

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

JOHN STUFFLEBEAN, P.E.
Director

JAMES A. LANDGRAF
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
<http://www.mauicounty.gov/water>

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COUNTY CLERK

October 9, 2025

The Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

A handwritten signature in black ink, appearing to read "Richard T. Bissen, Jr.", is written over a horizontal line. Below the line, the word "Mayor" is printed in green. To the right of the signature, the date "10-12-25" is handwritten in black ink, and the word "Date" is printed in green below it.

For Transmittal to:

Honorable Alice Lee, Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: A BILL FOR AN ORDINANCE AMENDING TITLE 14, ARTICLE 1, MCC, RELATING TO PUBLIC SERVICES, REPEALING CHAPTER 14.06A, AND ESTABLISHING A NEW CHAPTER 14.06B RELATING TO WATER CONSERVATION AND CONTROL OF WATER USE DURING WATER SHORTAGES

I am pleased to submit for your consideration the above subject proposed Bill for an Ordinance focused on water conservation for Maui County. This legislation is designed to address the growing challenges posed by prolonged drought conditions and declining water resources by establishing clear guidelines, mandatory conservation measures, and effective enforcement mechanisms. The bill aligns with our ongoing commitment to sustainable water management and supports the county's broader efforts to safeguard this vital resource for current and future generations.

"By Water All Things Find Life"

I. Rationale for the Legislation

With drought conditions expected to worsen and surface flows and groundwater recharge rates declining, there is an urgent need to strengthen water conservation efforts to prevent more frequent water shortage declarations—especially given the low stream flows caused by decreasing rainfall. The purpose of the proposed Bill for an Ordinance, attached, aims to foster responsible water use and ensure a reliable and sustainable water supply for current and future needs by promoting responsible water usage. This is achieved by:

- Establishing new water conservation definitions;
- Recommending best management practices for residential, commercial, and agricultural indoor and outdoor water users;
- Providing pool cover requirements;
- Establishing standards for water-efficient irrigation methods and applications;
- Creating opportunities for water reuse for eligible permissible users;
- Defining and addressing water theft and water waste;
- Authorizing actions the department may take to limit water usage during declared water shortages;
- Promoting water-efficient practices based on the precautionary principle to safeguard public water sources from harm; and
- Providing clear guidance, explanatory information, and remedies for ordinance violations.

These proposed changes will also strengthen enforceability of responsible water use, helping to strengthen community resilience that's dependent on drought-affected water supplies fed by streams and groundwater aquifers while ensuring equitable access to water for all county residents.

II. Community Engagement and Support

Public meetings were held in the central, upcountry, and Lahaina areas to discuss the proposed Bill for an Ordinance, receiving positive and supportive feedback. Residents expressed a desire for clear guidance, rules, and enforcement—needs addressed by the draft. Additionally, information about the Department of Water Supply's Water Use and Development Plan and the Water Shortage and Conservation Plan was shared to help the public understand how

water resource management and conservation strategies fit into the broader water planning framework. Alongside these overall planning goals, the proposed Bill aims to mandate conservation measures, offer clearer guidance to improve water use efficiency, and impose limits on water usage during restriction periods.

III. Budgetary and Operational Impacts

The implementation of this ordinance is expected to generate public inquiries and will necessitate updates to outreach materials shared via social media and other public communication channels regarding water conservation practices. While the Department of Water Supply's Water Resources and Planning Division typically addresses questions related to the proposed amendments to Title 14, Chapter 14.06A of the Maui County Code, the Fiscal Year 2026 DWS Budget includes two new positions dedicated to compliance monitoring and enforcement of the ordinance's provisions.

In addition, the implementation process will focus on strengthening public education initiatives and expanding programs designed to raise awareness. Successful execution of the ordinance will also require coordination across various departments, with specific agencies to be designated. To maximize efficiency, we will integrate these new responsibilities with existing regulatory functions wherever possible.

IV. Alignment with Legal and Policy Requirements

This ordinance fulfills several legal and policy mandates aimed to build community trust and cooperation by aligning with the purposes of other established laws and public documents:

- **State Law:** Complies with state mandates for water conservation, climate adaptation, and sustainable water resource management, and complies with the following legal foundations and policies:

1. Under the Hawaii Revised Statutes (HRS) and Article XI, Section 7 of the Hawaii State Constitution, as affirmed by the Hawaii Supreme Court (94 H. 97, 9 P.3d 409), Hawaii law recognizes water as a public trust resource, requiring the state to protect it for the public, Native Hawaiian rights, and environmental purposes.

2. State Water Code (HRS Chapter 174C) which establishes water as a public resource that requires its use with environmental protection.

3. Hawaii Water Plan which contains:

a. Water Resource Protection Plan that outlines the protection and sustainability of surface and groundwater resources;

b. Water Quality Plan outlining regulations, standards, and policies for maintaining the quality of ground and surface water resources;

c. State Water Projects Plan that provides a framework for planning and implementing state water development programs to meet future water demands; and

d. Agricultural Water Use and Development Plan that assesses irrigation water needs, identifies sources of agricultural water, and develops strategies for water conservation and demand for the sector.

4. Hawaii Drought Plan which guides and coordinates efforts to monitor, respond to, and mitigate drought conditions, aiming to protect water resources, agriculture, and the public from the impacts of reduced rainfall.

• **County Charter/Code:** Supports the county's responsibility to safeguard public health, protect environmental resources, and manage utilities operations in the public interest, and complies with the following county plans:

1. Water Use and Development Plan which serves as the long-range planning blueprint for all uses of water for the county (HRS Section 174(C)-31 and 13-7-170).

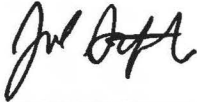
2. Water Shortage and Conservation Plan which provides courses of action for how the county can prepare for, respond to, and manage water shortages—whether due to drought, infrastructure issues, climate events, or other causes while also promoting long-term water conservation.

3. Maui General Plan 2030 and the Maui Island Plan adopted on December 28, 2012, which establishes long-term vision for the island's physical, economic, environmental, and cultural identity. They also outline goals policies, programs and actions based on current conditions and future needs from available resources.

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I respectfully request that the attached Bill for an Ordinance Amending Title 14, Article 1, Maui County Code, Relating to Public Services, Repealing Chapter 14.06A, and Establishing a New Chapter 14.06B Relating to Water Conservation and Control of Water Use During Water Shortages, be scheduled for Council review as soon as possible. The Department of Water Supply appreciates your consideration and emphasizes that these amendments are intended not simply to restrict water use, but to better protect water resources, strengthen community resilience, and provide clearer language and guidance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Stufflebean".

JOHN STUFFLEBEAN, P.E.
Director of Water Supply

cc: Robert De Robles, Planner VI
Eva Blumenstein, Planning Program Administrator