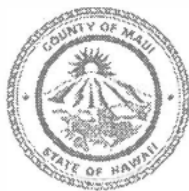


**RICHARD T. BISSEN, JR.**  
Mayor

**VICTORIA J. TAKAYESU**  
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**MIMI DESJARDINS**  
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**DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI**

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December 13, 2023

**VIA E-MAIL ONLY**

Anne E. Lopez  
Attorney General  
State of Hawai'i  
425 Queen Street  
Honolulu, Hawai'i 96813

Re: AG Subpoena Nos. 2023-084, 2023-085, and 2023-086

Dear Attorney General Lopez,

I am writing in response to your December 6, 2023 letter regarding the above-named subpoenas. Thank you for clarifying some of your requests and providing confirmation of the items that you are in receipt of and outlining the outstanding items you are waiting to receive.

We have several County employees working full time to collect and provide you with responses to all of your requests. The following is an itemized accounting of the records that have been uploaded to you and the status of the items that remain outstanding.

**Subpoena No. 2023-084 (MEMA)**

1. Current editions, as of August 2023, for all emergency management-related plans for Maui County. Including, but not limited to:
  - a. the Maui County Emergency Operations Plan (EOP),
  - b. the West Maui Emergency Plan, and
  - c. any operational and/or tactical plans addressing wildfire, wind, tsunami, evacuation, emergency notification, alert/warning, and other related planning documents.

(Note: We have the May 2021 EOP, and the May 2018 West Maui Emergency Plan. We are mostly interested in specific operational and/or

tactical plans addressing specific emergencies, and more specifically wildland or wildland-urban interface (WUI) fires.)

**Response: All records responsive to this item were uploaded on October 13, 2023. The 2010 EOP document (1,108 pages) contains the specific operational and tactical plans, specific to WUI fires, that you requested in your December 6, 2023 letter.<sup>1</sup>**

2. All drafts, updates, and/or revisions to the West Maui Emergency Plan draft document dated May 14, 2018.

**Response: All records responsive to this item were uploaded on October 13, 2023.**

3. All drafts, updates, and/or revisions to the Maui County Emergency Operations Plan, May 2021 edition ("Basic Plan").

**Response: There are no responsive records that exist for this item.**

4. All Functional and Hazard Annexes" included/referenced in Sections III and IV of the Basic Plan, May 2021 edition.

**Response: The Functional and Hazard Annexes referenced in Sections III and IV of the May 2021 EOP are referencing the Annexes within the 2010 EOP.**

5. All draft and completed "Functional and Hazard Annexes," to the Basic Plan, for wildfire-related activities and/or WUI fires.

**Response: There are no responsive records that exist for this item.**

6. All after-action reviews (AARs) and records of any Maui County exercises (table-top, functional, full-scale) conducted for wildfire and/or WUI fires from 2013-2023.

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<sup>1</sup> A number of the documents requested in these *Suboenas Duces Tecum* have previously been provided to FSRI but were not yet Bates-numbered. All of the documents referenced in this response have now been Bates numbered and any supplemental responses to these SDTs or future ones will be numbered as well.

**Response: All records responsive to this item were uploaded on October 27, 2023.**

7. All Maui County departmental strategic plans, policies, or procedures that support the Maui County Emergency Operations Plan.

**Response: There are no responsive records that exist for this item.**

8. Records of daily Maui County Emergency Operations Center (EOC) activation status for the period 1-15 August 2023.

**Response: Some records responsive to this item were uploaded on December 6, 2023 and all remaining responsive records were uploaded on December 12, 2023.**

9. Identification and contact information for the Maui County officials listed in Figure 5 "Lines of Succession" of the Maui County EOP, May 2021 edition, from 7-10 August 2023.

**Response: This request is more in the form of an interrogatory, and the "line of succession" is outlined in the County Charter. However, a document containing this information was uploaded on December 12, 2023.**

10. Daily EOC organizational chart(s), by National Incident Management System Incident Command System (NIMS-ICS) role(s) and/or emergency support function(s) (ESF) for the period August 7-10, 2023.

**Response: There are no responsive records that exist for this item.**

11. Rosters, sign-in sheets, logs, and documents, physical or electronic, listing all personnel that staffed the EOC from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023, as well as an accounting of the time(s) that each person was present in the EOC.

**Response: Some of the records responsive to this item were uploaded on November 24, 2023, including the EOC sign in/out sheets for August 8, 2023 (please see Bates stamp 16283 through 16287 and the attached enclosure). An additional responsive record was uploaded on December 6, 2023. There are no other responsive records for this item.**

12. All documents, physical or electronic, that were developed in the EOC during the time period from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023.

