

EFFICIENCY SOLUTIONS AND CIRCULAR SYSTEMS COMMITTEE

Council of the County of Maui

MINUTES

June 3, 2024

Online Only via Teams

CONVENE: 1:40 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Keani N.W. Rawlins-Fernandez, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member (Out 4:24 p.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: VOTING MEMBER:

Councilmember Tasha Kama, Member

STAFF:

Ellen McKinley, Legislative Analyst
Samantha Tanck, Legislative Analyst
Megan Moniz, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Jean Pokipala, Council Services Assistant Clerk

Residency Area Office (RAO):

Zhantell Lindo, Council Aide, Moloka`i Residency Area Office
Roxanne Morita, Council Aide, Lāna`i Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

OTHERS:

Sam Kaleikoa Ka'eo
Joclynn Costa
Tiare Lawrence
Johann Bouit, Haururu Association
Yves Doudoute, Haururu Association
Kahele Dukelow
Kalama'ehu Takahashi
Kanoë Pacheco
Maluhia Low
Faith Chase
Aubrey Matsuura
Kekuahela Tauala

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Jasee Law
Jill Nunokawa
Hezekiah Kapua‘ala
Others (40)

Resource Personnel

Lt. Col. Phillip Wagenbach, 15th Space Surveillance Squadron Commander,
U.S. Space Force
Dane Uluwehiokalani Maxwell, Cultural Advisor, CKM Cultural Resources
Joclynn Costa
Kahele Dukelow

PRESS: Akakū: Maui Community Television, Inc.

CHAIR RAWLINS-FERNANDEZ: . . .*(gavel)*. . . Aloha ‘auinalā, kākou. Kanahā minuke i ka hala o ka hola ‘ekahi. Ma ‘ekolu o Iune i ka makahiki ‘elua kaukani iwakāluakūmāhā. E ‘olu‘olu mai, e ho‘omalū ke Kōmike Efficiency Solutions and Circular Systems. ‘O wau ‘o Keani Rawlins-Fernandez, ka luna ho‘omalū o kēia Kōmike. It was 1:40 on June 3rd, 2024. Will the Efficiency Solutions and Circular Systems Committee please come to order. I’m your Chair Keani Rawlins-Fernandez. There are currently no testifiers in the Molokai District Office. With us today we have Committee Vice-Chair Tamara Paltin. Aloha.

VICE-CHAIR PALTIN: Aloha ‘auinalā, kākou.

CHAIR RAWLINS-FERNANDEZ: Aloha. Next, we have Council Chair Alice Lee. Aloha.

COUNCILMEMBER LEE: Aloha and shukran.

CHAIR RAWLINS-FERNANDEZ: Shukran. Next, Councilmember Tom Cook. Aloha.

COUNCILMEMBER COOK: Aloha and good afternoon.

CHAIR RAWLINS-FERNANDEZ: Aloha. Councilmember Tasha Kama is excused. Councilmember Shane Sinenci. Aloha.

COUNCILMEMBER SINENCI: Aloha ‘auinalā, Chair. No testifiers in Hāna.

CHAIR RAWLINS-FERNANDEZ: Mahalo. And Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Aloha. Looking forward to a interesting meeting. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo. We have two Non-Voting Committee Members, Councilmember Gabe Johnson and Councilmember U‘u-Hodgins, who are always welcome to join us. Our Committee Staff today is Ellen McKinley, Legislative Analyst; Sam Tanck, Legislative Analyst; joining us, Yvette Bouthillier, Committee Secretary,

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welcome to ESCS; Megan Moniz, Legislative Attorney; Jean Pokipala, Assistant Clerk; and Lei Dinneen, Assistant Clerk. We have one agenda on...agenda item with two parts scheduled for today's meeting; ESCS-1(3), 'Ōiwi Resources. In accordance with the Sunshine Law, testimony can occur at the beginning of the meeting but cannot be limited to the start of the meeting. As we have only one time on today's agenda, we'll be taking testimony after presentation on both parts of our agenda item.

ITEM 1(3): 'ŌIWI RESOURCES (Rule 7(B))

CHAIR RAWLINS-FERNANDEZ: I will now proceed. Under Rule 7(B) of the Rules of the Council, the Committee intends to receive a presentation relating to 'Ōiwi Resources. We will not take legislative action on this item today. On January 29, 2023, the U.S. Space Force reported that it allowed more than 700 gallons of diesel fuel to spill at its Maui Space Surveillance Complex site located on the summit of Haleakalā. We received an update from Space Force at the ESCS Committee meeting on August 3rd, 2023. *Civil Beat* reported an update on February 7th and May 20th of this year. After the update on the cleanup, we will receive a presentation on the Air Force Maui Optical Supercomputing [sic] Site Small Telescope Advanced Research Facility. Joining us today we have Lieutenant Colonel Phillip Wackebach...Wagenbach, 15 [sic] Space Surveillance Squadron Commander, U.S. Space Force; and Dane Uluwehiokalani Maxwell, who is a Cultural Advisor, CKM Cultural Resources. Mr. Maxwell was selected by U.S. Space Force to monitor and advise in support of the remediation of the diesel fuel spill at Haleakalā on January 2023. He has previously advised on other projects including the Daniel K. Inouye Solar Telescope and the Maui Space Surveillance Complex atop Haleakalā. If there are no objections, Members, I would like to designate these two individuals as resource persons in accordance with Rule 18(A) of the Rules of the Council. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Okay. And then we'll receive the presentations on both of the two parts of the agenda item. Please, note down your questions and we'll save that for Q and A after public testimony. Okay. So, let's see. Well, I'll call on Lieutenant Colonel Wagenbach for the first part of the presentation.

MR. WAGENBACH: All right. Thank you. So, as was stated, I'm Lieutenant Colonel Phillip Wagenbach. I'm Commander of the 15th Space Surveillance Squadron. Thank you for inviting me back to talk about the fuel spill cleanup and its progress that we have made since its occurrence in January of '23...2023. You can go to the next chart. So, I've just updated this presentation to...from the one that was presented last time. So, the highlights are in blue...the changes are in blue. I will step through this at a high level just describing who we are as a unit, what we do. So, we are part of the United States Space Force's Space Delta 2. The mission of that Delta is to provide space domain awareness and also to conduct R&D about that mission area. We, additionally, operate the Maui High Performance Computing Center and we also, as was mentioned before, we operate at the Maui Space Surveillance Complex, which is atop Haleakalā. The unit consists of approximately 30 military, 45 civilians, and around 200 contractors. And

