



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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County of Maui Planning Department
One Main Plaza,
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Wailuku, HI 96793

SUBJECT: SP97-390 County of Maui Landfill Status Report

Dear Mr. Agawa and Schmidt:

The Land Use Commission ("Commission" or "LUC") has reviewed the 2023 Annual Report filed by County of Maui Department of Emergency Management ("CoM-DEM") for SP97-390 and is scheduling a **status report to be held on June 20, 2024**.

The Commission has questions and concerns regarding the following conditions:

Condition 19: Within one year of approval of this Fourth Amendment, the County shall identify County-owned agricultural property of similar land properties and equivalent acreage on Maui and submit a request to have it designated as Important Agricultural Land ("IAL") to compensate for the loss of the 22 acres of IAL associated with the County of Maui Landfill ("CML") Facilities Project.

The Land Use Commission did not receive the complete CoM-DEM's Petition for Declaratory Ruling, per §15-15-95.1, the County of Maui Planning Commission must receive the petition prior to the Land Use Commission.

The Commission requests information on why the Kula Agricultural Park was identified for the IAL designation, and the involvement of the Maui County Planning Commission regarding the status of this matter.

Condition 21: That the Applicant shall submit a petition for Declaratory Ruling to the LUC to withdraw the 22 acres of IAL from the IAL designation within one year of the LUC's Decision and Order for the Applicant's Fourth Amendment Request.

The annual report states that "On August 6, 2021, CoM-DEM prepared and transmitted a petition for Declaratory Ruling", but the LUC did not receive the complete CoM-DEM's Petition for Declaratory Ruling.

Condition 23: That the Applicant shall commence the process to seek a district boundary amendment with the LUC for the approximately 95.659 acres of the total permitted area of the CML within five years of the LUC's Decision and Order for the Applicant's Fourth Amendment Request.

The LUC notes that the Decision and Order for the Fourth Amendment Request was issued in 2020, and the condition requires the Petitioner to petition for a district boundary amendment within five years of the 2020 Decision and Order, which is 2025. The Commission notes the petitioner's response in the annual report, but requests additional information on the progress of technical studies and the environmental impact statement.

The Commission requests information be presented at the status report hearing pertaining to the status of compliance with the areas of concern.

Should you have any questions, please contact my office at (808) 587-3823 or via email at dbedt.luc.web@hawaii.gov.

Sincerely,



Daniel Orodener
Executive Officer
Land Use Commission
State of Hawai'i

CC: Katia Balassiano and Alison Kato Esq. - State of Hawai'i *Office of Planning and Sustainable Development*
Michael Hopper Esq. – Maui County Planning Corporation Counsel