

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

December 16, 2022

**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 December 7, 2022, makes reference to the communications noted on Exhibit "A," as attached, for referral to the Council Chair for the term beginning January 2, 2023, in accordance with Rule 22 of the Rules of the Council.

Your Committee notes Rule 22 provides for the end-of-term filing or referral of communications pending before committees.

Your Committee voted 5-0 to recommend the communications noted on Exhibit "A" be referred to the Council Chair for the term beginning January 2, 2023. Committee Chair Sinenci, Vice-Chair Johnson, and members King, Paltin, and Rawlins-Fernandez voted "aye." Committee members Lee and Molina were excused.

Your Agriculture and Public Trust Committee **RECOMMENDS** that the communications noted on Exhibit "A" be **REFERRED** to the Council Chair for the term beginning January 2, 2023.

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



SHANE M. SINENCI, Chair

EXHIBIT "A"

APT-4 HEALTH OF MAUI COUNTY FARMERS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-357	Council Chair Alice L. Lee, relating to maintaining the health of Maui County's farmers so they can continue to supply agricultural products to Maui County's people.

APT-5 LANAI WATER ADVISORY COMMITTEE

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
06/15/2012	CC 12-133	Chair of the Board of Water Supply, transmitting the Board of Water Supply's recommendations on proposed bill establishing a Lanai Water Advisory Committee.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/02/2012	CR 12-124	Water Resources Committee, recommending the following: 1. FIRST READING of bill amending Title 2, Maui County Code, establishing the LWAC; and 2. FILING of communication. (Recommitted)

APT-6 ACQUISITION OF REAL PROPERTY FROM THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/09/2019	CC 19-330	Director of Water Supply, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (LICENSES) FROM THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY AND OTHER EXISTING AND PROPOSED WATER INFRASTRUCTURE IN MAHINAHINA AND HONOKOWAI, MAUI, HAWAII."

APT-8 DEPARTMENT OF WATER SUPPLY STRATEGIC PLAN, PHASE II (CONTRACT WC1027; HARRIS AND ASSOCIATES INC.)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/21/2020	MISC	County Clerk, reporting that on 02/21/2020, the Council referred Contract WC1027 for professional services, between the County and Harris and Associates Inc., for Phase II Development of a Strategic Plan for the Water Resources and Planning Division, Department of Water Supply, Sole Source 20-21.

APT-9 SUSTAINABILITY AND RESTORATION OF TRADITIONAL HAWAIIAN FISHPONDS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/04/2018	CC 18-166	Councilmember Elle Cochran, referring the matter relating to the implementation of Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as amended, as it relates to the sustainability and restoration of traditional Hawaiian fishponds.

APT-12 WATERSHED MANAGEMENT AND PROTECTION

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/03/2017	CC 17-79	Alika Atay, Chair, Water Resources Committee, relating to watershed management.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/19/2017	MISC	County Clerk, reporting that on 05/19/2017, the Council referred the matter relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance.

APT-13 HAWAIIAN CULTURAL RESTORATION

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/10/2017	CC 17-135	Councilmember Don S. Guzman, referring the matter relating to Hawaiian Cultural Restoration.

**APT-14 ADDITIONAL WATER FIXTURES FOR
COMMERCIAL FARM PROPERTY**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-361	Council Chair Alice L. Lee, relating to the Department of Water Supply's policy prohibiting farm property that is considered commercial from purchasing extra fixtures.

APT-15 IMPORTANT AGRICULTURAL LANDS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/10/2017	CC 17-132	Councilmember Yuki Lei K. Sugimura, relating to the "Designation of Important Agricultural Lands."

APT-16 WELLHEAD PROTECTION OVERLAY DISTRICT

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/06/2015	CC 15-50	Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT."

**APT-18 ACCESS THROUGH THE HANS MICHEL PROPERTY
FOR MAINTENANCE AND OPERATION OF KANAHA
VALLEY STREAM**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/26/2006	CC 06-160	Councilmember Jo Anne Johnson, transmitting copies of correspondence relating to the maintenance and operation of the Kanaha Valley Stream intake, wells, and tank. (Tax Map Keys (2) 4-6-017:012 and (2) 4-6-017:001).

APT-19 EMI WATER DELIVERY AGREEMENT

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/05/2018	CC 18-356	Councilmember Yuki Lei K. Sugimura, transmitting a document entitled “EMI WATER DELIVERY AGREEMENT.”

APT-20 COUNTY ARCHAEOLOGIST

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/15/2019	CC 19-81	Councilmember Shane M. Sinenci, relating to a County archaeologist.

APT-23 UPCOUNTRY RESERVOIRS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-364	Council Chair Alice L. Lee, relating to the Upcountry reservoirs and the status of the construction of the non-potable agricultural line that will provide untreated surface water to farmers in Upper Kula.

APT-24 FOOD SECURITY FOR MAUI COUNTY

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/23/2019	CC 19-175	Councilmember Shane M. Sinenci, relating to food security for Maui County.

**APT-26 OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF WATER SUPPLY**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/15/2021	CC 21-22	Committee Vice-Chair Keani N.W. Rawlins-Fernandez relating to operational and budgetary review of the Department of Water Supply.

