

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>

May 19, 2025

APPROVED FOR TRANSMITTAL

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

Richard T. Bissen, Jr. *5-21-25*

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

Dear Chair Cook,

Thank you for your letter dated May 12, 2025. Department of Water provides the following response to your questions:

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?

Response:

The Department made the ordinance retroactive to July 1, 2024 because this bill was drafted based on two requests for Agricultural Rates by nonprofits who use water for the conservation and/or restoration of native Hawaiian species habitats. That use does not fit into the requirements to receive Agricultural Water rates under the Maui County Code, but we believed these efforts were beneficial and that the

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applicants should receive some degree of relief from paying full water rates. The Bill was made retroactive because we wanted to grant both groups some relief for their water rates starting this current fiscal year. However, after speaking to the Budget Office regarding the administrative burden making the bill retroactive would cause, we have changed our view and believe it should take effect as of July 1, 2025.

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 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.

Response:

The intent was for "native Hawaiian species habitats" and "for the purposes of environmental improvement or maintenance with no associated commercial activity" to be modifiers of both "conservation" and "restoration." This would be consistent with the title of the proposed ordinance. We understand that intent may be unclear as written and we are open to suggestions over how to clarify that intention. Regarding the second clause, our primary concern is that there is no commercial activity associated with either conservation or restoration efforts.

Thank you for the opportunity to comment on this agenda item. If you have any questions, please contact me.

Sincerely,

Ortaine M.

for Acidera

JOHN STUFFLEBEAN, P.E.
Director

Digitally signed by Ortaine
M. Acidera
Date: 2025.05.19
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WAI Committee

From: Estrelita B. Dahilig <Estrelita.B.Dahilig@co.maui.hi.us>
Sent: Wednesday, May 21, 2025 10:24 AM
To: WAI Committee; Thomas M. Cook
Cc: John Stufflebean; James A. Landgraf; Linda K. Kimura; Ortaine M. Acidera; Josiah K. Nishita; Erin A. Wade; Cynthia E. Sasada; Kelii P. Nahooikaika
Subject: TRANSMITTAL: BILL 56 (2025), AMENDING SECTION 14.10.010, MAUI COUNTY CODE, TO ESTABLISH NEW WATER RATES AND PRESERVATION AND RESTORATION OF NATIVE SPECIES HABITATS (WAI-8)
Attachments: MT#11070.Cook.Tom.WAI.Chair.pdf

Aloha,

Please see attached transmittal dated May 19, 2025, from Director of Water Supply, John Stufflebean, P.E.
Thank you and have a good day!

Mahalo,
Lita



Lita B. Dahilig

Secretary

County of Maui
Office of the Mayor
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