'a and larger moku complex showcases the dynamic interactions of different ecosystems within an ahupua'a, as well as potential impacts that global warming may have on a community. The watershed typically averages nearly 400 inches of rain annually, however has been a visible victim of climate change the past three years as rainfall logged has decreased to just over 200 inches a year.

Native vegetation and forest cover play a vital role in protecting mountain soils from erosion, while also acting like a sponge that absorbs heavy rains thus helping to recharge the aquifer responsible for supplying fresh water to Maui residents.

"Much of Maui's population receives water from the West Maui Mountains," **said Kapalua resident Jonathan Kindred.** "I am thrilled to support the efforts of the Living Pono Project in protecting the Pu'u Kukui Watershed which is a critical component of long term water sustainability for our island."



Pu'u Kukui Watershed Preserve team members working to protect the area's natural resources (courtesy of Herb & Dee Coyle).

Maui Land & Pineapple Company established a perpetual conservation easement in 1988 protecting the Pu'u Kukui Watershed Preserve, which contains a number of endangered species and native ecosystem resources. Protecting natural resources for future generations, the efforts of the PKW team focus on aquifer recharge, ungulate management, invasive species removal, soil retention, reef protection, native habitat for endemic flora and fauna, and rare species protection.

Together, active management from the summit of Pu'u Kukui to the corals in Honolua Bay offer a unique landscape.

"Here at the Pu'u Kukui Watershed one can see the beauty that Ke Akua has created of a precious rainforest connecting from the top of the mountain to the sea," **said Pomaika'i Kaniaupio-Crozier, Conservation Director for Pu'u Kukui Watershed Preserve and ma kai conservation areas.** "This reminds me of the wise saying that kupuna share 'Hāhai no ka ua i ka 'ulu lā'au' (meaning the rain follows the forest)."

Adjacent to and connecting the upper elevation management efforts to the coast, an additional protected area in Honolua Valley has been established stretching over 1,000 acres of ma kai conservation areas. Here the PKW team conducts ungulate control, weed management, reforestation, lo'i restoration and community outreach.

"Everyone on Maui needs healthy watersheds to get the water we use every day," **said Spreckelsville residents Kristin and Sven Lindblad.** "There is so much work to be done in removing invasives and restoring forests, we hope that all residents of Maui will consider working to protect our sacred source of water here on the island."

Living Pono Project is specifically soliciting additional donations for the Uhiwai Reforestation Project within the Pu'u Kukui Watershed. This will assist with the native reforestation efforts of over 100 acres burnt by fire in the Preserve and will assist the protection and ecosystem connectivity of the entire watershed. PKW is seeking private donations and volunteers to leverage grant funding and to execute the project.

ATTACHMENT 5

TY MANAGEMENT CORPORATION Conservation Measures - Form SWUPA-E

Plantation Course

- In 2019 the Plantation Course was re-grassed with more drought tolerant Celebration Bermudagrass.
- In 2019 the total formal turf areas were reduced by 6 acres and converted to a more drought tolerant native grasses which can survive the summer dry season with minimal irrigation.
- In 2009/2010 The entire irrigation system was re-designed completely to include the following: new pressure reducing valves, gate valves, lateral isolation valves, control wires, communication wires, power wires, valve in head sprinkler heads, satellite controllers, weather stations, piping and layout.
- Multiple on-site weather stations collect the following data; rainfall, solar radiation, temperature, humidity, and wind speed. This data is collected minute by minute on a daily basis and is automatically placed into a modified penman equation to determine the turfgrass evapotranspiration rate (ET) or total water usage each day multiplied by a crop coefficient. The central control computer knows the area and precipitation rate of each sprinkler head and calculates the required sprinkler run-times by minute based upon the ET for the day. All sprinkler heads may be adjusted individually to compensate for wet and dry areas and improving overall irrigation uniformity. The computer will turn off irrigation and or pause the irrigation based on real-time rainfall. If rainfall is received the ET will be subtracted from the rainfall totals and irrigation will not commence until the rain bucket is empty. Replacement cost \$40k.
- Irrigation audits are performed annually to maintain optimum system performance.
- Bi-annual servicing of all pressure reducing valves and pilots.
- 2023 Annual Irrigation Repair and Maintenance budget of \$76,000
- Replaced all pressure regulation valve control pilots and trim isolation valves. Total cost approximately \$18k.
- March/April 2024, leveled 1500 sprinkler heads to improve uniformity, fixed any leaking heads at the time, installed 115 new lateral isolation valves, raised and leveled all quick couplers. Total project cost \$568k.
- March 2025 upgraded central control computer, software, database, installed Starlink, installed two new rain cans.

