



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/APT

Committee Chair
Shane M. Sinenci

Committee Vice-Chair
Gabe Johnson

Voting Members:
Kelly Takaya King
Alice L. Lee
Michael J. Molina
Tamara Paltin
Keani N.W.
Rawlins-Fernandez

Non-Voting Members:
Tasha Kama
Yuki Lei K. Sugimura

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Wednesday, December 7, 2022

9:00 a.m.

MEETING SITE:

Online via BlueJeans:

<https://bluejeans.com/411641115>

Phone testimony: 1-408-915-6290, code 411 641 115

In-person testimony and viewing: Council Chamber, Kalana O
Maui Building, 8th Floor, 200 South High Street, Wailuku,
Hawaii

AGENDA

NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL

Items: HEALTH OF MAUI COUNTY FARMERS (APT-4)

<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.

LANAI WATER ADVISORY COMMITTEE (APT-5)

<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

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<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)

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

<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."

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

<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.

SUSTAINABILITY AND RESTORATION OF TRADITIONAL HAWAIIAN FISHPONDS (APT-9)

<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

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the County of Maui (1983), as amended, as it relates to the sustainability and restoration of traditional Hawaiian fishponds.

WATERSHED MANAGEMENT AND PROTECTION (APT-12)

<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.

HAWAIIAN CULTURAL RESTORATION (APT-13)

<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.

ADDITIONAL WATER FIXTURES FOR COMMERCIAL FARM PROPERTY (APT-14)

<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.

IMPORTANT AGRICULTURAL LANDS (APT-15)

<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."

WELLHEAD PROTECTION OVERLAY DISTRICT (APT-16)

<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

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WELLHEAD PROTECTION OVERLAY DISTRICT."

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

<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)

EMI WATER DELIVERY AGREEMENT (APT-19)

<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."

COUNTY ARCHAEOLOGIST (APT-20)

<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.

UPCOUNTRY RESERVOIRS (APT-23)

<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.

FOOD SECURITY FOR MAUI COUNTY (APT-24)

<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.

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

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
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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.

LANAI AGRICULTURAL PARK LEASE (APT-28)

<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.

AFRICAN TULIP TREE (APT-32)

<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.

PROTECTION OF HISTORIC PROPERTIES (APT-37)

<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.

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

<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.

KULA AGRICULTURAL PARK (APT-41)

<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.

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

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
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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).

MAUI INVASIVE SPECIES COMMITTEE (MISC) (APT-43)

<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.

TELECOMMUNICATIONS REGULATIONS (APT-44)

<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

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

<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.

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

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/07/2022	MISC	County Clerk, reporting that on 02/07/2022, the

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Council referred Contract C7547 relating to Old Hana School Improvements-Phase 2 for DPR, IFB#P19/003, Ordinance 5099, 5101 (FY2021), Ordinance 5217, 5219 (FY2022).

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

<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.

COMPOSTING (APT-50)

<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.

WATER DELIVERY SYSTEMS (APT-51)

<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.

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

<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.

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

<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.

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

<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.

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

<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.

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

<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,"

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introduced by Councilmember Shane M. Sinenci.

WATER AUTHORITIES AND RESOURCE MANAGEMENT (APT-1(12))

Description: In accordance with Rule 7(B) of the Rules of the Council, the Committee intends to discuss matters relating to water authorities and resource management.

Status: The Committee may receive presentations from Scott Fretz, Maui Branch Manager, Division of Forestry and Wildlife, State of Hawai'i Department of Land and Natural Resources, relating to water authorities and the following matters: (1) Ko'olau Forest Reserve management, including public trust duties, trails, and public access, and (2) Nā Wai 'Ehā land management and status update on Wailuku Water System acquisition. The Committee may receive a presentation from Lea Hong, Associate Vice-President, Hawai'i State Director, The Trust for Public Land, on the second matter. No legislative action will be taken.

CONTACT INFORMATION

Office of Council Services, 200 South High Street, Wailuku, Hawaii 96793
Tel: (808) 270-7838

COMMITTEE STAFF

Alison Stewart, Kasie Apo Takayama, Maria Leon, and Richard Mitchell

BOARD PACKETS

Board Packets, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

CONNECTIVITY

This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS.

If BlueJeans connectivity affecting quorum is lost, the Committee will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the BlueJeans connection is prematurely terminated, for whatever reason, please log back into the same link.

If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., using the same virtual connections, unless the Committee announces a different date and time.

OFFICIAL LOCATIONS

Video testimony via BlueJeans link: <https://bluejeans.com/411641115>

Oral testimony via phone by dialing: 1-408-915-6290 and entering meeting code 411 641 115

In-person testimony and viewing: Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawaii

If audiovisual connection is lost at the official location for in-person testimony and viewing, the committee will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., at the same official location for in-person testimony and viewing, unless the Committee announces a different date, time, and location.

Written testimony via eComment. Search for the meeting date on mauicounty.us/agendas, click on the eComment link, then select the agenda item to submit comments on.

For more information on testifying please visit www.mauicounty.us or contact the Office of Council Services.

COURTESY TESTIMONY SITES - COUNCIL RESIDENCY AREA OFFICES

South Maui	Lānaʻi	West Maui
MEDB Building	Lānaʻi District Office	Old Lahaina Center
1305 North Holopono, Suite 9, Kihei	814 Fraser Avenue, Lānaʻi City	845 Wainee Street, Suite 205, Lahaina
(808) 793-0012	(808) 565-7094	(808) 856-0123
Molokai	East Maui	Makawao-Haʻikū-Pāʻia
Molokai District Complex	Hāna Cultural Center & Museum	Heritage Hall
100 Ainoa Street, Kaunakakai	4974 Uakea Road, Hāna	401 Baldwin Avenue, Suite 102, Pāʻia
(808) 553-3888	(808) 248-7513	(808) 793-0099

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from there.

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mauicounty.us/agendas to access meeting videos

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If Akaku prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will be sent to Akaku to be included with archived meeting videos.

DISABILITY ACCESS

Anyone requesting an auxiliary aid or service or an accommodation due to a disability should contact the Office of Council Services at least three working days prior to the meeting date at (808) 270-7838 or county.council@mauicounty.us.

Agenda items are subject to cancellation.