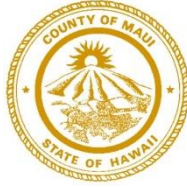


RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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

April 9, 2026

Ryan Kanaka'ole, Acting Chair
State of Hawai'i Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawai'i 96813

RE: BLNR APRIL 10, 2026 AGENDA ITEM D-1 AND REQUEST FOR A SET ASIDE VIA GOVERNOR'S EXECUTIVE ORDER FOR STATE HELD INTERESTS IN THE EAST MAUI IRRIGATION SYSTEM AND SURFACE WATER FROM KO'OLAU FOREST RESERVE, ISLAND OF MAUI, HAWAI'I FOR THE PUBLIC PURPOSES OF DOMESTIC, MUNICIPAL, AND AGRICULTURAL USE TO BE UNDER THE CONTROL AND MANAGEMENT OF THE COUNTY OF MAUI

Aloha e Acting Chair Kanaka'ole,

Mahalo for your patience as the County of Maui has prepared to take on the responsibility of managing the East Maui water system. The County is ready to move forward and respectfully requests a set aside pursuant to HRS Sections 171-11 and 95.

As you know, the set-aside process through executive order has historically been used for public purposes and offers a more efficient path forward than other mechanisms. Because a set aside does not require a contested case, it provides a much more efficient, less litigious and less divisive opportunity to bring the Maui community together as we move toward County management of water delivery systems. The County's focus remains on ensuring that the system is managed in a way that serves the public interest, and we look forward to continued discussions on the most appropriate path forward.

Consistent with these principles, the County, as a governmental subdivision of the State of Hawai'i, is well positioned to serve as a steward of these resources in a

way that upholds the public trust. The County's role allows for a balanced approach that supports watershed protection, long-term ecosystem health, and reliable future water availability.

Part of this balanced approach is the recognition of the critical importance a strong agricultural sector plays in developing Maui's food security, economic resilience, and wildfire risk reduction. Productive agriculture in Central Maui helps sustain our local economy and plays an important role in stewarding lands in ways that reduce fire risk and protect surrounding communities. Ensuring long-term, reliable, and affordable access to water is essential for Mahi Pono and any future operators to continue fulfilling this role.

Our shared goal is to support the continued viability of agriculture in the Central Valley for generations to come, while preserving Important Agricultural Lands as a foundation for food production and economic opportunity for our residents.

We look forward to working collaboratively with you and the Board of Land and Natural Resources on the development of an executive order. Once completed, acceptance of the order is subject to approval by the County Council. We have attached a proposed draft executive order for your consideration. Please let us know a convenient time to begin these discussions.

Mahalo,



Richard T. Bissen, Jr.

Enclosure:

Draft Executive Order & Exhibit A

cc: Governor Josh Green, M.D.

Gina Young, Director, Maui County Department of the East Maui Water Authority

James Landgraf, Director, Maui County Department of Water Supply

Josiah K. Nishita, Managing Director, County of Maui

Dr. Jonathan Likeke Scheuer, Chair, the 'Aha Wai O Maui Hikina, East Maui Regional Community and Board Members

that public surface water diverted from streams located on parcels of State-owned land situated at Koolau Forest Reserve, Island of Maui, more particularly described in Exhibit "A".

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to constitutionally protected water rights; reservations, including but not limited to the 11,455,510 gallons per day reserved by the Department of Hawaiian Home Lands from Koolau Forest Reserve to meet the Department of Hawaiian Home Lands' rights under Section 221 of the Hawaiian Homes Commission Act; as well as other statutorily or judicially recognized interests relating to the right to withdraw water for the purposes of and in accordance with the provisions of Section 171-58(d), Hawaii Revised Statutes;

SUBJECT, FURTHER, to the amounts of water necessary to remain in Koolau Forest Reserve to satisfy instream flow standards, as set by the Commission on Water Resource Management; and

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public water.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.

Done at the Capitol at Honolulu this _____ day of _____, 20__.

JOSH GREEN, M.D.
Governor of the State of Hawaii

APPROVED AS TO FORM:

Deputy Attorney General

Dated: _____

STATE OF HAWAII

Office of The Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. _____ setting aside land for public purposes, the original of which is on file in this office.