- Wetting agents are utilized to improve irrigation uniformity and plant uptake of water and nutrients. <https://blog.aquatrols.com/soil-surfactants-and-drought-a-piece-in-the-water-conservation-puzzle/>

Bay Course

- The installation of pressure and flow monitoring equipment at all points of connection are being considered.
- Multiple on-site weather stations collect the following data; rainfall, solar radiation, temperature, humidity, and wind speed. This data is collected minute by minute on a daily basis and is automatically placed into a modified penman equation to determine the turfgrass evapotranspiration rate (ET) or total water usage each day multiplied by a crop coefficient. The central control computer knows the area and precipitation rate of each sprinkler head and calculates the required sprinkler run-times by minute based upon the ET for the day. All sprinkler heads may be adjusted individually to compensate for wet and dry areas and improving overall irrigation uniformity. The computer will turn off irrigation and or pause the irrigation based on real-time rainfall. If rainfall is received the ET will be subtracted from the rainfall totals and irrigation will not commence until the rain bucket is empty. Replaced existing station \$20k.
- Bi-annual servicing of all pressure reducing valves and pilots.
- Irrigation audits are performed annually to maintain optimum system performance.
- 2023 Annual Irrigation Repair and Maintenance budget of \$76,000.
- Wetting agents are utilized to improve irrigation uniformity and plant uptake of water and nutrients. <https://blog.aquatrols.com/soil-surfactants-and-drought-a-piece-in-the-water-conservation-puzzle/>
- March 2024 installed 8 new satellite irrigation controllers. Total cost \$100k.
- March 2024 installed new weather station at Village Center. Total cost \$20k.
- March 2025 installed new central control computer at Village Center. \$25k.

Bay Course Renovation

- The total formal turf areas will be reduced by 35 acres and converted to a more drought tolerant grasses which can survive the summer dry season with minimal irrigation. The entire irrigation system will be re-designed completely and will include the following: new pressure reducing valves, gate valves, lateral isolation valves, control wires, communication wires, power wires, sprinkler heads, satellite controllers, weather stations, piping and layout. The updated control

system will allow individual sprinkler head run times to be calculated to the second vs. whole minutes improving overall efficiency of the system.

- All grasses will be changed to a new more drought tolerant Celebration Bermudagrass.

Contact Us

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ATTACHMENT 6

User name

Username

Password

Password

Login

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Quality. Service. Value. ®

≡ MENU

April 17, 2025 - Kapalua: Mandatory Tier 4 Conservation Update

Kapalua: Mandatory Tier 4 Conservation Update

Posted on April 17, 2025

Weekend watering schedule update:

Kapalua and other West Maui non-potable water users **will be allowed to irrigate this weekend at 60% Tier 3 water conservation levels, On Saturday, April 19, and Sunday, April 20. Tier 4 will resume on Monday, April 21.** Your cooperation helps us preserve water needed for fire protection. If you are observed irrigating during a Tier 4 event, your water meter will be shut off until the tier is reduced.

The watering schedule will be evaluated weekly based on local precipitation, wind, ditch flow, streamflow, and reservoir levels. Please check our website on Thursdays for updates.

We recognize the inconvenience this may cause and thank you for your cooperation and support.

Posted April 10

Weekend watering schedule update:

Kapalua and other West Maui non-potable water users **will be allowed to irrigate for one day this weekend, Saturday, April 12.** Your cooperation helps us preserve water needed for fire protection. If you are observed irrigating during a Tier 4 event, your water meter will be shut off until the tier is reduced.

The watering schedule will be evaluated weekly based on local precipitation, wind, ditch flow, streamflow, and reservoir levels. Please check our website on Thursdays for updates.

