

**COUNCIL OF THE COUNTY OF MAUI**  
**WATER RESOURCES COMMITTEE**

August 23, 2005

**Committee**  
**Report No.**

05-117

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

Chair and Members:

Your Water Resources Committee, having met on July 14, 2005, makes reference to County Communication No. 05-96, from Councilmember Dain P. Kane, relating to the matter of water use standards and reports.

By correspondence dated March 8, 2005, Councilmember Dain P. Kane transmitted a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO WATER USE STANDARDS AND REPORTS". The purpose of the draft bill is to require private parties to report withdrawals and diversions of water and the construction of private water systems.

By correspondence dated May 25, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel review and approve a second draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO WATER USE STANDARDS AND REPORTS". The purpose of the draft bill is to expand reporting requirements in order to preserve, protect, and better manage the County's water resources.

By correspondence dated June 2, 2005 and July 6, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel review and approve the first draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO WATER USE STANDARDS AND REPORTS". The purpose of the draft bill is to require private parties to report withdrawals and diversions of water and the construction of private water systems.

By correspondence dated July 13, 2005, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.90A, MAUI COUNTY CODE, RELATING TO REGULATION OF PERMITS AND WATER USE". The purpose of the proposed bill is to require private parties to report withdrawals and diversions of water and the construction of private water systems.

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Your Committee notes that the proposed bill would merely enable the County to directly receive from private parties, the same data that is already required to be sent to the State Commission on Water Resource Management (CWRM). The proposed bill would not require the reporting of any new or additional information.

By correspondence dated July 13, 2005, D. Kapua Sproat, Esq., on behalf of Earthjustice, expressed support for the proposed bill and suggested technical amendments. She opined that the proposed bill would provide “the information and tools needed to make informed planning and zoning decisions.”

By correspondence dated July 14, 2005, the Chair of your Committee transmitted a copy of a petition filed by Earthjustice requesting that the CWRM amend the interim instream flow standards for Waihee, North and South Waiehu, Iao, and Waikapu streams and their tributaries.

By correspondence dated July 14, 2005, Councilmember Dain P. Kane expressed support for the technical amendments to the proposed bill suggested by Earthjustice.

At its meeting, your Committee met with the Director of Water Supply; the Deputy Director of Water Supply; the Planning Program Manager, Planning Division, Department of Water Supply; and a Deputy Corporation Counsel.

The Department of the Corporation Counsel transmitted copies of Sections 13-168-5, 13-168-6, and 13-168-7, Hawaii Administrative Rules (HAR).

Your Committee received public testimony from two individuals expressing support for the proposed bill’s intent. One individual questioned whether the proposed bill’s scope was sufficiently broad.

Your Committee noted the importance of ensuring that County officials receive timely and accurate data about the County’s water resources. Your Committee also noted that the proposed bill would not impose any new burdens on private water users, other than the requirement that the County receive the same information that is required to be provided to the CWRM.

Your Committee voted to incorporate technical revisions to the proposed bill, by replacing a reference to a State statute with a reference to an applicable HAR provision.

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Your Committee voted to recommend passage of the revised bill and filing of the communication.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.90A, MAUI COUNTY CODE, RELATING TO REGULATION OF PERMITS AND WATER USE", incorporating your Committee's revisions.

Your Water Resources Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2005), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.90A, MAUI COUNTY CODE, RELATING TO REGULATION OF PERMITS AND WATER USE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 05-96 be FILED.

Adoption of this report is respectfully requested.

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**MICHELLE ANDERSON** **Chair**

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**DAIN P. KANE** **Member**

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**CHARMAINE TAVARES** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**ROBERT CARROLL** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**