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almost...roughly three-fourths of them are long-time Maui County residents and the jobs and the functions that they perform are everything from scientists and engineers that one might expect for a science and technology mission, but also mechanics, administrative staff, finance, program managers; the whole gamut of things that an operation might need to do. So, that is approximately the footprint of this...of the unit here on Maui. Go to the next chart. So, here's the overall situation. We'll talk through the system assessment, which we'll talk through the...the events in last January are completed at Phase 1, which was the initial response. We are at the tail end of Phase 2, which is the characterization and remediation options. And then the Phase 3 remediation is the actual implementation of those options. Go to the next chart. So, as was...as...as was previously mentioned, on 30, January, '23, approximately 700 gallons of...of fuel spilled on the summit when the fuel transfer pump failed to shut off as was designed to. Our focus areas during this recovery has been openness and transparency. We are here today. We have done several...almost biweekly meetings for public...for personnel that are interested. We've efforted to generate a remediation plan...this three-phase remediation plan that is consistent with all of our legal requirements and one that is also sensitive to the cultural imperatives that are...that are present at the summit. And lastly, to earn the public trust back every step of the way. So, our three phases are underway. As was mentioned, Phase 1 is complete. That was the initial response. Site characterization and remediation is under...is nearly complete. We have gathered all the data and we are in the final...final steps of getting final approval to initiate Phase 3, which is the implemented remediation method. Next chart. So, no change on this. The...it was already mentioned, the assessment of the power system that the primary failure was that a fuel float failed in the on position and was, thus, requesting fuel from the transfer pump, and so the pump failed to shut off. Once it was discovered, the pump was immediately shut off, and the fuel leak was stopped and contained as best as possible. And then an investigation was immediately kicked off to determine why the failure occurred, and then to immediately excavate the immediate soil and place that in sacks and kept on the summit. Next chart. So, as was mentioned, during Phase 1 it took until February for us to get a contractor in place to come and excavate the immediate area around the generators, which was the most...the most...where the most of the contamination was found. They were placed in two on-site storage areas and they have remained there since. And additionally, field screening was performed to help better inform the approach for Phase 2 as to how to...how to best collect data of the expanse of the contamination. Once the excavation was completed, a liner was placed down to prevent any further water intrusion that would slow any sort of further leaching into the soil, and then the backfill was placed over the top. So, clean black...clean backfill was placed over the top with that barrier in place so that we did not contaminate more soil. Next chart. So, for most of the changes, Phase 2 was awarded. We did have a contractor, GSI Pacific, which is a native Hawaiian-owned company. That work was executed from June to July of 2023. We took soil boring samples to a depth of 80 feet and collected four samples from the sacks, that was previously mentioned from Phase 1. All this analytical data has been...that has been...that was expected has been received and evaluated in collaboration with the Hawai'i Department of Health. Exceedances have...were measured on three of eight borings and none of them were deeper than 20 feet in depth. Remediation alternatives will be formally documented in a response action memorandum, which is a requirement

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of the Department to come back to the community and to the area when something like this is necessary to gather inputs and get feedback on the proposed remediation. That is coming up very soon. We expect to be able to have that through review from the Department of Health very soon, and have that available for public comment, and...and then waiting on that for implementation. Go to the next chart. So, that will lead us into Phase 3. This contract has been awarded in preparation to execute Phase 3 as quickly as possible once we get past all the regulatory hurdles that are required as we determine what the right action levels are and the right...and then once approval is given on the method selected. This report has been completed and it was approved on...in May...May of 2024. And so, like I had mentioned, we are...we are in the final phases of getting approval, in collaboration with the Department of Health, on the appropriate action levels. And then our last step is to document that finding formally and provide that to the...to the public. There are multiple methods under consideration. One is not has been selected yet because we have not closed that process. We have not gone back to the public's...we have not gotten back to public testimony but we are in the final stages of that, as mentioned. Next chart. So, that concludes the discussion of where we are about the fuel spill remediation. Right now, the whole time...I...I should have mentioned, the whole time we had any...any ground being disturbed, we had cultural monitors and archeologists on site to make sure that nothing was found. Additionally, during the borings, no groundwater was encountered the entire time and all of the contamination was discovered within the immediate vicinity of the pad. It had not transferred any farther and it had not gone deeper. So, the risk to groundwater is assessed to be extremely low at this point. Thank you.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And you can stop the screen share for now. Mahalo, Ms. Tanck. And I'll call on Mr. Maxwell for any mana'o on this part of the agenda item.

MR. MAXWELL: Aloha, kākou. 'O wau nō 'o Uluwehiokalani Maxwell. And just wanted to make it clear that I am contracted out for this phase of today's agenda item, just the first portion, which is the remediation and the cleanup of the soil. Just a little background, my ohana...my grandfather, Charles Kauluwehi Maxwell, Sr. was one of the original monitors...or helped to draft the language of what it looks like to be a monitor up at the summit. And we have been up there...our ohana CKM Cultural Resources have been up there since early...or late 1990s up until me and him...I started working up there in 2004 under his guidance. And when he passed away in 2012, I continued our kuleana up at...up at the summit. Also, my expertise is in Hawaiian burials as well, being...not necessarily Hawaiian burials but burial law. Although, I'm not an attorney, I have served on the Maui Lāna'i Island Burial Council from 2014 to 2022 as both...both the Vice-Chair and as the Chair. In regards to the remediation, I just want to say upfront that, yes, we did not discover anything during these two phases. But Haleakalā in, itself, and Pu'ukolekole and its immense cultural significance, and its spirituality, and its connection and [*Speaking Hawaiian*] to our people; that and the spill itself has caused enormous damage to...to who we are and to that space. I have worked every...pretty much in lockstep with the Space Force during the remediation process, along with the...the working group that we helped to put together, which is taking voices and stakeholders from the community and having a biweekly meeting. So,

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my job as a monitor is to ensure that those cultural and Hawaiian concerns are addressed and monitored during these...during the construction phases, and also taking what my grandfather has passed on through me...to me and making sure that those things that are identified in the IfA's long-range management plan or just things that we have identified, spending so much time, is there has been significant is being taken cared of protected as best we can. Some of the things you see that has been mentioned, like the barrier, and things like that, it comes when we work together with the Space Force during this remediation phase making sure that...I'll give you one example, there's samples and tests that...that cannot take place in Hawai'i. And being that Haleakalā, and Pu'ukolekole, and this...the...the high reverence we have for that space...the soil in there; for many Hawaiians, including myself, consider it sacred. During the testing phases a lot of...like I mentioned before, these tests cannot take place locally. So, having to advocate every step of the way to make sure that the soil that is sampled somewhere in the continent is restored is just one example of what my position entails and what I do up at the summit. For the most part, it has been a good experience working, up until this point. And I can comment more when it...when we go into the second phase of this agenda item. But I am here at your leisure. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Maxwell. Okay. We can share the second part of the presentation. Lieutenant Colonel, whenever you're ready.