We recognize the inconvenience this may cause and thank you for your cooperation and support.

Posted April 4

Due to continuing warm, dry weather in the forecast, we must continue to observe **Tier 4 irrigation restrictions this weekend**, which prohibits non-potable water use for irrigation. Your cooperation will help preserve water needed for fire protection.

We will continue to provide updates to you as we have more information or weather conditions change. We recognize the inconvenience this may cause and thank you for your cooperation and support.

Posted March 30

Dear Kapalua and other West Maui non-potable water users,

While we hoped to enable customers to irrigate under Tier 3 conservation schedule on weekends, the flow in the Honokohau stream is currently too low to sustain any irrigation. As such, we must move back into Tier 4 today, March 30, which prohibits any non-potable water use for irrigation.

Effective immediately, please cease any irrigation using non-potable water supplies. All water in the Kapalua non-potable reservoirs must be reserved for fire protection during Tier 4 restrictions. We will notify you when you may resume irrigation.

As background, most of the fire protection systems and non-potable irrigation systems in the Kapalua area are fed by reservoirs that receive water from an irrigation ditch connected to Honokohau stream. In 2018, heavy rains associated with Hurricane Lane caused irreparable damage to elements of the ditch system

resulting in less water entering the ditch. Compounding matters, current drought conditions have impacted non-potable water availability.

The water conservation plan is based on a 4-tier system. State regulations require us to meet Honokohau stream's IIFS at all times. Additionally, when surface water is available, we are required to prioritize water delivery to the County of Maui potable water treatment facility over other uses. The distribution of the remaining water supply from the Kapalua reservoirs must be prioritized for fire protection. Tier levels are determined based on available water supply and water storage levels at the time of notification and may not always be sequential.

We apologize for any inconvenience this causes, and mahalo for your continued cooperation, patience, and support as Hawaii Water Service and Maui Land & Pineapple work together to meet all required federal, state, and county regulations. We are dedicated to protecting the environment and resources as part of our responsibility as good corporate citizens. If you have any questions, please contact me at (808) 269-4048.

For more information on the current state of drought in Hawaii, visit: [U.S. Drought Monitor – Hawaii](#)

Sincerely,

John Kadowaki
Operations Manager
Hawaii Water Service

Originally posted March 26

Dear Kapalua and other West Maui non-potable water users,

Thank you for your ongoing cooperation with our current Tier 4 mandatory water conservation requirements. Unfortunately, because of the continued lack of rainfall, the Honokohau Stream flow level remains low. In order to maintain the Interim In-Stream Flow Standard (IIFS) minimum flow levels in Honokohau Stream required by Hawaii State Commission for Water Resource Management (CWRM), non-potable water use must continue to be curtailed. Any remaining water in the ditch, after the IIFS is met, will be prioritized and delivered to the Maui County water treatment plant for potable use as required by CWRM. The remaining water in the Kapalua non-potable reservoirs must be reserved for fire protection during Tier 4 restrictions.

We have collaborated with Maui County's Department of Water Supply, as we understand that irrigation is important. With their assistance, we will be implementing a non-potable watering schedule allowing irrigation at Tier 3 (60% water conservation) on weekends (Saturdays and Sundays) for the time being.

Non-potable water use schedule, effective 3/26/25 until stream flow increases:

Tier 4: Mondays – Fridays (100% reduction; no non-potable water use allowed)

Tier 3: Saturdays – Sundays (watering allowed at 60% reduction)

As background, most of the fire protection systems and non-potable irrigation systems in the Kapalua area are fed by reservoirs which receive water from an irrigation ditch connected to Honokohau stream. In 2018, heavy rains associated with Hurricane Lane caused irreparable damage to elements of the ditch system resulting in less water entering the ditch. Compounding matters, current drought conditions have impacted non-potable water availability.

The water conservation plan is based on a 4-tier system. State regulations require us to meet Honokohau stream's IIFS at all times. Additionally, when surface water is available, we are required to prioritize water delivery to the County of Maui potable water treatment facility over other uses. The distribution of the remaining water supply from the Kapalua reservoirs must be prioritized for fire protection. Tier levels are determined based on available water supply and water storage levels at the time of notification and may not always be sequential.