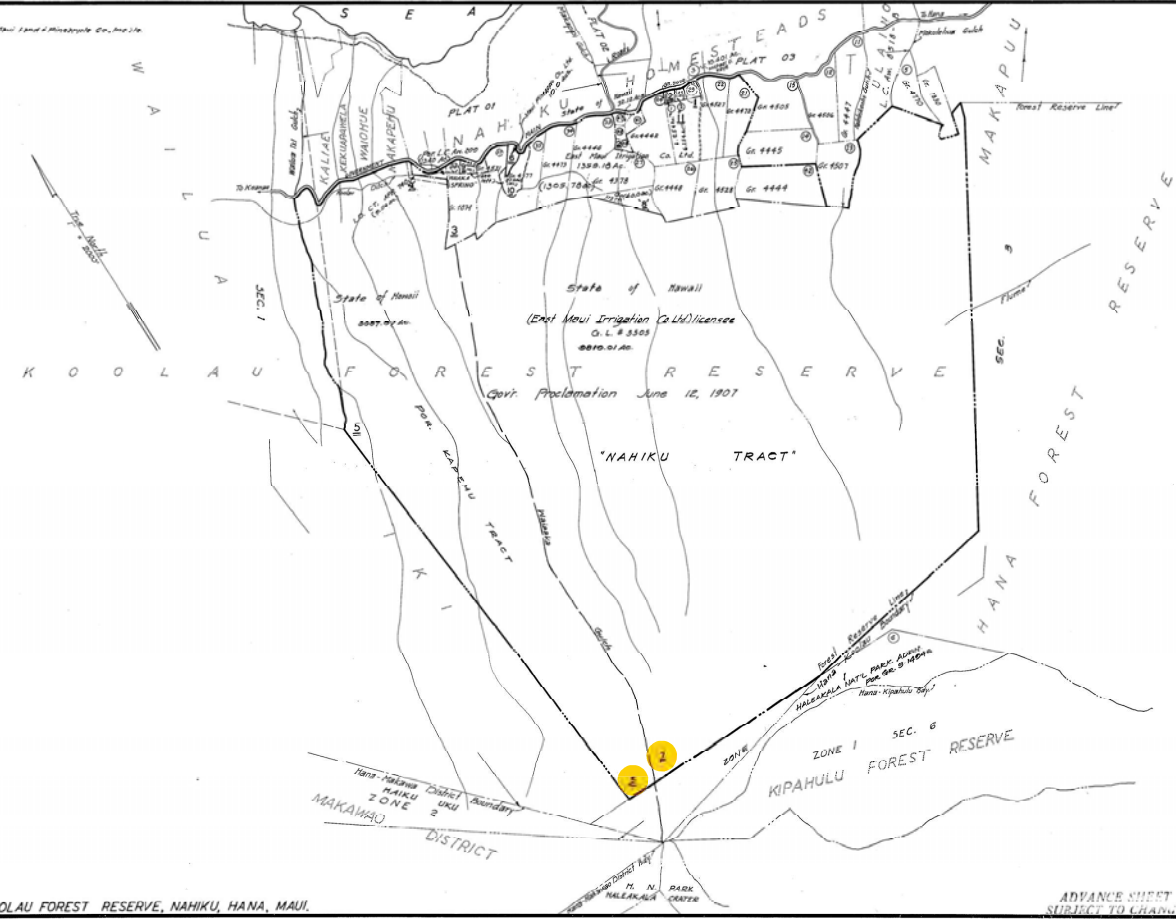
IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed her name and cause the Great Seal of the State to be affixed.

SYLVIA LUKE
Lieutenant Governor of the State of Hawaii

DONE in Honolulu, this _____ day of _____, A.D. 2026

COMPILED BY
 1928
 1929
 1930
 1931
 1932
 1933
 1934
 1935
 1936
 1937
 1938
 1939
 1940
 1941
 1942
 1943
 1944
 1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981
 1982
 1983
 1984
 1985
 1986
 1987
 1988
 1989
 1990
 1991
 1992
 1993
 1994
 1995
 1996
 1997
 1998
 1999
 2000
 2001
 2002
 2003
 2004
 2005
 2006
 2007
 2008
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025

