

ORDINANCE NO. _____

BILL NO. 118, FD1 (2023)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF
THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE UNITED STATES GOVERNMENT AND THE STATE OF
HAWAII REGARDING THE AUTHORIZATION FOR MAUI WILDFIRE DEBRIS
REMOVAL FOR COUNTY-OWNED PROPERTIES

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

SECTION 1. Purpose. The County of Maui ("County") has an ownership interest in multiple properties that currently contain debris from the Maui Wildfires occurring in August of 2023. The debris includes destroyed structures, structural foundations, destroyed vehicles, fire-damaged trees, contaminated soil, and burned structure contents.

The County wishes to authorize the United States Government, including the Federal Emergency Management Agency and United States Army Corps of Engineers, and the State of Hawaii to include the County in the debris removal process as set forth in the request letter attached as Exhibit "1". The County properties containing fire debris are listed in Exhibit "1".

Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the county or any department or agency thereof.

SECTION 2. Authorization. The Council of the County of Maui hereby authorizes the Mayor or his authorized representative to execute the letter attached hereto as Exhibit "1" and to execute all other documents necessary to authorize debris removal for the properties listed in Exhibit "1".

SECTION 3. Effective date. This ordinance takes effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

LF2023-1401
2023-11-17 Ord IGA Debris Removal for County Properties

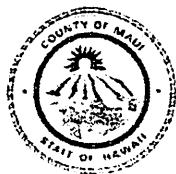
INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris R. Lee", written over a horizontal line.

Upon the request of the Mayor.

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

_____, 2023

James DS. Barros
Governor's Authorized Representative
Hawaii Emergency Management Agency, Administrator
4204 Diamond Head Road
Honolulu, HI 96816

SUBJECT: County owned property to be included in the Private Property
Debris Removal per FEMA-4724-DR-HI

Aloha e Dr. Barros:

As you are aware, Governor Green declared a state of emergency as a result of the August 8, 2023 wildfires on Maui. Critical to resolving this emergency is the rapid and complete hazardous waste removal to be carried out by the US Environmental Protection Agency (US EPA), and the subsequent debris removal carried out by the US Army Corps of Engineers.

The County of Maui owns several properties that were destroyed and damaged in the fires. Per the Private Property Debris Removal letter from the Federal Emergency Management Agency dated September 15, 2023, the County requests the following properties be included in the FEMA sponsored debris removal program:

Parcel Number	Address	Ownership
450040120000	5 ALA MOANA ST, LAHAINA, HI 96761	COUNTY OF MAUI
450050020000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
450050210000	MALA WHARF RD, LAHAINA, HI 96761	COUNTY OF MAUI
450050220000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
450080080000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
450100060000	KOPILI ST, LAHAINA, HI 96761	COUNTY OF MAUI
450120590000	1392 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI

EXHIBIT 1

450120180000	1377 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
450110070000	HONOAPIILANI HWY, LAHAINA, HI 96761	COUNTY OF MAUI
450120030000	OLONA PL, LAHAINA, HI 96761	COUNTY OF MAUI
450300040000	HIKI PL, LAHAINA, HI 96761	COUNTY OF MAUI
450300130000	MALOLO PL, LAHAINA, HI 96761	COUNTY OF MAUI
450300150000	MALO ST, LAHAINA, HI 96761	COUNTY OF MAUI
450300160000	1357 AINAKEA RD, LAHAINA, HI 96761	COUNTY OF MAUI
450300230000	AINAKEA RD, LAHAINA, HI 96761	COUNTY OF MAUI
450300420000	KOMOHANA PL, LAHAINA, HI 96761	COUNTY OF MAUI
450300520000	HAMAU PL, LAHAINA, HI 96761	COUNTY OF MAUI
450300920000	KAHOMA ST, LAHAINA, HI 96761	COUNTY OF MAUI
450301040000	AINAKEA RD, LAHAINA, HI 96761	COUNTY OF MAUI
450301370000	MALO ST, LAHAINA, HI 96761	COUNTY OF MAUI
450340430000	LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI
450340450000	LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI
450340470000	LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI
460010100000	687 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460020130000	611 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460050160000	356 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460010040000	MARKET ST, LAHAINA, HI 96761	COUNTY OF MAUI
460030180000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460080430000	636 LUAKINI ST, LAHAINA, HI 96761	COUNTY OF MAUI
460080440000	187 PRISON ST, LAHAINA, HI 96761	COUNTY OF MAUI
460090580000	767 LUAKINI ST, LAHAINA, HI 96761	COUNTY OF MAUI
460090610000	LUAKINI ST, LAHAINA, HI 96761	COUNTY OF MAUI
460070030000	576 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460070050000	116 PRISON ST, LAHAINA, HI 96761	COUNTY OF MAUI
460090170000	750 LUAKINI ST, LAHAINA, HI 96761	COUNTY OF MAUI
460050710000	KAEO PL, LAHAINA, HI 96761	COUNTY OF MAUI