Mahalo for your continued cooperation, patience, and support as Hawaii Water Service and Maui Land & Pineapple work together to meet all required federal, state, and county regulations. We are dedicated to protecting the environment and resources as part of our responsibility as good corporate citizens.

If you have any questions, please contact me at (808) 269-4048.

Sincerely,

John Kadowaki
Operations Manager
Hawaii Water Service

Published 3/21/25

Dear Kapalua and other West Maui non-potable water users,

Thank you for your ongoing cooperation with our current Tier 3 mandatory water conservation requirements. Unfortunately, because of the lack of consistent rainfall, the Honokohau stream level has dropped below the Interim In-Stream Flow Standard (IIFS). Due to this situation, beginning today, March 21, **we must move into Tier 4 for the next five days (with no non-potable/irrigation water use allowed except for fire protection).**

We expect to be able to move back into Tier 3 (with a 60% reduction in non-potable/irrigation water use) beginning Wednesday, March 26; however, please be advised that we may have to return to Tier 4 soon after if we do not receive rainfall. We will update you when this Tier 4 advisory ends next week.

As background, our water conservation plan is based on a 4-tier system. It was established due to low precipitation in the Pu'u kukui watershed, which has resulted in low surface water levels. State regulations require us to meet Honokohau stream's IIFS of 13.3 CFS at all times. The distribution of the remaining water supply within the Kapalua reservoirs must be prioritized and at times used solely for fire protection and sustainable crops.

The 4-tier system includes:

- Tier 1: 20% reduction of non-potable water usage
- Tier 2: 40% reduction of non-potable water usage
- Tier 3: 60% reduction of non-potable water usage
- **Tier 4: Fire protection use only, 100% reduction of non-potable water usage**

Tier levels are determined based on available water supply and water storage levels at the time of notification and may not always be sequential.

Mahalo for your continued cooperation, patience, and support as Hawaii Water Service and Maui Land & Pineapple work together to meet all required federal, state, and county regulations. We are dedicated to protecting the environment and resources as part of our responsibility as good corporate citizens.

If you have any questions, please contact me at (808) 269-4048.

Sincerely,

John Kadowaki
Operations Manager
Hawaii Water Service

Published 2/20/25

Dear Kapalua and other West Maui non-potable water users:

On Friday, Sept. 27th, 2024, we initially informed you of the need to reduce use of non-potable ditch water for landscape irrigation in order to meet Honokohau stream's Interim In-stream Flow Standard (IIFS). Thanks to your efforts over the past 4 1/2 months, Kapalua reservoir levels have remained stable. However, due to the lack of consistent precipitation at the Pu'u Kukui watershed elevation, the Honokohau stream and irrigation ditch system are now at critically low levels. As such, we must **move from the current tier 2 (with 40% reduction) into tier 3, which requires 60% reduction of non-potable water use. Please limit outdoor irrigation until further notice.**

As background, our water conservation plan is based on a 4-tier system. It has been put in place due to low precipitation in the Pu'u kukui watershed, which has resulted in low surface water levels. State regulations require us to meet Honokohau stream's IIFS of 13.3 CFS at all times. The distribution of the remaining water supply within the Kapalua reservoirs must be prioritized and at times used solely for fire protection and sustainable crops.

The 4-tier system includes:

- Tier 1: 20% reduction of non-potable water usage
- Tier 2: 40% reduction of non-potable water usage
- **Tier 3: 60% reduction of non-potable water usage**
- Tier 4: Fire protection use only, 100% reduction of non-potable water usage

Tier levels are determined based on available water supply and water storage levels at the time of notification and may not always be sequential.

Mahalo for your continued cooperation and support as Hawaii Water Service and Maui Land & Pineapple work together to meet all required federal, state, and county regulations. We are firmly dedicated to our responsibility as corporate citizens to protect the environment and resources within our stewardship.

If you have any questions, please contact me directly at (808) 269-4048.

