

**COUNCIL OF THE COUNTY OF MAUI**  
**WATER AND INFRASTRUCTURE**  
**COMMITTEE**

October 11, 2024

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

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

Chair and Members:

Your Water and Infrastructure Committee, having met on September 26, 2024, makes reference to Resolution 24-157, entitled “ACCEPTING LAND SET ASIDE BY THE GOVERNOR OF THE STATE OF HAWAII IN EXECUTIVE ORDER NO. 4708, TAX MAP KEY NUMBER (2) 1-3-006:017, CONTAINING AN AREA OF 45.415 ACRES, FOR LANDFILL EXPANSION PURPOSES.”

Resolution 24-157’s purpose is to accept a 45.415-acre parcel from the State of Hawai‘i, in Hāna, Maui, Hawai‘i, tax map key (2) 1-3-006:017, set aside by Executive Order 4708, for the expansion of Hāna Landfill.

Your Committee notes that under Subsection 3.44.015(D), Maui County Code, the Council may accept donations of real property or any interest in real property by the adoption of a resolution.

By correspondence dated September 18, 2024, the Deputy Director of Environmental Management transmitted a timeline for the Hāna Landfill Land Acquisition:

- 1985: The State conveyed a parcel to the County by Executive Order 3304 for landfill purposes (Hāna Landfill).
- 1993: A survey of the landfill’s waste limits was conducted after new landfill regulations went into effect when it was discovered that one-third of the landfill had encroached onto the adjacent parcel, described as “Hāna Landfill Expansion Site” (Exhibit “B” to Resolution 24-157).

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- 2000: The Director of Public Works and Waste Management reported the encroachment and requested a land lease.
- 2011: The State Board of Land and Natural Resources authorized withdrawal from the Expansion Site parcel and granted the County a right-of-entry for the parcel.
- 2024: Executive Order 4708 issued to set aside the Expansion Site parcel for “landfill expansion purposes.”

The Deputy Director expressed support for Resolution 24-157. He confirmed that although Executive Order 4708 describes the property’s use as “landfill expansion purposes,” the Department does not intend to increase the landfill’s footprint and this would allow landfill operations to continue.

He noted that the Department may pursue future solid waste uses on the 45.415-acre property once the County’s Integrated Solid Waste Management Plan is approved, but an additional Executive Order would be required to authorize those uses.

Your Committee encouraged the Department to consider expanding solid waste uses and alternative technologies on the expansion parcel.

Your Committee voted 9-0 to recommend adoption of Resolution 24-157. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins voted “aye.”

Your Committee is in receipt of Resolution 24-157, CD1, entitled “ACCEPTING LAND SET ASIDE BY THE GOVERNOR OF THE STATE OF HAWAII BY EXECUTIVE ORDER 4708, TAX MAP KEY (2) 1-3-006:017, CONTAINING AN AREA OF 45.415 ACRES, FOR LANDFILL EXPANSION PURPOSES,” approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

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Your Water and Infrastructure Committee RECOMMENDS that Resolution 24-157, CD1, as revised herein and attached hereto, entitled "ACCEPTING LAND SET ASIDE BY THE GOVERNOR OF THE STATE OF HAWAII BY EXECUTIVE ORDER 4708, TAX MAP KEY (2) 1-3-006:017, CONTAINING AN AREA OF 45.415 ACRES, FOR LANDFILL EXPANSION PURPOSES," be ADOPTED.

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



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TOM COOK, Chair

# Resolution

**No. 24-157, CD1**

ACCEPTING LAND SET ASIDE BY THE  
GOVERNOR OF THE STATE OF HAWAII BY  
EXECUTIVE ORDER 4708, TAX MAP KEY  
(2) 1-3-006:017, CONTAINING AN AREA OF  
45.415 ACRES, FOR LANDFILL EXPANSION  
PURPOSES

WHEREAS, the County of Maui operates a municipal solid waste landfill in Hāna, Maui; and

WHEREAS, on May 13, 2011, the Board of Land and Natural Resources voted to recommend that the Governor issue an executive order setting aside certain public land for the expansion of the Hāna Landfill; and

WHEREAS, on February 26, 2024, Governor Josh Green, M.D., issued Executive Order 4708 (attached as Exhibit “1”), setting aside 45.415 acres for landfill expansion purposes in Hāna, Maui, Hawai‘i, tax map key (2) 1-3-006:017, formerly identified as a portion of tax map key (2) 1-3-006:007, as described in Exhibits “A” and “B” (“Property”); and

WHEREAS, the Director of Environmental Management reviewed the Executive Order and recommends acceptance of the Property; and

WHEREAS, under Subsection 3.44.015(D), Maui County Code, the Council may accept any interest in real property by the adoption of a resolution approved by a majority of its members; now, therefore,

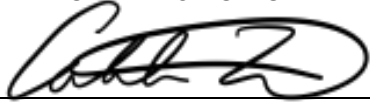
BE IT RESOLVED by the Council of the County of Maui:

1. That it accepts the Property set aside by Executive Order 4708, tax map key (2) 1-3-006:017, containing an area of 45.415 acres, for landfill expansion purposes;
2. That it authorizes the Mayor to execute all necessary documents in connection with the acceptance and dedication of the Property; and

**Resolution No. 24-157, CD1**

3. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Environmental Management, and Governor of the State of Hawai'i.