MR. WAGENBACH: All right. Thank you. All right. So, we'll...going to touch...step through the...this is a small subset of the presentation that we provided at the three scoping meetings for this project as we shift into the AMOS STAR environmental impact study that is being performed. So, we're preparing this environmental impact study. We, the Department of the Air Force, which the Space Force is a part of the Department of Air Force, to analyze the potential effects on the human and natural environment of constructing this proposed facility. So, the 15th Space Surveillance Squadron who is the...is the unit that is represented here is the proponent of this site and will operate these system...these proposed systems. It'll be constructed in close proximity to our current site at Maui Space...and the Maui Space Surveillance Complex. It will consist of up to seven telescopes and domes, and there are a few subordinate options that consist of six or zero connected to that, and will be connected to our primary facilities. Therefore, we would not be adding any additional personnel or operational facilities on this site. It would all be remotely operated from the Maui Space Surveillance Complex; our current footprint. It does require the installation...or, at least, the refurbishing and installation of the existing utilities that had been taken to that site throughout its history as a Federal Aviation Administration site; so there are existing utility corridors that we would need to renovate and put back into service, and there's also some additional pavement that would need to be placed in the current design, and some surface water runoff because that is a challenge up at the summit that would need to be...that would need to be added or clarified. And it would only be accessed by personnel for periodic calibration and maintenance once...once things were installed. So, we go to the next chart. So, the purpose of the action: space is becoming more and more important to day-in and...day-in and day-out life in...in the modern world. Whether it comes to the timing signal from the global positioning system that allows a lot more than just navigation; it allows financial transactions, it allows network traffic so that we can all

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enjoy our cellphones with a lot higher bandwidth; it also enables communication that cannot take place over high speed cables or from terrestrial-based systems; and that connectivity is very important to the modern way of life. Additionally, it is very important to military to understand what is going on in space because of that importance to both military operations and the way of life, commerce, and all of the things that space supports now. By providing space domain awareness we make sure that we can rely on those services that are provided from space-based assets. In order to have that confidence we need a very good understanding of what is going on in space at any given time; and that is where the site, and the observatory, along with space-based assets come into play to build that picture of what's going on. Much like during...around...around airports, the Federal Aviation Administration operates radars and has people directing aircraft that are in close proximity. It is no different in space, and there are some very clear demarcation...there are very sensitive places in space that need good, observe...good observations to know what's happening so that we can have confidence in those capabilities. Next chart. So, the proposed location, as was mentioned, is adjacent to the Haleakalā High Altitude Observatory Site, which is the State, University of Hawai'i managed land. I'll get to it in another chart. The AMOS STAR project site is off that...off of that site, and is adjacent to it, and it is a site that is currently permitted to the Department of the Air Force by the Federal Aviation Administration. Next chart. Here's one more photo showing the different plots. The yellow boundary is the High Altitude Observatory Site that has been mentioned a few times. The kind of orange checkered boundary is the current lease that the Department of the Air Force has for our current facilities. And then the yellow...or excuse me, the red boundary is the part of the site that would be...that is under...that is part of this design and part of this environmental impact study. It is roughly .8 acres or two-thirds of a football field size of parcel of land. Next chart. So, the three options being considered; Alternative 1 is six ground mounted and one rooftop mounted; Alternative 2 is six ground mounted telescopes; and then the third option is no action. Next chart. So, this is a laydown of the six ground mounted, where they would within that parcel of land. The six...the six ground-mounted telescopes would range in size...or excuse me, the domes, themselves, would range in diameter from 10 feet to 33 feet with a height of 12 to 35 feet. The entire project's build out would take over two...about two years. Next chart. Alternative 2 just removes the roof-mounted laser ranging device that would be placed atop the existing building and it would also reduce the amount of renovation that we would perform on the existing structure, that is Building 1010. Next chart. For the dome dimensions, you can see the footprint is there. This is roughly where they would...where the proposed locations of the telescopes would be. Star 07 is the roof mounted one, that would not be part of Option 2. And then, obviously, none of the telescopes would be part of Option 3. However, Building 1010 does exist. For Option 3, we would do some light housekeeping or renovation of that building just to make it safe for storage and make it secure again. Right now, it has kind of fallen into...it hasn't been maintained as well as it could have been...should have been. Next chart. So to compare from a common reference point, which is the...the ground level of Building 1010, the green...the green dome shapes are the size relative...or sizes in heights of the proposed project versus the current systems at both the Maui Space Surveillance Complex and AEOS, which is our 3.6-meter system. And then compared to DKIST, which is also the largest up there. So, this is to give you a relative height comparison

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of the systems. Next chart. So, the comment period remains through June 7th. So, you can go to the website, you can find more detailed than this presentation, but in the interest of time I trimmed it down a little bit to just get the main...key pieces of information from the site. You can send an email to Tetra Tech, who is the contractor performing the EIS, or you can send it via U.S. mail to the address shown. And the website will be open...to guarantee your inclusion in the comment...or in the EIS, require that input by 7 June, which is this Friday. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Lieutenant Colonel. And then, Ms. Tanck, perfect. Okay. And then, Mr. Maxwell, if you wanted to share any mana'o.

MR. MAXWELL: I don't have any comment on this one. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. Members, before we go into discussion we'll take public testimony. Testifiers wanting to provide testimony should sign up in the Chamber lobby, join the online meeting via Teams link, or call in to the phone number noted on today's agenda. Written testimony can be submitted via eComment link at mauicounty.us/agendas. For individuals wishing to testify via Teams, please use the raise-hand function by clicking on the raise-your-hand button. Staff will enable your microphone and video prior to your turn to testify, but you must also unmute yourself when you are called up by clicking on the microphone and camera buttons in the upper righthand portion of the screen. For those calling in, please follow the prompts via phone. Press Star 5 to raise your hand, and when it is your turn to testify, press Star 6 to unmute. Staff will add names to the "Testifier" list in the order testifiers signing up or raising their hands. For those on Team...Teams, Staff will lower your hand once your name is added. Staff will then call your name...call the name you're logged in under or the last four digits of your phone number when it is your time to testify. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. Staff has been monitoring the individuals joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR RAWLINS-FERNANDEZ: We will now call on the first testifier; Kumu Kaleikoa Ka'eo, followed by Joclynn Costa.

