

**COUNCIL OF THE COUNTY OF MAUI**  
**AGRICULTURE AND PUBLIC TRUST**  
**COMMITTEE**

August 6, 2021

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Agriculture and Public Trust Committee, having met on February 16, 2021, March 2, 2021, June 1, 2021, June 29, 2021, July 20, 2021, and July 27, 2021, makes reference to the following:

1. County Communication 19-162, from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI." Attached to the proposed bill is a document entitled "Maui Island Water Use and Development Plan Draft," dated March 2019.

The purpose of the proposed bill is to adopt the attached document as an update to the Maui Island Water Use and Development Plan ("Plan"), in accordance with Sections 14.02.020 and 14.02.040, Maui County Code.

2. Correspondence dated October 12, 2020, from the County Clerk, transmitting Water, Infrastructure, and Transportation Committee Report 20-128, which was recommitted by the Council at its meeting of October 9, 2020.
3. Miscellaneous Communication, dated October 12, 2020, from the County Clerk, referring the matter relating to the Water Use and Development Plan for the island of Maui.

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Your Committee notes that the Council's Water and Infrastructure Committee (2019-2021 Council term) met on August 19, 2019, and September 30, 2019.

Your Committee notes that the Council's Water, Infrastructure, and Transportation ("WIT") Committee (2019-2021 Council term) met on January 22, 2020, May 18, 2020, June 1, 2020, June 15, 2020, July 13, 2020, August 4, 2020, November 16, 2020, and December 3, 2020.

Your Committee also notes that the Council's Environmental, Agricultural, and Cultural Preservation ("EACP") Committee (2019-2021 Council term) met jointly with the Council's WIT Committee on November 16, 2020, and the Council's EACP Committee also met on December 1, 2020.

Your Committee further notes it previously reported on this matter through Committee Report 20-128. At its meeting of October 9, 2020, the Council recommitted Committee Report 20-128 to your WIT Committee and transmitted a Miscellaneous Communication to your EACP Committee for further discussion on the matter.

By correspondence dated July 21, 2021, Committee Chair Shane M. Sinenci transmitted a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN."

The purpose of the proposed resolution is to extend the deadline for the Council to adopt the Maui Island Water Use and Development Plan from September 30, 2021 to October 1, 2021.

Your Committee noted extending the deadline by one day would allow an additional Council meeting to consider passage of the proposed update.

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Your Committee notes Section 14.02.040, Maui County Code, provides that:

“The council shall pass the proposed update by ordinance within one hundred eighty days from the receipt of the proposed update. The council may, by resolution, extend the time to pass the proposed update.”

Your Committee notes the deadline to review and adopt the Plan has been extended before because of community concerns regarding the need for additional community outreach.

Your Committee notes the following timeline of events:

- The Council’s original deadline to pass the proposed update was September 18, 2019.
- At its meeting of September 6, 2019, the Council adopted Resolution 19-153, which extended the deadline to December 31, 2020.
- At its meeting of December 4, 2020, the Council adopted Resolution 20-175, extending the deadline to June 30, 2021.
- In order to account for a hiatus in committee meetings due to the Council’s budget session, at its meeting of February 19, 2021, the Council adopted Resolution 21-25, extending the deadline for the Council to pass the Maui Island Water Use and Development Plan to September 30, 2021.

Your Committee agreed to revise the proposed resolution to extend the Council’s deadline to December 31, 2021, after receiving testimony and discussing the need for additional meetings to address community concerns and proposed updates to the plan.

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Your Committee voted 6-0 to recommend adoption of the revised proposed resolution. Committee Chair Sinenci, Vice-Chair Johnson, and members King, Lee, Molina, and Paltin voted "aye." Committee member Rawlins-Fernandez was excused.

Your Agriculture and Public Trust Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



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SHANE M. SINENCI, Chair

# Resolution

No. \_\_\_\_\_

## APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN

WHEREAS, Section 174C-31, Hawaii Revised Statutes, requires each county to prepare a water use and development plan, adopt the plan by ordinance, and update the plan as necessary; and

WHEREAS, the Council adopted the Maui County Water Use and Development Plan by Ordinance 1948 (1990), which was subsequently approved the Commission on Water Resource Management as part of the Hawaii Water Plan; and

WHEREAS, on March 22, 2019, the Council received County Communication 19-162, transmitting a proposed bill to adopt the March 2019 draft of the Maui Island Water Use and Development Plan (“WUDP”) as an update to the Maui County Water Use and Development Plan; and

WHEREAS, Section 14.02.040, Maui County Code, states, in part:

“4. The council shall pass the proposed update by ordinance within one hundred eighty days from the receipt of the proposed update. The council may, by resolution, extend the time to pass the proposed update.”; and

WHEREAS, the deadline for the Council to pass the Maui Island Water Use and Development Plan was September 18, 2019; and

WHEREAS, on September 6, 2019, the Council adopted Resolution 19-153, extending the deadline for the Council to pass the Maui Island WUDP to December 31, 2020; and

WHEREAS, on December 4, 2020, the Council adopted Resolution 20-175, extending the deadline for the Council to pass the Maui Island WUDP to June 30, 2021; and

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WHEREAS, on February 19, 2021, the Council adopted Resolution 21-25, extending the deadline for the Council to pass the Maui Island WUDP to September 30, 2021; and

WHEREAS, the Council requires additional time to complete a thorough review of the Maui Island Water Use and Development Plan; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the deadline to adopt the Maui Island Water Use and Development Plan is extended to December 31, 2021; and
2. That certified copies of this Resolution be transmitted to the Mayor, the Director of Water Supply, and the Corporation Counsel.