Sincerely,
John Kadowaki
Operations Manager
Hawaii Water Service

ATTACHMENT 7

MINUTES FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: May 18 20, 2021
TIME: 9:00 am
PLACE: Online via Zoom
Meeting ID: 942 0071 9885

Chairperson Suzanne D. Case called the meeting of the Commission on Water Resource Management to order at 9:03 a.m. and stated it's being held remotely and being live streamed via YouTube for public viewing due to the ongoing Covid-19 pandemic; noted the meeting was set to take live oral testimony and any written testimony would be acknowledged when the submittal items come up. Chairperson Case also read the standard contested case statement.

MEMBERS: Chairperson Suzanne Case, Dr. Kamana Beamer, Mr. Michael Buck, Mr. Neil Hannahs, Mr. Wayne Katayama, Mr. Keith Kawaoka, Mr. Paul Meyer

COUNSEL: Ms. Cindy Young

STAFF: Deputy M. Kaleo Manuel, Mr. Dean Uyeno, Mr. Roy Hardy, Dr. Ayron Strauch, Mr. Neal Fujii, Mr. Jeremy Kimura, Mr. Nicholas Ing, Ms. Rae Ann Hyatt

OTHERS: Ms. Kapua Sproat (Ka Huli Ao); Ms. U'ilani Tanigawa Lum (behalf of Wai'oli Valley Taro Hui <WVTH>); Dr. Jonathan Likeke Scheuer, Mr. Mahesh Cleveland (EarthJustice); Ms. Karyn Kanekoa (Aha Punana Leo o Lahaina); Ms. Kanoelani Steward; Ms. Eva Blumenstein (Maui Dept. of Water Supply <MDWS>); Mr. Gil Keith-Agran (Counsel for Maui Land & Pineapple); Mr. Paul Subrata (Maui Land & Pineapple <MLP>); Mr. Ken Kawahara (Akinaka & Assoc.); Mr. Anthony Carrasco (Hawai'i Water); Mr. Bruce Tsuchida (Townscape Inc.); Ms. Sherrie Hiraoka (Townscape Inc.); Mr. John Hoffman (U.S. Geological Survey); Mr. Scot Izuka (USGS); Ms. Madison May (USGS); Mr. Thomas Giambelluca (Hawai'i Mesonet); Ms. Dani Yoo (DLNR-Engineering); Mr. Gayson Ching (DLNR-Engineering); Mr. Lance Fukumoto (Fukunaga Engineers); Ms. Amanda Miyahara (Fukunaga Engineers)

All copies of written testimonies submitted will be included at the end of the minutes and is filed in the Commission office and are available for review by interested parties.

051821 00:05:33

A. APPROVAL OF MINUTES

April 20, 2021

051821 00:14:23

B. ACTION ITEMS (CONT'D)

2. Approve Surface Water Reservation of 2.00 Million Gallons per Day for the Department of Hawaiian Home Lands and Amend Interim Instream Flow Standards for Honokōhau and Kaluanui Streams in the Surface Water Hydrologic Unit of Honokōhau (6014) and Honolulu Stream in the Surface Water Hydrologic Unit of Honolulu (6013), West Maui

PRESENTATION GIVEN BY: Dr. Ayron Strauch, CWRM Stream Protection & Management Branch

Dr. Strauch gave a summary of the submittal request then gave a PowerPoint presentation of the overview of the complexities of the area and briefed on the updated DHHL regional plan for the subject areas in terms of water usage. Majority of the water use will come from Honokōhau Stream. The continuous information comes from the long-term USGS gaging station located at Honokōhau Stream which also has three (3) sources of water coming from tunnels 21 & 22, and a spring discharge. Additional future monitoring will also come from the McDonald's Dam which provides real-time flow data and is also downstream from Taro Gate. The combined total of non-instream uses is approximately 4.55 mgd. The IIFS will be implemented as a two-phased approach to ensure protection of and to meet instream and public trust uses.

To also meet the 2019 Commission order, staff is also recommending Maui Land & Pine (MLP) seal intake #1 at Aotaki Weir and by doing so, they will maintain the flow of water necessary to meet off-stream needs but keep the low and high-flows in the stream. Adjustments and upgrades are also needed to be made at Adit #16 in which MLP is aware and working on.

