

Ige still weighing decision on water diversion bill

Governor approves additional funds for Kahoolawe

By MELISSA TANJI and LEE IMADA
Staff Writers

Gov. David Ige said Friday that he has been meeting with supporters and opponents of a bill that would allow Alexander & Baldwin and its subsidiaries to continue to divert water from East Maui streams for three years under current terms and that he and his staff still are reviewing the measure.

The governor, who was on Maui for multiple events, also signed a bill Friday providing the Kaho'olawe Island Reserve Commission with \$450,000 in the fiscal year that begins July 1 to continue its work to restore and preserve the natural, cultural and historic resources on Kahoolawe.

The water bill, House Bill 2501, gained lots of attention this legislative session with opponents, especially East Maui taro growers and environmentalists, decrying the measure as special interest legislation. Rallies were held all over the state, including on Maui, opposing the bill and urging A&B to restore the water in all East Maui streams.

Proponents say that assurances of water are necessary as A&B considers new uses for its 36,000 acres as it shuts down sugar operations at the end of the year.

The measure sits on Ige's desk, and proponents and opponents are closely watching the governor and urging him to side with them. He has until June 27 to give the Legislature a list of bills he is considering vetoing.

"We understand that water is essential to agriculture," Ige said at the International Long-

shore and Warehouse Union hall in Wailuku, where he signed a bill granting unemployment and training benefits to sugar workers in the wake of the impending closure of Hawaiian Commercial & Sugar Co.

"I am committed to ensuring that Central Maui remains in agriculture. I think it's very important to the community. We are looking at the bill and trying to understand what the concerns are," Ige said.

The bill was drafted in the wake of a Jan. 8 ruling by 1st Circuit Judge Rhonda Nishimura that invalidated state water diversion permits for A&B for its Maui sugar operations. A&B subsidiary East Maui Irrigation Co. has been diverting East Maui streams to irrigate HC&S crops for more than 100 years.

The judge ruled that the state Board of Land and Natural Resources' practice of extending revocable permits on a "holdover" annual basis to A&B from 2001 to 2014 violated state law and was inconsistent with the legislative intent of short-term permits. The ruling is currently on appeal.

The House and Senate hashed out a compromise that would allow A&B to continue leases for three years or until its pending application for water rights is resolved, whichever comes first.

Opponents of the measure, East Maui taro farmers and Native Hawaiian traditional practitioners, are urging Ige to veto the measure. They say the diversions have dried up East Maui streams used for taro growing and traditional practices and have affected the ecosystems and flora and fauna in the streams. Opponents argue that the legislation benefits a private entity, which uses a public resource — water from



The Maui News / MATTHEW THAYER photo

Gov. David Ige signs HB 2034 as Kaho'olawe Island Reserve Commission Executive Director Mike Naho'opi'i (from left), KIRC Commission Chairwoman Michele

Chouteau McLean, state Sen. Roz Baker and Maui County Mayor Alan Arakawa look on Friday afternoon at the KIRC baseyard in Kihei.

the streams — for private interests.

A&B has argued that it needs a reliable source of water to switch from sugar to other crops. And it says that the bill is not just about A&B and could affect water used by farmers and ranchers across the state as well as Upcountry residents.

On the Kahoolawe measure,

Ige went to KIRC's baseyard near the Kihei Boat Ramp on Friday to sign the funding bill. On hand to observe the bill's signing were KIRC Executive Director Mike Naho'opi'i, South and West Maui state Sen. Roz Baker, KIRC Commission Chairwoman Michele Chouteau McLean and Mayor Alan Arakawa.

The \$450,000 for the up-

coming fiscal year is less than the \$600,000 requested by the commission. KIRC is already scheduled to receive \$1 million from the state for the upcoming fiscal year. It received \$1 million for the current fiscal year.

KIRC's budget is normally around \$2.5 million a year. In the past, KIRC has relied on its federal trust fund, which has dwindled to the point where it

cannot support operations.

Ige noted that the bill also requires KIRC to submit a financial self-sufficiency and sustainability plan at least 20 days prior to the start of the 2017 legislative session.

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Forensic scientist unable to say how long review of DNA will take

Jury selection in Capobianco trial entering fifth week

By CHRIS SUGIDONO
Staff Writer

WAILUKU — A forensic scientist for the defense reviewing DNA evidence allegedly linking Steven Capobianco to the murder of his ex-girlfriend could not say Friday how long it will take to complete his analysis — with jury selection ongoing in the case.

The testimony came during a defense motion to exclude the test results, which concluded that a single hair found in a pair of blue jeans had DNA that matched the victim, Carly "Charli" Scott. The trial has been delayed due to prosecutors seeking additional DNA testing in the case. In January, the prosecution requested a two-month delay for testing, which it received. The trial was later pushed back to May.

Second Circuit Judge Joseph Cardoza was expected to make a ruling on the evidentiary motion Friday. However, the proceeding was continued to Monday. The hearing will follow jury selection in the morning, which will be in its fifth week.

Capobianco, 26, has pleaded not guilty to second-degree murder in the death of Scott and third-degree arson of her vehicle.

Scott's mother called police to report the 27-year-old Makawao resident missing shortly before midnight Feb. 10, 2014. At the time, Scott was 5 months pregnant with a boy fathered by Capobianco.

