

**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>

October 11, 2024

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

**APPROVED FOR TRANSMITTAL**

*Richard T. Bissen, Jr.* 10-11-24  
Mayor. Date

For Transmittal to:

Honorable Tom Cook, Chair  
Water and Infrastructure Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Cook:

**SUBJECT: BILL 130 (2024), AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO ADMINISTRATIVELY EXTEND WATER METER RESERVATIONS IN LIMITED CIRCUMSTANCES (WAI-30)**

In response to your letter dated October 7, 2024, the Department of Water Supply provides the following comments:

1. Proposed Subsection 14.07.090C, Maui County Code, requires the applicant to request an extension. Does the Department recommend a timeframe within which the request must be made? If so, please state your preference.

Response:

DWS prefers that applicants request the time extension no more than 60 days in advance.

2. In order to waive or modify the five-year time limitation, the Director of Water Supply must find all four specified criteria have been met.

*"By Water All Things Find Life"*

Response:

The intent of the findings is to verify that the applicant has made sufficient forward progress that an extension is justified. Sufficient progress can be made without construction plans being executed by the Director; therefore, DWS suggests that three of the four findings be required.

3. Please explain the rationale for the retroactive date of July 1, 2019.

Response:

The retroactive date is intended to capture reservations that may have expired at the time this amendment was first contemplated; however, no extension requests were received for reservations expiring before October 2024.

4. Please advise of any other proposed amendments on the bill you may wish the Committee to consider.

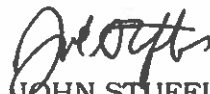
Response:

After further discussion, DWS believes the following modifications should be considered:

- For NEW reservations, change the initial lifespan of the reservation from 5 years to 3 years. The purpose of this change is to shorten the timeline for applicants who will not pursue their connections. This will allow those reservations to go back into the resource pool sooner. This will also be a middle ground between the prior 2-year reservation system and the current 5-year reservation system.
- Allow request for ONE 2-year extension, for a total possible life span of 5 years. This will limit the total timeframe to five years. For reservations existing at the time of adoption, allow the same ONE 2-year extension, for a total timeframe of 7 years.
- In the event of a Director decision to deny the ONE 2-year extension request, allow appeal to Board of Water Supply to overrule the decision, but subject to the same findings. The purpose of this is to eliminate arbitrary extensions from the BWS and make any BWS decision subject to the same findings.

Thank you in advance for providing the Department the opportunity to comment on this agenda item. If you have any questions, please do not hesitate to contact me.

Sincerely,



JOHN STUFFLEBEAN, P.E.  
Director