MR. KA'EO: Ea mai Hawai'i inuiākea, ea mai loko mai loko mai o ka pō, puka mai ka moku, ka 'āina, ka lālani 'āina o Nu'umea, ka pae 'āina i o kūkulu o Kahiki. Hānau 'o Maui he moku, he 'āina. Ea ta hopu a Tāne, ea ta mauiliola. E ola ho'i 'o Mauiliola. E ola iā 'oe e Tāne, Tū me Lono, 'oia, hō'oia, e ola. Amama, ua noa. No laila, ke kū a'e nei wau ma kēia 'aha a mahalo nui wau iā Keani, kona alaka'i 'ana i kēia papahana. A nui ko'u makemake e kāko'o piha i kēia 'ōlelo ho'oholo a kēia 'aha kūkākūkā o ke Kalana o Maui. No laila, mahalo iā 'oe no kēia 'ōlelo ho'oholo. Just to fully make clear, I 100 percent kāko'o piha this resolution to, and I going use the word, challenge the, so called, United States Space Force to do due diligence to seek the truth in the name of humanity of all human beings upon this earth. And I will declare that we as Kānaka

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Hawai'i...Kānaka Maoli of Hawai'i are human beings. And, therefore, should be afforded, like all human beings, the right to live upon their own lands under truth. So, first of all I like to just kind of real quickly say I support the resolve statements, except I just like to add, and kāko'o, and even to ask that we make clear in this supposed, and I use the word supposed, EIS process, so called consultation, that we also increase the words of...because we as...in the Hawaiian community and many native communities understand what consultation means. It means you share your mana'o, you share fully what you feel, you share the truth, and it's ignored anyway. So, instead I want to ask for the consent. Free, informed, and prior consent of the Hawaiian people to support this so-called Space Force development upon our lands. And let's be clear, yes, I'm an educated Hawaiian professor and I'm not ashamed to say this because I think it's important to understand as a Kānaka to that American, as I've asked in the past...three things that I ask for: One, through this EIS process, just like the County of Maui, should always be most informed. We should know the best to make the best decisions. The United States Air Force, through this EIS, should show, first of all, how does the United States military, first of all, have a right to continue this illegal and unlawful occupation upon our lands. Because I can tell you, without a doubt, all you need to go and look up Cleveland's address to Congress in 1893, December, where the U.S. President declares the United States presence in Hawai'i as a military occupation: illegal, . . .*(timer sounds)*. . . unlawful, without authority of Congress. Supposedly you guys follow Congressional laws, so go look it up yourself. So, I want, through the EIS, for them to explain what is the lawful authority to be here in the first place. Because I can tell you this, you can look up Douglas Kmeic, K-M-E-I-C, who wrote a piece in 1988 for the Department of Justice who...basically as an Attorney General's Office, who says, I don't know what the hell kind of Constitutional law the United States claims to be here. So, I want the United States Air Force...Space Force to explain how they have the right to be here. Secondly, the issue over title, because I know . . .*(timer sounds)*. . . through executive order this is how some of these lands up at Haleakalā is being set aside. But let's be clear, you know Kaho'olawe, in 1953 Kaho'olawe was signed as executive order from Eisenhower to the U.S. Navy. Did Eisenhower own Kaho'olawe in 1953? See, I want you guys to realize, this is the same kind of action that you see going on at Haleakalā. So, you cannot tell me, oh, yeah, Kaho'olawe was bad and the military didn't own that but Haleakalā they do. Because that's hypocrisy, that's contradiction in your own minds. Because I can tell you this, the same story of Kaho'olawe is the exact same story of Haleakalā, exact, through executive order. Now, the question goes, in that executive order where...who is the grantor to...supposedly to the United States is the grantee? And, yes, you look back at the Organic Act, go and check it out and read it for yourself, it doesn't mention about Haleakalā, doesn't provide longitude, latitude, anything else. And you should look at Williamson Chang's article; law professor, University of Hawai'i, who wrote an article about this. Again, let's get educated, be informed. Let's not guess and just give wild opinions.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Kumu Kaleikoa.

MR. KA'EO: So...and the third, in the EIS, show the consent of our people...that we provide consent for the U.S. military to continue this illegal occupation. And as polluters, let's be clear, we not talking about them potentially being polluters. The U.S. Space Force

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are polluters. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Kumu Kaleikoa. See if there are any questions. Committee Vice-Chair Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. I just was wondering, given his expertise, if he was available to be a resource when the item comes up for discussion.

CHAIR RAWLINS-FERNANDEZ: Kumu Kaleikoa, are you available --

MR. KA'EO: I'm more than happy to be a resource. I'm more than happy to provide resource information including PDFs that you can read more until the end of life, so...

VICE-CHAIR PALTIN: As a --

CHAIR RAWLINS-FERNANDEZ: Members, any objection?

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: TK).

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Okay. We'll call you up when come [sic] time for Q and A. Okay. Our next testifier is Joclynn Costa, followed by Tiare Lawrence.

MS. COSTA: Aloha. Can you hear me?

CHAIR RAWLINS-FERNANDEZ: Aloha. Loud and clear. Please proceed.

MS. COSTA: So, I don't know if I'm only going to have three minutes and if it's enough time, but I've been with the spill from day one. When I first heard about it I contacted Mike Mayberry wanting to know more about it. I didn't know that he had retired. He got me in touch with Dave Lonborg, who is the landlord now, who was able to get in touch with Space Force and we created a meeting with them...with the Brigadier General as well as Lieutenant Wagenbach and Richard Chong. And that was even before they even were going to decide who was going to be their cultural monitor. And we sat with them for four hours and talked about the spill. In that meeting I learned that Space Force was created in 2019, a totally separate division of the military. And so with that I asked them when did they get their...their lease. They don't have one. Then they became part of Air Force, they're all the same, where they shape. . .*(inaudible)*. . . So, now...now they're going to increase their footprint outside of UH, because when I talked to Dave Lonborg, you know, he was about, you know, that...that's not under my preview. But then I ask him about their safety measures, their records, exactly how much spill occurred. I'd like to know how much diesel was in the tank prior, how much diesel was in the tank after. You know, and...and it added up to much more than 700 gallons. Exactly how they...they do the math to find out what went in the ground, you know, it...it's their...it's their record. I can't create that record. So, I wanted to know the plan. And the plan was to go create a plan. And that's why it's been a year and a half, and the diesel is still in the ground. And they never want to go near water. We didn't find a body of water. And I'm going to give you a little scenario. If you take a funnel, and you

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put it on a bottle, and you stick it out in...in the yard when it rains; are you going to find a body of water in that funnel? No, it's going to trickle down. So, Haleakalā is the funnel. It's not the final place of the body of water. It is the funnel. And what's funneling through Haleakalā right now is not just water, it's diesel in the ground. I did a site visit after with the Department of Health, and we had a discussion also. And there are certain things that I had seen that was questionable as to their understanding of safety measures. And I can describe that to you, you know, if you have any questions. But I was able to talk to the Department of Health . . . *(timer sounds)*. . . as well...the representative there and some of the things that I had discussed...because I've been to every single meeting. In fact, some of the procedures in the meeting was through suggestions of ours, like can you guys start taking minutes, can you guys record these meetings. Up until the...you know, the first, maybe, couple of months there was no scribe. And so when we come back to the meeting and we say, so did you guys find the answers to the questions, they couldn't answer because they didn't have it written down to go do the research. The...the...what they had removed so far is in those bales, kind of sort of like what they're selling in Lahaina and it's sitting on the.... . *(timer sounds)*. . . on the...on the ground. Well, it's on cement but it's...it's not elevated so they can check and make sure if...there's no rupture in those plastics. Because for them, it's been tested and they don't have...we...I don't...I should not have to worry about it. You know, why I shouldn't have to worry that the tank was going to leak over 700 gallons of diesel. And as far as with AMOS, I am in full support of Option 3 --

CHAIR RAWLINS-FERNANDEZ: Ms. Costa, --

MS. COSTA: -- no action.