Scott's burned 1994 Toyota 4Runner was found Feb. 12, 2014, near the "Jaws" surfing spot in Peahi.

The next day, searchers reported finding Scott's clothing and her jawbone at "Paraquats" beach, east of Honomanu Bay.

The DNA testing results be-



The Maui News / CHRIS SUGIDONO photo

Marc Scott Taylor, a forensic scientist and president of Technical Associates, testifies Friday during an evidentiary hearing in the murder trial of Steven Capobianco in 2nd Circuit Court.

ing contested by the defense were performed by Sorenson Forensics and the FBI Laboratory. California-based Technical Associates is performing the review for the defense.

Marc Scott Taylor, a forensic scientist and president of Technical Associates, testified Friday that he is in the process of reviewing the results from the prosecution's two labs. He said that he recently received the results and could not give an estimate on how long his analysis would take to complete.

"I can't just off the top of my head right now, because I know there's work that I'm specifically doing and there's work that another employee of mine is doing on this case at the same time," Taylor said. "There's such a volume of material that we're doing a review on."

He said that the number of labs and the variety of testing

methods used have prolonged the review process. A third laboratory, the Scientific Investigation Section of the Honolulu Police Department, also performed DNA testing in the case, but it did not analyze the single hair.

The HPD lab data were sent to Taylor's lab around March and that review is nearly complete, he said. "There's a possibility" that his lab may need additional information from the HPD lab depending on material from Sorenson Forensics and the FBI lab.

"It's (data) coming from different laboratories, which makes it difficult to review because there aren't standard procedures in the way they document their data," Taylor said. "That's part of the difficulties of this case. There's a lot of data and . . . different testing."

Defense attorney Matt Nardi asked Taylor if it was necessary for a "qualified analyst,"

such as himself, to review the DNA evidence.

"Without a review of that, it can't be determined whether or not the conclusions drawn in the report are valid or invalid. . . . It's critical to understand what that data can support," Taylor said.

Following Friday's hearing, defense attorney Jon Apo said prosecutors were late to give the DNA evidence to the defense.

"The remedy is to throw it out," he said.

First Deputy Prosecuting Attorney Robert Rivera declined to elaborate on the DNA evidence and its importance to the case.

Detective Nelson Hamilton, who found the single hair, will testify for the prosecution Monday.

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COUNTY / IN BRIEF

Police: Woman found in good health

Maria De Los Dolores Hevia Vargas, who was reported missing Thursday, has been found, Maui police said Friday. The Chilean woman, 33, is from Vancouver, British Columbia. Police said she was contacted and in good health.

County unemployment at 3.2% in May

Maui County's unemployment rate was 3.2 percent in May — down from 3.6 percent in May 2015 — according to the state Department of Labor and Industrial Relations.

The statewide unemployment rate also was 3.2 percent, down from 3.7 percent a year earlier. There were 665,750 people employed statewide in May, and 22,300 who were jobless.

Unemployment rates are determined by random statewide telephone surveys. Therefore, Maui County's numbers do not necessarily reflect ongoing layoffs at Hawaiian Commercial & Sugar Co., which is in its last harvest of sugar cane. By the end of the year, all but 15 of HC&S' 675 employees will lose their jobs.

Comparing unemployment rates in May versus May 2015 on Maui County's three populated islands: Maui was at 3 percent, down from 3.5 percent; Molokai's rate was 7.4 percent, down from 8.6 percent; and Lanai climbed to 7.3 percent from 2.4 percent.

State and county figures are not seasonally adjusted, meaning they don't take into account seasonal employment fluctuations.

Nationwide, the seasonally adjusted unemployment rate in May was 4.7 percent, down from 5 percent in April and down from 5.5 percent the previous year.

Agencies offer tips for turtle nesting season

The Maui News

Turtle nesting season is underway, and state and federal authorities ask residents and visitors to respect the creatures.

The two species that nest in the islands are the green sea turtle and the hawksbill sea turtle, which are protected, according to a state Department of Land and Natural Resources news release.

The majority of Hawaii's turtles, or honu, migrate to the French Frigate Shoals in the Northwestern Hawaiian Islands to reproduce. However, an increasing number of honu are nesting on beaches of the main Hawaiian Islands, including South Maui and eastern Molokai.

The turtles may be seen mating in nearshore waters or basking on beaches. The state Department of Land and Natural Resources, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries offer the following advice and information:

- View sea turtles from a distance of 10 feet, giving turtles space and not feeding, chasing or touching them.

- Hawaii honu bask on the beach; don't try to push them back into the water.

- Do not use white lights at night; yellow/amber and shielded lights are better. Do not use flash photography, and keep lights to a minimum from May to December, when turtles are nesting and hatchlings are emerging.

- Avoid driving on the beach because off-road vehicles crush nests, create tire ruts that trap hatchlings and degrade habitats. Driving on the beach is also illegal in most areas.

- Prevent debris and rubbish from entering the ocean and join beach and reef cleanup activities.

Fishermen are urged to check their gear often, to use barbless circle hooks and to adhere to state gill net rules.

If a turtle is snagged:

- Reel in the turtle carefully.
- Hold the turtle by its shell or flippers.
- Cut the line as close to the hook as possible.
- Release the turtle with no

See **TURTLES** on the next page