

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

July 22, 2011

Committee
Report No. _____

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

Chair and Members:

Your Water Resources Committee, having met on June 28, 2011 and July 12, 2011, makes reference to County Communication No. 11-86, from the Director of Water Supply, transmitting a document entitled "Lana'i Island Water Use and Development Plan, February 25, 2011, DWS Amended Draft" ("Lana'i Plan Update"), along with a compact disc and related documents. The Lana'i Plan Update is transmitted pursuant to Chapter 14.02, Maui County Code, and Section 174C-31, Hawaii Revised Statutes (HRS), the Hawaii Water Plan.

By correspondence dated July 1, 2011, the Department of the Corporation Counsel transmitted a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO PASS THE SECOND UPDATE OF THE WATER USE AND DEVELOPMENT PLAN". The purpose of the proposed resolution is to grant an extension until January 21, 2012 for the Council to pass the Lana'i Plan Update by ordinance.

Your Committee notes that Chapter 174C, HRS, ("State Water Code"), requires the Commission on Water Resources Management to develop and update an Hawaii Water Plan. It further requires each of the counties to prepare a Water Use and Development Plan ("WUDP") and to adopt the WUDP by ordinance, for incorporation into the Hawaii Water Plan. The purpose of the WUDP, which must be updated regularly, is to set forth the allocation of water to land uses in each county.

Your Committee further notes that the Council adopted the Maui County WUDP by Ordinance No. 1948 (1990), pursuant to the requirements set forth in the State Water Code and the Revised Charter of the County of Maui (1983), as amended. The Lana'i Plan Update is the second update of the WUDP.

Your Committee expressed concerns about the deadline imposed on the Council to pass the Lana'i Plan Update. Under current law, the Council has 180 days from its receipt of the proposed update to pass the proposed update by ordinance; however, the Council may, by resolution, extend the time to pass the proposed update. The proposed

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

July 22, 2011
Page 2


**Committee
Report No.** _____

resolution takes into account the County of Maui's unique multiple island community, and extends the current deadline by 180 days to allow the Committee to more fully discuss the Lanai Plan Update with the residents of Lanai.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Carroll, Cochran, Hokama and White voted "aye".

Your Water Resources Committee RECOMMENDS that Resolution No. _____ attached hereto, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO PASS THE SECOND UPDATE OF THE WATER USE AND DEVELOPMENT PLAN" be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

Resolution

No. _____

APPROVING A TIME EXTENSION FOR THE COUNCIL TO PASS THE SECOND UPDATE OF THE WATER USE AND DEVELOPMENT PLAN

WHEREAS, Section 174C-31, Part III, Hawaii Revised Statutes (“Hawaii Water Plan”), requires each county to prepare a water use and development plan, and to adopt the plan by ordinance; and

WHEREAS, the Council adopted the Maui County Water Use and Development Plan (“WUDP”) by Ordinance No. 1948 (1990), codified as Chapter 14.02, Maui County Code (“MCC”); and

WHEREAS, the Hawaii Water Plan also requires each county to update and modify its water use and development plan as necessary to maintain consistency with its zoning and land use policies; and

WHEREAS, by correspondence dated February 25, 2011, the Council received County Communication No. 11-86, from the Director of Water Supply, transmitting a document entitled “Lanai Island Water Use and Development Plan, February 25, 2011, DWS Amended Draft” (“Lanai Plan”); and

WHEREAS, the Lanai Plan is the second update of the WUDP; and

WHEREAS, pursuant to Section 14.02.040, MCC, the Council has 180 days from the receipt of the proposed update to pass the proposed update by ordinance; however, the Council may, by resolution, extend the time to pass the proposed update; and

WHEREAS, the deadline for the Council to pass the Lanai Plan is August 24, 2011; and

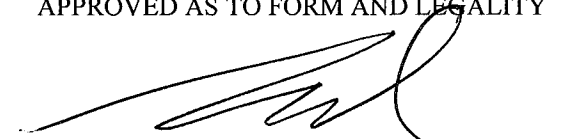
WHEREAS, the Council finds that an extension of time is necessary to adequately review the Lanai Plan; now therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council is granted an extension until January 21, 2012, to pass the Lanai Plan by ordinance; and
2. That certified copies of this resolution be transmitted to the Mayor, the Director of the Department of Water Supply, and the Chair of the Board of Water Supply.

APPROVED AS TO FORM AND LEGALITY



EDWARD S. KUSHI, JR.

Department of the Corporation Counsel
County of Maui

S:\ALL\ESK\Water\Resos\Lanai WUDP Extension.doc