CHAIR RAWLINS-FERNANDEZ: -- the...the timer sounded. But I --

MS. COSTA: Okay.

CHAIR RAWLINS-FERNANDEZ: -- I think at the...our last meeting we had asked if you would serve as a resource person. If you're available --

MS. COSTA: Yeah.

CHAIR RAWLINS-FERNANDEZ: -- today to do the same?

MS. COSTA: I will.

CHAIR RAWLINS-FERNANDEZ: Mahalo.

MS. COSTA: Thank you.

CHAIR RAWLINS-FERNANDEZ: Members, any questions...clarifying questions at this point? Any objection...oh, Committee Vice-Chair Paltin.

VICE-CHAIR PALTIN: Oh, I just was clarifying about Mike Mayberry and Dave Longboard [sic],

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who were --

MS. COSTA: That is their landlord.

VICE-CHAIR PALTIN: They own the land?

MS. COSTA: That's UH representative. No, they --

VICE-CHAIR PALTIN: Oh.

MS. COSTA: -- they're the manager. They're the land agent. So, Mike Mayberry was for many years. I worked with him through DKIST for 11 years and so he was the only contact I had. He informed me that he had retired and that Dave Lonborg was now in that position.

VICE-CHAIR PALTIN: So, they're the UH --

MS. COSTA: And so --

VICE-CHAIR PALTIN: -- land manager.

MS. COSTA: Correct.

VICE-CHAIR PALTIN: And his last name is Longboard [sic]?

MS. COSTA: Lonborg, I think. Not long. Lonborg.

VICE-CHAIR PALTIN: Oh, oh. Okay. I was...that was a pretty cool last name.

MS. COSTA: Yeah, yeah.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Committee Vice-Chair Paltin. Okay. Seeing no other questions. We'll...we'll call you when it's time for discussion. Mahalo, Ms. Costa. Okay. Our next testifier is Tiare Lawrence, followed by Jill Nunokawa.

MS. LAWRENCE: Aloha, Councilmembers. And mahalo nui, Councilmember Rawlins-Fernandez, for scheduling this important issue on your agenda today, especially in light of what is being proposed on Mauna Haleakalā by the U.S. military. I come here today in full, 100 percent, opposition to any military presence on our beautiful, sacred mountain. I feel that this endeavor represents, not only a disregard for the environment, but also the continuation of the U.S. military's troubling history of exploitation, destroying, and just desecrating the...the lands throughout Hawai'i. Everyone knows the U.S. military's track record in Hawai'i is stained with instances of environmental degradation and culture erasure. Look no further than the destruction of Kaho'olawe, an entire island bombed into submission, stripping it of its natural beauty and decimating its beautiful water supply. The scars of such devastation remain etched into the landscape serving as a haunting reminder of the military's unchecked

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power. I'm old enough, and I know you all is old enough, and you guys used to watch the bombs of Kaho'olawe, and feeling the earth shake as you drove, and watching it. I...I have vivid memories pulling over the side of the Pali to watch that. And I remember being told by my...my mother, at that time, that this was pilau, hewa. Furthermore, the poisoning of their own service members at Red Hill stands as a stark testament to the military's negligence and disregard for human life. How can we entrust the military with the stewardship of Haleakalā when they have proven their inability to safeguard even their own military personnel. The proposal for the U.S. Air Force telescopes on Haleakalā is not merely a scientific endeavor, it is a continuation of the military's legacy of environmental degradation, cultural genocide, imperialism, and colonialism. I...I can say a lot, but I just hope that...today, that you stand behind the hundreds of people that showed out to the scoping hearings, not one person showed up in support of the military building seven telescopes on Haleakalā, 100 percent of the hundreds of people that showed up were in opposition. And so I...I humbly ask that you stand with the people on this one. The military's history speaks for itself. In closing, I do...the next testifiers is a hui...a family...my brothers and sisters from Tahiti are visiting today. They are a group called Haururu and they have worked tirelessly advocating for their sacred spaces in Tahiti, and more specifically a beautiful, special place called Papeno'o. And there's a lot of mo'olelo about Pele . . .*(timer sounds)*. . .and they can share a little of mo'olelo about that. But they came here today because they stand with us and they wanted to support us. They're here for the FestPAC, but they can speak for themselves, but they're joining us today. And so I want to introduce you guys to Haururu from Tahiti. And they're next on your *(audio interference)* --

CHAIR RAWLINS-FERNANDEZ: Yes. They...I have you both on the same line. So, Haururu, next to testify.

MS. LAWRENCE: Mahalo.

CHAIR RAWLINS-FERNANDEZ: And if you would like to introduce yourselves individually as well.

MR. BOUIT: Dear, Council, those that are here present for this hearing, we are here humbly to once again show our support for the Kānaka Maoli, which are our cousins. We are from the Island of Tahiti. We are a nonprofit cultural and environmental organization in Tahiti, for now, 30 years. And we have been working, once again, to protect our sacred sites. Mauna Kea, course, we were there present. We were the only...from...from Tahiti to be present and today we are here, once again, to support Maui. We have a long standing 'ōlelo or oral tradition of...of the Priest of A'oa (ph.) leaving the Island of Raiatea to come and settle Maui and to create, of course, the House of the Sun, Haleakalā. This is engrained in our story and our history. And as a nonprofit organization, once again, we are here to support our brothers and sisters from Maui. And we hope that you, as a Council, would also support. We would like to sing a song to bless this hearing so that you may make the right choices and understand that the connection that we have goes beyond what you see today; that it dates back to our ancestors and because of that we are here. I mean, I don't think that it's a coincidence that you have this hearing while we're here for FestPAC. And for us to be here today,

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it's an honor, and once again we're humbly here, once again, to show our support. And this is the song. [*Haururu Tahiti singing in Tahitian*]

MR. DOUDOUTE: [*Speaking Tahitian*]

MR. BOUIT: Papa . . .(*inaudible*). . ., who is our founding elder and member of nonprofit Haururu, asked the question of with the decisions that you make today, how does that affect our future generations, the future Kānaka Maoli. But the history that, of course, has been written out and . . .(*inaudible*). . . that's the deepest question you have to ask, what are you going to leave. Thank you very much for listening. Māuruuru.

CHAIR RAWLINS-FERNANDEZ: Māuruuru.

. . .(audience clapping). . .

CHAIR RAWLINS-FERNANDEZ: Mahalo for gifting us with your mele and for your strong leo today. That was powerful. Next to testify, we have Kahele Pukele (ph.) Dukelow, and followed by Kalama'ehu Takahashi.