APT-28 LANAI AGRICULTURAL PARK LEASE

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/19/2021	MISC	County Clerk, reporting that on 03/19/2021, the Council referred the matter relating to the Lanai Agricultural Park Lease.

APT-32 AFRICAN TULIP TREE

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/23/2019	CC 19-341	Councilmember Alice L. Lee, relating to the invasive African tulip tree.

APT-37 PROTECTION OF HISTORIC PROPERTIES

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/24/2020	CC 20-62	Presiding Officer Pro Tempore Tasha Kama, relating to the protection of historic properties, including managing development areas with iwi kupuna.

**APT-38 IMPACTS OF ACTIVITIES BY IMPERIUM
COMPANIES AND AFFILIATES IN EAST MAUI**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/24/2020	CC 20-63	Presiding Officer Pro Tempore Tasha Kama, relating to the environmental, cultural, and social impacts of activities by imperium companies and affiliates in East Maui.

APT-41 KULA AGRICULTURAL PARK

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/24/2020	CC 20-66	Councilmember Shane M. Sinenci, relating to the Kula Agricultural Park overview and expansion plans.

**APT-42 IMPORTANT AGRICULTURAL LANDS INCENTIVES
AND MAPPING REPORT (CONTRACT C7126;
CHRISTINE M. FEINHOLZ DBA PACIFIC
CARTOGRAPHY)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/03/2021	MISC	County Clerk, reporting that on 12/03/2021, the Council referred Contract C7126-2 (amendment 2 to grant) relating to the Important Agricultural Lands Incentives and Mapping Report for the Planning Department (FY2022).

APT-43 MAUI INVASIVE SPECIES COMMITTEE (MISC)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/07/2020	CC 20-104	Councilmember Yuki Lei K. Sugimura, relating to a presentation and report by the Maui Invasive Species Committee (MISC) on their Strategic Plan, including how prioritization of invasive species is determined.

APT-44 TELECOMMUNICATIONS REGULATIONS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/27/2020	CC 19-348	Councilmember Tamara Paltin, relating to the planning and land use of agricultural zones for high altitude aviation activities and devices, such as drones and loons, and 5G.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/27/2020	CC 19-452	Councilmember Tamara Paltin, relating to planning and land use policy for 5G technology.

APT-45 BILL 17 (2022), PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/21/2022	BILL 17 (2022)	“A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL DISTRICT,” introduced by Council Chair upon the request of the Mayor.

APT-47 OLD HANA SCHOOL IMPROVEMENTS (CONTRACT C7547; F&H CONSTRUCTION)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/07/2022	MISC	County Clerk, reporting that on 02/07/2022, the Council referred Contract C7547 relating to Old Hana School Improvements - Phase 2 for Department of Parks and Recreation, IFB#P19/003, Ordinances 5099, 5101 (FY2021), and Ordinances 5217, 5219 (FY2022).

APT-48 ADDING SUSTAINABLE AGRICULTURE AND CLIMATE CHANGE SOLUTIONS TO THE MAUI COUNTY GENERAL PLAN OBJECTIVES

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-349	Councilmember Kelly Takaya King, relating to adding Sustainable Agriculture and Climate Change Solutions to the Maui County General Plan objectives.

APT-50 COMPOSTING

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-351	Council Chair Alice L. Lee, relating to organizing the County’s composting efforts through government-funding opportunities.

APT-51 WATER DELIVERY SYSTEMS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	CC 20-363	Council Chair Alice L. Lee, relating to ownership and control of Maui's water delivery systems by the County of Maui to provide agricultural water for Upcountry farmers who are waiting on the water meter list.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/10/2020	MISC	County Clerk, reporting that on 07/10/2020, the Council referred the matter relating to water delivery systems.

APT-54 BILL 53 (2022), CREATING THE FERAL ANIMAL MANAGEMENT FUND

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/04/2022	BILL 53 (2022)	"A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.85, MAUI COUNTY CODE, CREATING THE FERAL ANIMAL MANAGEMENT FUND," introduced by Councilmember Shane M. Sinenci.

APT-59 BILL 55 (2022), ADMINISTRATIVE RULES FOR THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/04/2022	BILL 55 (2022)	"A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.76, MAUI COUNTY CODE, RELATING TO ADMINISTRATIVE RULES FOR THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND," introduced by Councilmember Shane M. Sinenci.

APT-60 BILL 79 (2022), EXEMPTIONS FOR AGRICULTURAL WATER CONSUMERS FROM RESTRICTIONS OR MANDATES DURING WATER SHORTAGES

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/06/2022	BILL 79 (2022)	“A BILL FOR AN ORDINANCE AMENDING SECTION 14.06A.080, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FOR AGRICULTURAL WATER CONSUMERS FROM RESTRICTIONS OR MANDATES DURING WATER SHORTAGES,” introduced by Councilmember Shane M. Sinenci.

APT-61 BILL 83 (2022), WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/06/2022	BILL 83 (2022)	“A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS,” introduced by Councilmember Shane M. Sinenci.

APT-64 BILL 104 (2022), NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
06/08/2022	BILL 104 (2022)	“A BILL FOR AN ORDINANCE AMENDING SECTION 14.04.060, MAUI COUNTY CODE, RELATING TO NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS,” introduced by Councilmember Shane M. Sinenci.

END OF EXHIBIT “A”