APPROVED AS TO FORM AND LEGALITY:




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Department of the Corporation Counsel  
County of Maui

wai:misc:028areso01:jpp  
LF# 2023-0137

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Mrs. K. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.



control and management of the County of Maui, being that parcel of land situate at Kawaipapa, Hana, Maui, Hawaii and identified as "Hana Landfill Expansion Site," containing an area of 45.415 acres, SUBJECT, HOWEVER, to a portion of Road Easement, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Land Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 25,692 and dated October 12, 2018.


SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Maui, shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

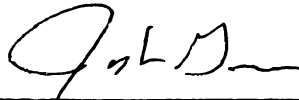
This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public land.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed. Done at the Capitol at Honolulu this 26<sup>th</sup> day of February, 2024.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DANICA L. SWENSON  
Deputy Attorney General  
Dated: February 13, 2024

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\_\_\_\_\_  
JOSH GREEN, M.D.  
Governor of the State of Hawaii

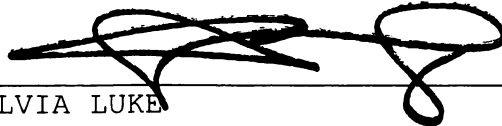


STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. 4708 setting aside land for public purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed her name and caused the Great Seal of the State to be affixed.



\_\_\_\_\_  
SYLVIA LUKE  
Lieutenant Governor of the State of Hawaii

DONE in Honolulu, this 27<sup>th</sup> day of  
February, A.D. 2024



STATE OF HAWAII  
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 25,692

October 12, 2018

HANA LANDFILL EXPANSION SITE

Kawaipapa, Hana, Maui, Hawaii

Being a portion of the Government Land of Kawaipapa.

Beginning at the easterly corner of this parcel of land and at the west corner of Hana Garbage Dump Site, Governor's Executive Order 3304, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being 5091.44 feet North and 2823.13 feet West, thence running by azimuths measured clockwise from True South:-

1. 309° 46' 30" 1008.28 feet along Hana Garbage Dump Site,  
Governor's Executive Order 3304;
2. 44° 00' 418.00 feet along Grant 8237 to Haiku Fruit and  
Packing Company, Limited;
3. 69° 56' 376.70 feet along Grant 8237 to Haiku Fruit and  
Packing Company, Limited;
4. 78° 15' 426.40 feet along Grant 1982 to Kahananui, et al.;
5. 133° 15' 757.00 feet along Grant 1982 to Kahananui, et al.;
6. 180° 00' 1159.94 feet along the remainder of the Government  
Land of Kawaipapa;