MS. DUKELOW: Welina nui iā kākou a pau, aloha. Mahalo nui iā 'oukou i ka mālama 'ana i kēia, kēia palapala e kāko'o ana i ka mālama pono 'ana i ka mauna 'o Haleakalā. Aloha, everybody. I would like to thank the Council for hearing this resolution to help us to take care of Haleakalā in the way that we believe it should be. I would like to send a leo mahalo iā 'oukou e nā hoahānau o ka Pākipika, 'o Tahiti ho'i. I'd like to thank our brothers and sisters...our cousins from Tahiti. And I think it's...they remind us of the consciousness that we're trying to bring to our islands. The fact that we are...we are one people in the Pacific. We speak similar languages, we come from similar...we come from the same ancestors, the same kūpuna, we share genealogies, we share religion, we share culture, we share everything. And for many generations, I think, we've been turned to look elsewhere to find our identity. So, part of what we're talking about today is the fact that in their mele they talk about us being part of the earth. And I think sometimes when people hear that or they hear sacredness they think, oh, that stuff. We're here to talk about real stuff. And so I like to talk about sacredness. When...when Hawaiians say sacredness...when indigenous people talk about sacredness, they not just talking about a feeling, you know, ideology. They are talking about thousands of years of being in our place, observing our place, observing everything about our place and creating cultures that mālama those places. That's why our 'āina is sacred. That's why we have sacred places. It's not just because we love them or we feel them. It is about...it really is about science, right. And our science, which is intertwined with our ideology, our consciousness, our religion, our language, everything, tells us how we should treat certain places. Haleakalā as...along with many of our...all of our...the tippy tops of all our mountains are sacred because they need to be protected so that the place we live in can continue to nourish us for thousands of years to come. This is not special to Hawai'i. This is not special to the Pacific. This is true, environmentally, scientifically around the world. Right. So, when we talk about sacredness, that's what we're talking about, not just something we feel that has nothing else. Right. We're talking about thousands of years of practice in this place. I would also like to talk a little bit about

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this process that we're in. We're in the beginning of this long process that the military wants to take us through. We've been here before, this is not our first time, right. So, we should know how to make better decisions, right. For the DKIST, we had very few people coming out in the consultations, but we did have a few people who were staunchly against it, and then that movement grew. We know...and when you look at the court documents, when you look at the contested cases that Kāko'o Haleakalā has won, we know there will be irreparable environmental and cultural damage to the mountain if they built...built the DKIST; and they built it, right. So, Haleakalā is already damaged. We're not trying to say, don't damage it. We are saying, stop it . . . *(timer sounds)*. . . from further desecration because right now what we're doing on Haleakalā is desecration. And we need to do better as people from this place, who live in this place, who say we care about this place; we need to do better. Let's make a better decision than we did with the DKIST. Aloha, kākou.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Kumu Kahele. Any questions for our testifier? Okay. Seeing none. Mahalo. Mahalo nui no kou leo. Oh, oh. Committee Vice-Chair Paltin, you have a question?

VICE-CHAIR PALTIN: Oh, I just was wondering if Ms. Dukelow wanted to be a resource as a university professor as well.

CHAIR RAWLINS-FERNANDEZ: Hiki no. Members, any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Mahalo for serving as a resource person. And I'm just going to put a plug in here real quick too. You've heard FestPAC mentioned. There is a resolution on this Friday's Council agenda celebrating FestPAC the 13th, the first time Hawai'i's ever hosted. So, mahalo nui for...for being here. Our next testifier is Kalama'ehu Takahashi, followed by Kanoe Pacheco.

MR. TAKAHASHI: Aloha nui kākou e ka 'aha kolokolo me ko kākou 'ohana a hiki loa mai Kahiki mai, aloha. Mahalo nui iā 'oukou ko 'oukou mea kāko'o 'ana i kēia 'ano pila e kū ana ma ka 'ao'ao pono o ka lāhui, o ko kākou 'āina, me ko kākou mau akua, me nā akua a pau loa. 'O ka'u mea mua, ke mele 'ana, kala mai ko'u heluhelu 'ana, akā, he mele kēia e pili i ko Pele mā hiki 'ana mai Kahiki mai. No laila, no kākou 'ohana kēia, ke aloha 'ana, ka mo'okū'auhau, ka mo'olelo like, ko kākou moana, nā lāhui like 'ole. Aloha nui kākou. Mai Kahiki mai ka wahine 'o Pele, mai ka 'āina i Polapola, mai ka pūnohu 'ula a Kāne, mai ke ao lapalapa i ka lani, mai ka 'ōpua lapa i Kahiki. Lapakū i Hawai'i ka wahine 'o Pele, kālai i ka wa'a Honuaiākea, kou wa'a e Kamohoali'i. I 'apo'a ka moku i pa'a, ua hoa ka wa'a o ke akua. Ka wa'a o Kanekālahonua. Holo mai ke au, a'ea'e Pelehonumea, a'ea'e ka lani, 'ai punia i ka moku, a'ea'e kini o ke akua. Noho a'e 'o Malau, ua kā 'ia ka liu o ka wa'a. Iā wai ka hope, ka uli o ka wa'a, e nā hoa li'i? Iā Pelehonumea. A'ea'e kai hoe o luna o ka wa'a. 'O Kū mā lāua 'o Lono, noho i ka honua 'āina, kau aku i ho'olewa moku. Hi'iaka, no'iau, he akua, kū a'e, hele a noho i ka hale o Pele. Huahua'i Kahiki, lapa uila e Pele. E hua'i ē. Mahalo nui ē. Howzit, guys. Good morning. Thank you, guys, for introducing this bill in support of the 'āina, of our

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kaiāulu, of our ‘ohana, especially those from Tahiti mai. That mele comes from Emerson in 1908, which is actually tracking Pele and Hi‘iaka's arrival from Tahiti here to Hawai‘i. And so as I shared earlier we...we share the same genealogies, we share the same stories, and we share the same struggles against American imperialism and the desecration that the...that military forces across the world are inciting. And on various levels; not only our environmental resources but of our people as well. If we can just look into the history, like we was talking about Kaho‘olawe. We just was over there last weekend and hear the ‘ohana celebrates 50 years of the creation of that nonprofit...of that ohana to defend and to demilitarize Kaho‘olawe. Fifty years later we are still here cleaning up the mess, yeah. Let's see if we can...and there's still shells in the ground. It's...we took our 2-year-old son over there and it's an interesting feeling to be a parent, to take...to take your child over there to be...and to be kind of like, okay, this is good for us to learn about the story and to give aloha to this place. But to also have the anxiety of having a toddler walk on a heavily bombed area, especially some areas uncleared. So, it's like to walk around like that, to weed whack, to conduct our life, yeah. These--oh, that's the parking timer. These injustices...yeah, this genocide that is like...that is inflicted upon us, that is something that we share as a people. And it's our collective kuleana, as such, to defend the right of our ‘āina because our legacy plan is here. Our legacy is in the back over there playing with that water bottle and...and the rest of our legacy is at home, right; they going to school. It's our children, our keiki, the people fighting for this stuff. And so it's our kuleana now to ensure that this genocide and this injustices stop here for them now. Because we cannot take 50 years to be cleaning up bullets, and bombs, and we cannot...we cannot fix an aquifer, right. . . .(timer sounds). . . And when you guys can take the oil out of the water in Red Hill, you come let me know, we can talk about. But until then, I have no consent and we support this bill. And I want to mahalo nui, pēlā pū ka ‘ohana mai Tahiti mai, ko kākou aloha nui ‘ana iā ‘oukou, me he huaka‘i maika‘i i kēia pule. Aloha nui. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Members, any questions? Seeing no questions. Okay. We'll go to our next testifier Kanoe Pacheco, followed by Maluhia Low.