460070040000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI
460260570000	380 LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI
460110110000	266 DICKENSON ST, LAHAINA, HI 96761	COUNTY OF MAUI
460120050000	245 SHAW ST, LAHAINA, HI 96761	COUNTY OF MAUI
460110280000	HONOAPIILANI HWY, LAHAINA, HI 96761	COUNTY OF MAUI
460150040000	LAHAINA, LAHAINA, HI 96761	COUNTY OF MAUI
460260400000	, LAHAINA, HI 96761	COUNTY OF MAUI
460280540000	PUALEI DR, LAHAINA, HI 96761	COUNTY OF MAUI
460340430000	120 LEOLEO ST, LAHAINA, HI 96761	COUNTY OF MAUI
460330010000	PUALEI DR, LAHAINA, HI 96761	COUNTY OF MAUI
470010170000	LAUNIUPOKO, LAHAINA, HI 96761	COUNTY OF MAUI
470010300000	LAUNIUPOKO, LAHAINA, HI 96761	COUNTY OF MAUI
450040630000	ALA MOANA ST, LAHAINA, HI 96761	COUNTY OF MAUI - DEPT OF PUBLIC WORKS, STATE OF HAWAII
450210170000	WAHIKULI RD, LAHAINA, HI 96761	COUNTY OF MAUI- DEPT OF WATER SUPPLY, STATE OF HAWAII
450310010000	RESERVOIR LOT, LAHAINA, HI 96761	COUNTY OF MAUI- DEPT OF WATER SUPPLY, STATE OF HAWAII
450010180000	878 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI, H & J WEINBERG FOUND. INC COUNTY OF MAUI, KA HALE A KE OLA HOMELESS RESOURCE CTRS, MAUI ECONOMIC CONCERNS OF THE COMMUNITY
460150030000	15 IPU WAI LN, LAHAINA, HI 96761	
450050130000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI, KAANAPALI ROADS LLC
450110080000	325 KEAWE ST, LAHAINA, HI 96761	COUNTY OF MAUI, LAHAINA GATEWAY COMMERCIAL, LLC, LAHAINA GATEWAY PROPERTY OWNER LP

460070100000	120 PRISON ST, LAHAINA, HI 96761	COUNTY OF MAUI, RICHARDSON, ALLEN B M 1983 RESIDUARY TR, RICHARDSON, BARRISTER A ESTATE /ETAL COUNTY OF MAUI, ROMAN CATHOLIC CHURCH
460070070000	572 FRONT ST, LAHAINA, HI 96761	
450040110000	41 ALA MOANA ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
450140580000	WAHIKULI, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
450210250000	HONOAPIILANI HWY, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460010090000	648 WHARF ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460010010000	WHARF ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460070010000	162 SHAW ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460070020000	550 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460070360000	500 FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460070350000	FRONT ST, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
460180190000	LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII
450340460000	LAHAINALUNA RD, LAHAINA, HI 96761	COUNTY OF MAUI, STATE OF HAWAII - DEPT OF DEFENSE

For properties with additional ownership interests, we understand that a similar letter will need to be submitted by additional government agencies or rights-of-entry by private property owners. This letter is intended to act as the County of Maui authorization for the Army Corps of Engineers and/or their contractor to remove fire debris, including destroyed structures, structural foundations, destroyed vehicles, fire-damaged trees, contaminated soil and other burned structure contents as determined by the contract.

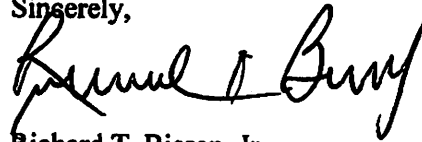
James DS. Barros
Governor's Authorized Representative
Hawaii Emergency Management Agency, Administrator
_____, 2023

Page 5

It is also understood that for properties excluded from the Archaeological Treatment Plan, FEMA will consult on those properties individually to identify an appropriate compliance strategy for Section 106 of the NHPA and community that strategy to the USACE Point of Contact upon receipt of this authorization.

Mahalo for your assistance with this critical effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Bissen, Jr.", written in a cursive style.

Richard T. Bissen, Jr.
Mayor

DIGEST

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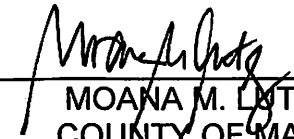
This bill proposes to authorize the United States Government, including the Federal Emergency Management Agency and United States Army Corps of Engineers, and the State of Hawaii to include the County in the debris removal process as set forth in the request letter.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 118, FD1 (2023) was passed on First
Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of
November, 2023, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.
Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura,
and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 22nd of November, 2023.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.