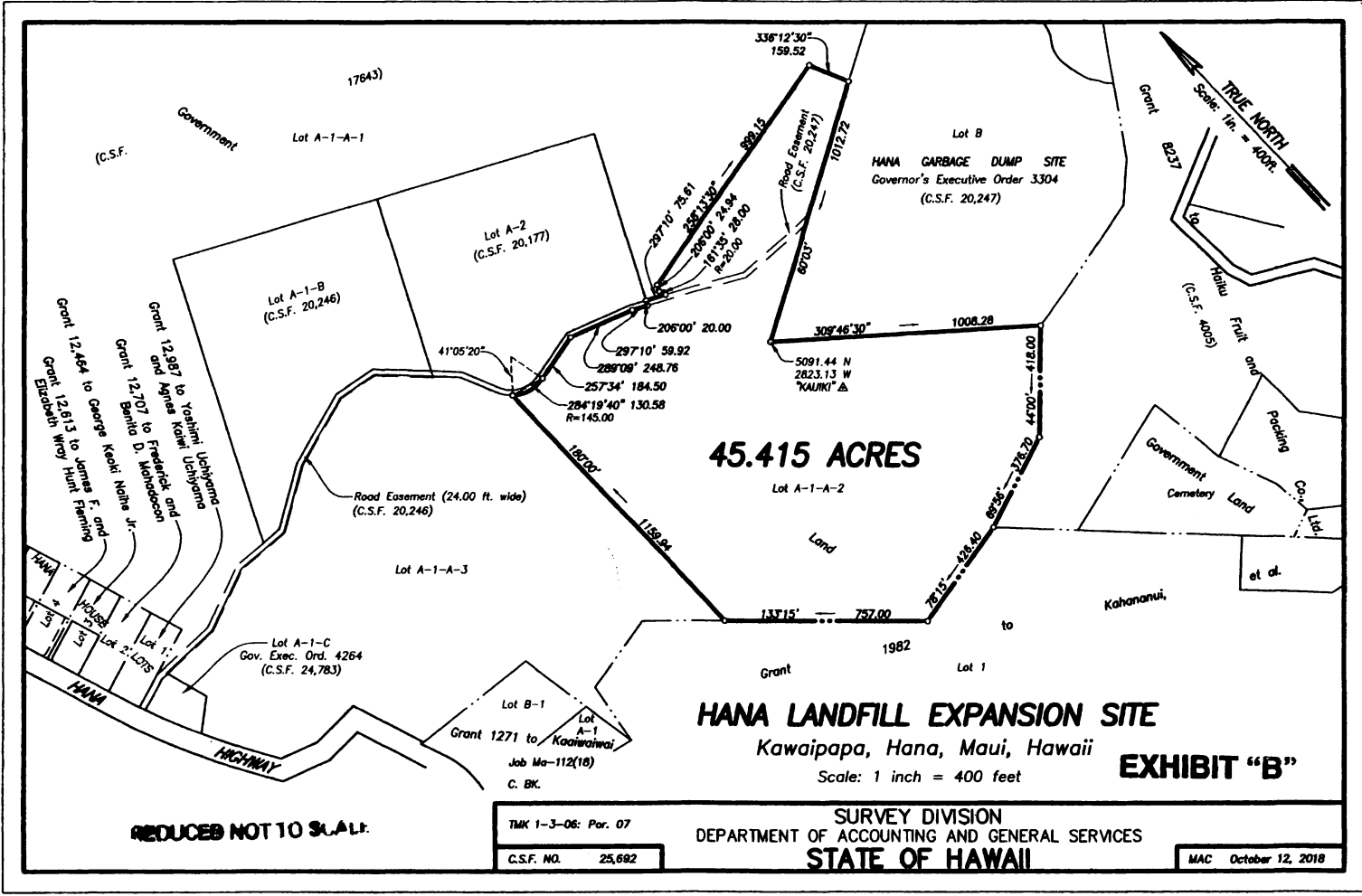
7. Thence along the remainder of the Government Land of Kawaipapa on a curve to the left with a radius of 145.00 feet, the chord azimuth and distance being:  
284° 19' 40" 130.58 feet;
8. 257° 34' 184.50 feet along the remainder of the Government Land of Kawaipapa;
9. 289° 09' 248.76 feet along the remainder of the Government Land of Kawaipapa;
10. 297° 10' 59.92 feet along the remainder of the Government Land of Kawaipapa;
11. 206° 00' 20.00 feet along the remainder of the Government Land of Kawaipapa;
12. 297° 10' 75.61 feet along the remainder of the Government Land of Kawaipapa;
13. Thence along the remainder of the Government Land of Kawaipapa on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
161° 35' 28.00 feet;
14. 206° 00' 24.94 feet along the remainder of the Government Land of Kawaipapa;
15. 258° 13' 30" 999.15 feet along the remainder of the Government Land of Kawaipapa;
16. 336° 12' 30" 159.52 feet along the remainder of the Government Land of Kawaipapa;
17. 60° 03' 1012.72 feet along Hana Garbage Dump Site, Governor's Executive Order 3304 to the point of beginning and containing an AREA OF 45.415 ACRES.

SUBJECT, HOWEVER, to a portion of Road Easement as shown on plan attached hereto and made a part hereof.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: *Gerald Z. Yonashiro*  
Gerald Z. Yonashiro  
Land Surveyor rk

Compiled from map and desc.  
furn. by Newcomer Lee Land  
Surveyors, Inc. Said map and desc.  
have been examined and checked as  
to form and mathematical correctness  
but not on the ground by the Survey  
Division.



(C.S.F.)

Government

Lot A-1-A-1

17643

Lot A-2  
(C.S.F. 20,177)

Lot A-1-B  
(C.S.F. 20,246)

Grant 12,987 to Yoshimi Uchiyama  
 and Agnes Keiki Uchiyama  
 Grant 12,707 to Frederick and  
 Bernice D. Manoacon  
 Grant 12,464 to George Keiki Natta Jr.  
 Grant 12,613 to James F. and  
 Elizabeth Wray Hunt Fleming

Lot A-1-A-3

Lot A-1-C  
 Gov. Exec. Ord. 4264  
 (C.S.F. 24,783)

Lot B-1  
 Grant 1271 to Kaahawai  
 Job No-112(18)  
 C. BK.

Lot B  
 HANA GARBAGE DUMP SITE  
 Governor's Executive Order 3304  
 (C.S.F. 20,247)

TRUE NORTH  
 Scale: 1 in. = 400 ft.

Grant 8237

Hahaione Fruit and  
 Packing Co., Ltd.  
 (C.S.F. 4055)

Government Cemetery Land

et al.

Kahananui

Lot 1

Grant 1982

**HANA LANDFILL EXPANSION SITE**

Kawaipapa, Hana, Maui, Hawaii

Scale: 1 inch = 400 feet

**EXHIBIT "B"**

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

MAC October 12, 2018

TKM 1-3-06: Par. 07  
 C.S.F. NO. 25,692

REDUCED NOT TO SCALE