MS. PACHECO: Aloha, kākou. It's going to be short. I just kāko‘o everything that was already shared. I'm in 100 percent full support of the County Council's introduction of this resolution opposing the proposed construction of the AMOS STAR project and I am in 100 percent opposition of Action 1, 2, and 3 of the AMOS STAR proposed project or any more construction on our Mauna Kapu, Haleakalā, by any settler institution. You have no jurisdiction on the Mauna; on Maui; and Hawai‘i, in general. And lastly, I would like to thank the Council and Keani...Councilmember Keani, for introducing this resolution and mahalo nui to our hoahānau no ka hele ‘ana mai, no ke kāko‘o ‘ana mai iā kākou. Aloha.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. Seeing no questions. We'll go to our next testifier Maluhia Low, followed by Faith Chase.

MS. LOW: Okay. Aloha, kākou. Mahalo for having us. I just want to say, yeah, I agree with this resolution that the Councilmembers are trying to do. And to, Councilmember Cook, I think we saw you at the scoping meeting in Kihei. Councilmember Yuki Lei, we saw

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you in Pukalani. And that's just an observation that I want to make clear, that your constituents are watching and are observing what is happening. In case you think everything can happen behind closed doors; it cannot. Also, I just want to say that...two thing' I'm glad that were brought up...the sacredness and I think this EIS process needs to take that seriously. I think in regards to...we been hearing generations of kānaka talking about the sacredness of our 'āina but also the pilina between 'āina and people. And I think that needs to be taken seriously in this EIS process where you're not looking at this environmental damage in your EIS process but how is that also affecting the health of people, the mental health of people. That was brought up a lot in the scoping meetings where a lot of people were talking about trauma that these types of desecration are having upon Kānaka 'Ōiwi. And I think that is essential to how we're...we need this practicality of what do we mean when we say sacred, what do we mean when we say cultural observation, and traditional customary rights to Kānaka. Those things need to be taken serious in the EIS process before any further advancement of this AMOS telescope. Secondly, I think it's important to note that, yes, Haleakalā is under conservation land but it's subzoned, I...I think, as general. Where I think there's...right, the subzoning (ph.) happens, then protective, then like resource, and general. Haleakalā is subzoned as general and I think that's a complete failure of DLNR...BLNR making that subzoning. General...protective is meaning at the most highest level of conservation, right. And that's where I believe Haleakalā needs to be and that EIS process needs to be reassessed in this process as well. And so I think I'll just leave it there. But, yeah, absolutely no...no construction on Haleakalā...continued construction and a decommissioning. To end it with that, I'll say the logic is to think, oh, there's already telescopes up there so what's the harm. Well, plane of that logic, there's already a drug house here, so why not more drug houses. It just...there's no logic, right. And so let's not continue in that line of thought. Also, the logic is maybe, perhaps, the military...this is different than Kaho'olawe. We're not bombing and this is looking at scientific observations, but we cannot separate...you cannot pull the cord of . . . *(timer sounds)*. . . the militarization and see it's...it's siloed, right. It's not siloed. And so just because there might not be bombing on Haleakalā doesn't mean its organization, the military, is not as lethal. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Low. We have a question for you from Committee Vice-Chair Paltin.

MS. LOW: Yeah.

VICE-CHAIR PALTIN: Thank you, Ms. Low, for your testimony. I just wanted to clarify, when you're talking about the militarization and the bombing of Kaho'olawe, is it...some of what you're saying is that, like, with Pearl Harbor the militarization led to the bombing of that. Are you concerned that it is putting a target on us to have that militarization at Haleakalā?

MS. LOW: Absolutely, especially if it's under surveillance. If it's deemed...there's telescopes for surveillance and there's telescopes for academic, absolutely, I think that is a concern.

VICE-CHAIR PALTIN: Thank you.

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MS. LOW: Thank you.

CHAIR RAWLINS-FERNANDEZ: Seeing no other questions. We'll thank you for your testimony. Mahalo. Next testifier is Faith Chase, followed by Aubrey Matsuura. Ms. Chase. Oh, there you are.

MS. CHASE: Aloha, Chair. Aloha, Committee.

CHAIR RAWLINS-FERNANDEZ: Aloha.

MS. CHASE: I...I am...I am strongly opposed to these telescopes and I just have to say that after a year of going to fuel spill...first, weekly and then biweekly meetings, I...I...I just...I kind of feel duped. And, you know, I...I've had to...I...I know I've had a lesson in diplomacy in these meetings. And Wagenbach, you know, I just feel like...I feel like there was no...I...I don't know. I just feel...I feel like you strung the conversation along unfairly when you knew that this was around the corner. And there was no...I mean, classified information or what have you, just the back and forth, the...how many hours did we contribute to...everything I said in my reasoning about the fuel spill is true with these telescopes. So, you have all those...those meetings recorded, all my feverish testimonies in there. But I just have to say, personally, because I...I...this is the first time I really got to see your face, that...like I feel really...I feel kind of used. I feel like that group...and...and then...and then the way that it's used...and no offense, Mr. Maxwell. I know you were...you...you...you tried to be Sergeant at Arms, sometimes, in the meetings but, you know, that's...it's just real...I feel...it's really unfair. I mean, I just feel like the way that you say, oh, and we had outreach meetings, you know, in...in respect to the fuel spill, we did these biweekly meetings, as if you...as if you were checking some box, or something, that you had had community output...that you did that thorough work. And I just have to say...I just have to express my extreme disappointment because had I any clue that this was around the corner, I would have lost my diplomacy six months ago in those meetings. I would have really, like, just been a lot more truthful. But I was trying to be your friend. I was trying to be kind. I was trying to, you know, temper myself, so to speak. And...and...and now, I'm just...it's just like I'm angry all over again. I just felt like all those meetings were for nothing. Anyway, thank you for putting this on the agenda, Chair, so I could express my...my sentiments to these representatives. And I'm...I'm strongly opposed. It's not going to happen. So, thank you for doing your thorough outreach (*audio interference*) Wagenbach, but it's not going to happen. You can take that back to your...to your team.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Chase. Members, any questions to clarify Ms. Chase [*sic*] testimony? I...I have questions, Ms. Chase, if you're still there.

