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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

May 12, 2025

Mr. John Stufflebean, Director
Department of Water Supply
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Stufflebean:

**SUBJECT: BILL 56 (2025), AMENDING SECTION 14.10.010,
MAUI COUNTY CODE, TO ESTABLISH NEW WATER
RATES FOR PRESERVATION AND RESTORATION
OF NATIVE SPECIES HABITATS (WAI-8)**

At its meeting of June 2, 2025, the Council's Water and Infrastructure Committee intends to discuss Bill 56 (2025), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.010, MAUI COUNTY CODE, TO ESTABLISH NEW WATER RATES FOR PRESERVATION AND RESTORATION OF NATIVE SPECIES HABITATS." Bill 56's purpose is to authorize discounted water rates for Department of Water Supply consumers who are using water solely for conserving or restoring native Hawaiian species habitats without any associated commercial activity.

May I please request your response to the following:

1. Please explain the rationale for the Bill's proposed effective date retroactive to July 1, 2024. Should Bill 56's effective date be July 1, 2025, to align with the start of the Fiscal Year 2026 Budget? Why or why not?
2. Is it the Department's intent to include conservation or restoration of native Hawaiian species habitats as the sole use for qualifying preservation consumers consistent with the Bill's title, section 1, and proposed subsection 14.10.010(E)(2)? Or is the use intended to be "for native Hawaiian species habitat preservation or restoration

Mr. John Stufflebean
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for the purposes of environmental improvement or maintenance and with no associated commercial activity,” as stated in proposed subsection 14.10.010(E)(3)? Please explain.

May I further request you transmit your response to wai.committee@mauicounty.us by **May 19, 2025**. To ensure efficient processing, please include WAI-8 in the subject line.

Should you have any questions, please contact me or the Committee staff (Keone J. Hurdle at ext. 7659, or Lori Ann M. Tengan at ext. 7147).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook".

TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:008aws01:kjh

Attachment

cc: Mayor Richard T. Bissen, Jr.
Caleb Rowe, Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. 56 (2025)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.010, MAUI COUNTY CODE, TO ESTABLISH NEW WATER RATES FOR PRESERVATION AND RESTORATION OF NATIVE SPECIES HABITATS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this ordinance is to provide discounted water rates for Department of Water Supply customers who are using water solely for the purposes of conserving or restoring native Hawaiian species habitats without any associated commercial activity.

SECTION 2. Section 14.10.010, Maui County Code, is amended to read as follows:

“14.10.010 Water service rates. A. Water rates for agricultural, nonpotable agricultural, nondwelling agricultural, emergency water, temporary irrigation, preservation, and general consumers, must be set forth in the annual budget ordinance.

B. Agricultural consumers may qualify for agricultural water rates. Each consumer requesting an agricultural rate for water service must submit an annual written application to the department attaching the following documentation, if applicable, regarding their product or service:

1. A copy of the consumer's filed State of Hawai'i, department of taxation, general excise, use tax return, form G-45, for the period preceding the date of application.

2. A copy of the consumer's filed Internal Revenue Service[, profit or loss from farming schedule F.] tax return, and a copy of the schedule F, form 1040, profit or loss from farming.

3. A description of the commercial agricultural operation that includes:

- a. The type of commercial operation.
- b. The anticipated monthly water usage.
- c. The age of the crop or stock, if applicable.

d. A five-year timeline of projected annual gross income.

e. A site plan demarcating the commercial agricultural operation, landscaping, grassy areas, dwellings and other structures, and irrigation system.

C. Emergency water consumers may qualify for emergency water rates where water that would otherwise be delivered as potable water has been determined by the director to be within a designated unsafe water advisory area as a result of a disaster or emergency as defined in section 127A-2, Hawai'i Revised Statutes, and resulting in a proclamation of a state of emergency or local state of emergency under section 127A-14, Hawai'i Revised Statutes. Emergency water rates will only be available to customers whose property has been determined by the director to be within the unsafe water advisory area.

D. Temporary irrigation consumers may qualify for temporary irrigation rates where a consumer's home was destroyed, and water service temporarily canceled, as a result of a disaster or emergency as defined in section 127A-2, Hawai'i Revised Statutes, and resulting in a proclamation of a state of emergency or local state of emergency under section 127A-14, Hawai'i Revised Statutes. To qualify for this rate, water must be nonpotable and used for maintenance of residential landscaping, including lawns, crops, and gardens as applicable.

E. Preservation customers may qualify for preservation rates where:

1. The property is located in the State agricultural or conservation land use districts or County open space zoning district.

2. The property is owned or under a management agreement with a nonprofit or community land trust that complies with section 501(c) of the Internal Revenue Code. Documentation of ownership or management, as well as bylaws referencing preservation or restoration or both, of native Hawaiian species habitats in the mission statement, shall be submitted with the application for preservation rates.

3. The water will be used solely for native Hawaiian species habitat preservation or restoration for the purposes of environmental improvement or maintenance and with no associated commercial activity.

4. The customer has submitted a conservation plan that includes:

a. Acreage of the preservation or restoration area, or both.

b. The anticipated monthly water usage.

c. Acceptable best management practices for water conservation.

d. A site plan demarcating the preservation or restoration area or both, dwellings and other structures, and irrigation systems.

[E.] F. General or agricultural water service will not be allowed from a meter for which the nonpotable agricultural rate is approved.

[F.] G. The penalty for using nonpotable agriculture water service to supply general uses is removal of the meter.

H. The penalty for use of preservation water service to supply general or agricultural uses is removal of the meter.

[G.] I. The penalty for providing water service to lots other than the lot to which the service is assigned is removal of the meter.

[H.] J. Water service requests by property lessees or licensees may be granted:

1. If requested and guaranteed by the fee simple owner of the property; or

2. A lump sum payment equal to a two-billing period estimate must be deposited with the department as collateral for future billings.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance, upon its approval, takes effect retroactive to July 1, 2024.

APPROVED AS TO FORM AND LEGALITY:



CALEB P. ROWE

Department of the Corporation Counsel

County of Maui

LF2025-0624

2025.04.17 Ord Amd 14.10.010 Preservation Water Rate.docx

INTRODUCED BY:



Upon the request of the Mayor.

WAI Committee

From: WAI Committee
Sent: Monday, May 12, 2025 3:39 PM
To: John Stufflebean
Cc: 'Michelle Santos'; 'Zeke Kalua'; Caleb P. Rowe
Subject: BILL 56 (2025), AMENDING SECTION 14.10.010, MAUI COUNTY CODE, TO ESTABLISH
NEW WATER RATES FOR PRESERVATION AND RESTORATION OF NATIVE SPECIES
HABITATS (WAI-8)
Attachments: Correspondence to Water Supply 05-12-2025.pdf
Importance: High