QUESTIONS

Commissioner Buck – asked on Maui County's allocation amount.

Dr. Strauch – I'm just stating over the last few years they averaged 1.7 mgd and rarely do they take 2.1 mgd and noted that's reflected in monthly reports, they have never taken the 2.5 allowed.

Commissioner Buck – would MLP increasing pumping of the groundwater affect characteristics of the stream?

Dr. Strauch – the wells are sufficiently far away from Honokōhau and the existing pumpage is below sustainable yield and no risk for affecting surface water resources.

Commissioner Buck – should the Commission be concerned of the Kapalua Water Company?

TESTIMONY FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE
MANAGEMENT ON April 28, 2025

Testimony on Agenda Item C-2 Proposed Approach to Prioritizing Water Use
Permitting Process for Lahaina Aquifer System Area

Background. My name is Michael Gronemeyer. I am a full-time resident of West Maui since 2004. I am 75 years old. I am testifying on my own behalf.

I have participated in numerous community meetings including several CWRM meetings in the last 6 years.

I am sure CWRM has a challenging task managing and administering the IIFS. Establishing a new large WMA is extremely difficult.

In 2021 I supported the interim instream flow standards for streams in the Honokōhau and Honolulu hydrologic units provided water for fire protection was protected.

At the April 26, 2022 hearing in Lahaina, I supported the “SURFACE AND GROUND WATER MANAGEMENT AREA DESIGNATION” because West Maui water resources are important and need to be managed carefully and efficiently. However, I expressed the same concerns voiced by many others, that CWRM did not have sufficient resources to effectively manage/administer this designation or achieve the benefits intended.

Existing use process issues. I am extremely concerned about flaws in the “existing use” process. I previously expressed grave concerns in several areas of my October 24, 2023 testimony. There is no evidence that these concerns have been adequately addressed.

Stream water is still being wasted due to MLP infrastructure losses since 2018 per Hawaii Water Service (HWS) March 26, 2025 “tier 4” conservation notice. MLP has finally requested a rate increase for repairs which apparently still need over \$1.7 million in just 2025. This has led to numerous requests for residents to increase conservation above what we already do to conserve water. By not dealing with the “waste”, it becomes a de facto “existing use”.

Most recently we are experiencing a drought situation starting with “tier 3” notices in February 2025 This is in the heart of the rainy season. I realize that the April 7, 2025 community meeting shows 11.5% lower mean flow at the USGS 16620000 station. I also know that actual consumption has been down especially in the last 3 years due to covid and the Lahaina fire. I know significant efforts have been made by residents to conserve water. It makes me question whether MLP, DLNR or anyone else is taking our precious water seriously enough when the watershed and aquifer are not well managed and maintained as mentioned above.

Existing Use information. Incomplete and inaccurate information was provided to CWRM by HWS in 2023 concerning existing uses. This was not just “estimating error”

this is major deviation from easily accessed actual data. In August 2023 before HWS submitted its application I provided numerous examples of errors related to existing usage. I have been told that HWS is “working on it” but I have not seen evidence that they have made good progress. In fact, recently HWS has demonstrated that they cannot even correctly prepare their own water bills.

I have been monitoring the CWRM website <https://dlnr.hawaii.gov/cwrp/> looking for public notices especially Hawaii Water Services permit application for existing uses but have not been able to locate that anywhere on the website. I looked specifically at <https://dlnr.hawaii.gov/cwrp/newsevents/notices/> and could not find such notice.

I am very concerned that the April 7, 2025 Community meeting (presentation slide 50) mentions numerous applications received for existing uses but I cannot locate any public notices for these. This should not be so difficult for such an important function especially since CWRM has a policy that objections must be filed within 10 days from final publication of public notice.

Please ask the staff responsible for providing links in prominent places on the website to these applications as soon as possible. It is hard to believe that a presentation was given concerning the application process and website links were not provided for applications in process and related public notices.

Conclusion. Based on what I have seen, after spending a lot of time over the last several years monitoring CWRM meetings and materials, the “existing use” information is nowhere near accurate or complete. Transparency, accuracy and completeness are necessary to get the public to understand what’s really happening and reach a fair conclusion within the law.