

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

December 7, 2007

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

07-150

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

Chair and Members:

Your Water Resources Committee, having met on November 15, 2007, makes reference to County Communication No. 05-271, from Councilmember Dain P. Kane, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.020, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS". The purpose of the proposed bill is to prohibit development projects without verification of a long-term, reliable supply of water.

Your Committee notes that the Council (2005-2007 Council term) referred County Communication No. 05-271 to its Water Resources Committee at the Council meeting of August 23, 2005.

Your Committee further notes that the Water Resources Committee previously reported on this matter through Committee Report No. 07-140, which recommended that a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ARTICLE 1 OF TITLE 14, MAUI COUNTY CODE, AND TITLE 18, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY" (subdivision bill) be adopted. At its meeting of November 16, 2007, the Council voted to pass the proposed bill on first reading.

Your Committee further notes that during its deliberations of the subdivision bill, your Committee recommended to exempt projects under the purview of the State Department of Hawaiian Home Lands (DHHL) from the provisions required by the bill. It was determined that a separate bill specific to DHHL exemptions would more accurately reflect your Committee's intent.

Your Committee further notes that by correspondence dated August 29, 2007, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, RELATING TO NATIVE HAWAIIAN WATER RIGHTS". The purpose of the proposed bill is to exempt rights and entitlements to water provided for by the Hawaiian Homes

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Commission Act, 1920, as amended, from the purview of the County Water Code's regulations.

At its meeting, your Committee met with the Director of Water Supply and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee briefly discussed the purpose of the proposed bill. The Chair of your Committee noted that the proposed bill reflects those rights and entitlements already provided for by the Hawaiian Homes Commission Act, 1920, as amended, and the State Water Code.

Your Committee voted to recommend passage of the proposed bill and deferred the matter pending further discussion.

Your Committee is in receipt of a revised proposed bill incorporating a nonsubstantive revision.

Your Water Resources Committee **RECOMMENDS** that Bill No. \_\_\_\_\_ (2007), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, RELATING TO NATIVE HAWAIIAN WATER RIGHTS" be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

Adoption of this report is respectfully requested.

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**MICHELLE ANDERSON** **Chair**

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**DANNY A. MATEO** **Member**

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**MICHAEL P. VICTORINO** **Vice-Chair**

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**JOSEPH PONTANILLA** **Member**

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**GLADYS C. BAISA** **Member**