240 Koolau Forest Reserve, Nahiku, Hana, Maui

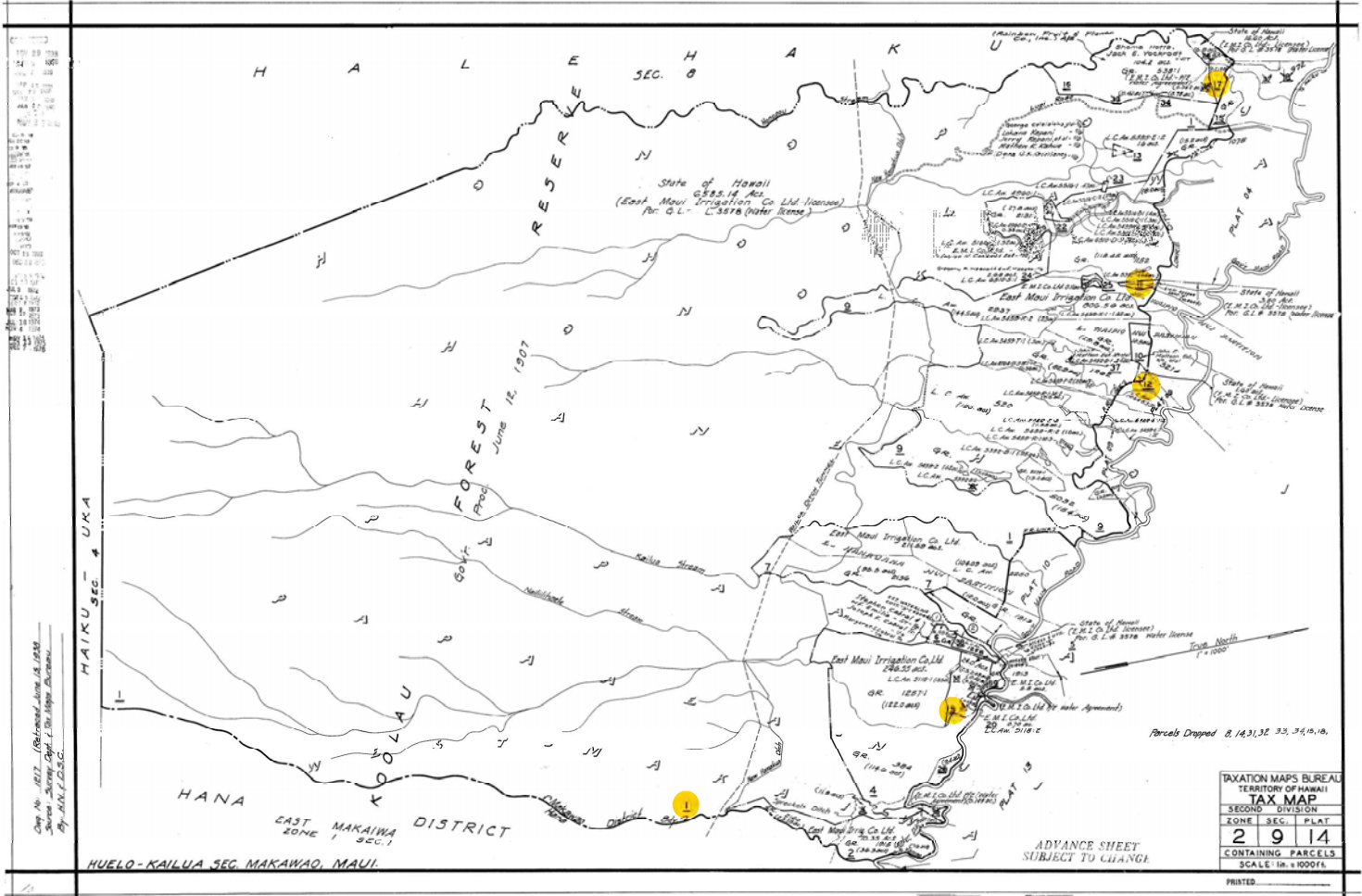


KOOLAU FOREST RESERVE, NAHIKU, HANA, MAUI.

PARCELS DROPPED: 0	
SECOND DIVISION	PLAT
ZONE 1	SEC. 6
1 2 04	
CONTAINING PARCELS	
SCALE 1" = 2000 FT.	
PRINTED	

ADVANCE SHEET
SUBJECT TO CHANGE

Copy No: 2087
 Date: 11.15.2024
 By: [Signature]
 Source: Survey Department



Copy No. 1017 - (Reference to the L.C.A. Map
 should always refer to the L.C.A. Map
 of the L.C.A. Map)

HAIKU SEC 4 UKA

HUELO-KAILUA SEG. MAKAWAO, MAUI.

ADVANCE SHEET
 SUBJECT TO CHANGE

Parcels Dropped 0, 14, 31, 32, 33, 34, 14, 15.

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
ZONE	SEC.	PLAT	
2	9	14	
CONTAINING PARCELS			
SCALE 1" = 1000'			
PRINTED			