**Response: Records responsive to this item were uploaded on December 12, 2023. There may be additional records responsive to this item and the County will supplement this response as we receive additional records.**

13. Records of all communications made to or by the MEMA Administrator from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023. These records may include but are not limited to: texts, phone calls, and emails.

**Response: Some records responsive to this item were uploaded on November 24, 2023. The remaining responsive records were uploaded on December 12, 2023.**

14. Transcripts and records maintained by any electronic emergency management system, such as WebEOC, from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023.

**Response: All records responsive to this item were uploaded on December 12, 2023.**

15. Copies of all incident action plans (IAPs) for the fire events that occurred in Maui County on August 7-10, 2023 ("Maui Fires") that were developed from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023.

**Response: There are no responsive records that exist for this item.**

16. Recordings of all EOC operations and of images from cameras located in the community that were viewed in the EOC from 8:00 p.m. on August 7, 2023, through 8:00 p.m. on August 10, 2023.

**Response: There are no responsive records that exist for this item.**

17. Training/certification and exercise records for MEMA and MEMA employees for the past two years (NIMS and other), including individual qualifications, local exercises, statewide exercises, and coordinated exercises with Federal and NGO partners.

**Response: All records responsive to this item were uploaded on December 12, 2023.**

18. Information on all preparedness messaging addressing the August 2023 wind event that may have been distributed by MEMA and/or Maui County prior to the Maui Fires. This includes, by way of illustration and not limitation, media releases, outreach campaigns, social media, Integrated Public Alert and Warning System (IPAWS), Wireless Emergency Alerts (WEA), and/or directives.

**Response: All records responsive to this item were uploaded on November 30, 2023.**

19. All maintenance and testing logs for the statewide alert and warning siren system in Maui County.

**Response: All records responsive to this item were uploaded on December 12, 2023.**

### **Subpoena No. 2023-085 (DPW)**

1. Maui County DPW or Hawaii Department of Transportation Brush Clearance Standard Operating Guidelines (SOG)

**Response: There are no responsive records that exist for this item.**

2. Maui County DPW Brush Clearance Records in Lahaina area from January 1, 2020 to August 8, 2023

**Response: All records responsive to this item were uploaded on November 24, 2023.**

### **Subpoena No. 2023-086 (DWS)**

**PREFATORY NOTE:** A number of the requests in this SDT seek records that are likely protected from subpoena under the Critical Infrastructure Protection Act of 2001 and/or are part of the National Infrastructure Protection Plan (NIPP). The Department of the Water Supply and the Department of the Corporation Counsel have been consulting with the Hawaii Office of Homeland

Security on the security concerns related to dissemination of these records. Our contact there is Jimmie Collins, Branch Chief, Planning and Operations.

1. All records describing (size, location, permitted and operating capacity, etc.) the drinking water production facilities feeding the storage and distribution system;

**Response: Some records responsive to this item were uploaded on December 12, 2023. Additional documents may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

2. The typical operating methodology for the drinking water treatment, storage, and distribution system in Maui County;

**Response: All records responsive to this item were uploaded on December 12, 2023.**

3. Documentation giving a general description of the water storage and distribution system components;

**Response: Some records responsive to this request may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

4. All records showing the water levels in the storage tanks under normal operating conditions, just before the fire event and during the fire event;

**Response: All records responsive to this item were uploaded on December 12, 2023.**

5. Design and operating information for the storage system including locations of the storage tanks and distribution system pumps;

**Response: Some records responsive to this request may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

6. Available fire storage capacity in the system under normal operating conditions;

**Response: Some records responsive to this request may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

7. All documentation showing distribution system connections between the East and West sides of Maui;

**Response: There are no responsive records that exist for this item.**

8. Documentation showing the size of the distribution system pipes connected to the fire hydrants in the primary area of the Lahaina fire;

**Response: Some records responsive to this request may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

9. Documentation showing the types of pipe materials used in the distribution system;

**Response: All records responsive to this item were uploaded on December 12, 2023.**

10. Documentation showing the typical depth of the pipes in the distribution system;

**Response: All records responsive to this item were uploaded on December 12, 2023.**

11. The emergency operating plan, if any, for a major water usage event;

**Response: Some records responsive to this request may be disclosed after consultation with the State of Hawaii Department of Homeland Security. The County reserves the right to supplement this response.**

12. All records of how the storage and distribution system was brought back online assuming a loss of pressure during the fire event.

**Response: There are no responsive records that exist for this item.**

Please rest assured that the County of Maui is working hard to answer all of your requests as quickly as possible. Thank you for your patience.

Sincerely,



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Victoria J. Takayesu  
Corporation Counsel  
County of Maui