MS. CHASE: Yes. . . .(*timer sounds*). . .

CHAIR RAWLINS-FERNANDEZ: Oh, okay. Oh, sorry. Okay. When you say...when you said in your testimony, this was around the corner, can you please clarify for me what the this was?

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MS. CHASE: Well, we have...we have open...we don't have a time frame when we have our meetings. We're doing a full breadth: what...what do you feel, what's your concern [sic], you know, the testing of the materials, the timeline, the...you know, the experts that are...you know and reciting...a lot of technical stuff. We've had to sort of, like, self-teach ourselves some of these terms, right. And so when there's no ending to the meeting and then, yet, this plan was around the corner, I just feel...I just feel like duped. Like you're making friends in this one space so that you could sort of check this box knowing that it was around the corner. This is not just an overnight proposal. Obviously, they had time to think about it. Anyway, that's what I meant. It was around...they...they were in the know. And then we're trying to be patient and make friends, and then we weren't...this information wasn't divulged and I just...that's just...I just feel...I just feel used. I just feel used. And that...and that group, even though we tried our best to ask really hard questions, that's not checking the box of community input. I said from the beginning, there are 12 organizations. When they wanted to extend the visitor parking lot, they asked 12 different organizations for their input. And I have not been able to find palapala because that was before we were tech savvy. But all those 12 organizations, you know, need to be consulted on things that have to do with Haleakalā. And that was hard for Richard Chong...the Air Force...you know, he was the...one of the lead liaisons for the group and our...our meetings. It was hard for him to find that, but somebody can...can find it. It's in the notes. Those 12 organizations need to be asked, not just the...not just...that would be part of that reaching the community, you know, input. Sorry, I'm just flustered. This is such a touchy...this is such a sensitive...it's super hyper...I'm hyper sensitive. You know, that's my church. You know I've been to Haleakalā horseback on the...up the backside over 50 times in my life. I'm the closest neighbor, actually, in Kahikinui. I'm the closest neighbor to where the fuel spill is. I live the closest to it. I'm over here writing watershed grants, for what? For a poisoned aquifer. You know, like I don't know which way to turn. Anyway, I said all this. Wagenbach and...and Maxwell, they all know this. This is in my testimony. But I just thank you for the time to be able to express myself.

CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Ms. Chase. We have another question from Committee Vice-Chair Paltin.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Ms. Chase. I just wanted to clarify, so what you're saying is when the fuel spill occurred, January 2023, and then they had, like, over a year of meetings, they already knew the plan for this AMOS STAR telescope and they didn't disclose it during the course of talking about the fuel spill at the meetings. Is...is that what you're saying?

MS. CHASE: Yes, but I mean maybe that's not their...they don't have to but I just --

VICE-CHAIR PALTIN: So, you're...you're just feeling duped because when they were having the Haleakalā fuel spill meetings, they should have let you know that there was a plan to build a telescope...a military telescope.

MS. CHASE: Yeah.

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VICE-CHAIR PALTIN: Okay.

MS. CHASE: I mean, I'm...I'm...I'm thinking now, you know, like how would that have changed my answers. But, you know, early on I kind of exploded and then we had to do...they created a statement in the beginning of the meetings, I'm pretty sure I probably coined that protocol because I was just very, you know, explosive. So, it's like, okay, if you're going to be in this meeting, you know, you got to behave, and we're...you...you're going to get dismissed and everything. So, then I...I...so, I started to watch my Ps and Qs, you know. I mean, you guys all know, I come over here and I tell you any kine all the time. So, I was really trying to be cooperative because I wanted to get every single bit piece of information. And had I known...had I known I would have...I just would have been *(audio interference)* I would have been more stern. I would have been more serious. I don't know. I'm just baffled. It's...I'm trying to get the space of it's not happening but also I tried to...trying to change the internal culture for you all, you know. I mean, the best place to lean on, honestly, is the Country of Hawai'i. And it'll keep repeating itself. It'll keep coming back. You know, you don't...UH is not your landlord. The State is not your landlord. So, anyway that's...that's the easiest lean I can do *(audio interference)* to...to sort of...that's the most strong place to lean in this time when you are making agreements with people who are not the right people, is to just...to lean on that, which they know. I've asked for meetings. I mean, I want to speak to their JAG officers. It's real. It's nothing like this. You know nothing like polluting your church that it just ups the ante. So, I'm sorry if I didn't answer your question. I'm just frazzled.

VICE-CHAIR PALTIN: Okay. *(Audio interference)* no, I think I got it. That you wanted them to let you know during the spill that this was going to happen, right? Like during the meetings *(audio interference)* --

MS. CHASE: That would have been really nice. Yeah, it just...it just adds to a layer of untruthfulness to me. You know, it's just like...you know, it's...it's putting salt on the wound.

VICE-CHAIR PALTIN: Okay. Got it. Thank you.

MS. CHASE: Thanks for the question.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair Paltin. Okay. Seeing no other questions. Mahalo, Ms. Chase. Okay. Our next testifier is Aubrey Matsuura, followed by our last testifier Jill Nunokawa. And please identify the...the tiny testifier you have with you too.

MS. MATSUURA: Okay. Aloha nō kākou. 'O wau 'o Aubrey Ke'alohe Matsuura. 'O kēia ka'u keikikāne 'o Lupea. Noho mākou i ka malu o kēia mauna kilakila 'o Haleakalā, ma Hāli'imaile. Ke hānai nei wau i ka'u mau keiki ma laila, ua hānai 'ia wau ma laila, a e hānai paha na lākou i ko lākou mau keiki ma laila. No laila, eia nō mākou, eia nō māua, kala mai. E ha'i 'ōlelo. So, aloha. I'm Aubrey. This is my...my son, Lupea (ph.). And I was raised in...yeah, I was raised in the protection of Haleakalā in Hāli'imaile. It's the

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same place I'm raising my kids. Potentially, the same place that they're going to raise their kids. And...eww...I just wanted to, first and foremost, mahalo to you, Keani, for, you know, bringing out this resolution. We are in complete support of that resolution. We are in complete opposition of any of the alternatives that were proposed: 1, 2, 3. And we don't support any military presence on our Mauna. And, you know, I echo the overwhelming noes...the 100 percent noes that we heard at all three scoping meetings that we're hearing here. We also say, no. And...sorry, I'm all over the place now. And I really wanted to point out kuleana. And the military has no kuleana here; we do. And so we should be able to decide. And, yeah. 'Oia ihola sorry. Mahalo nui.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Matsuura and Lupea. Mahalo for your testimony. Okay. Our next testifier is Jill Nunokawa, followed by our next last testifier, Kekuahela Tauala. Ms. Nunokawa. Oh, is she not online right now? Oh, okay. Okay. Kekuahela Tauala. And then we'll check back in with Ms. Nunokawa.

MS. TAUALA: Aloha mai kākou. 'O wau 'o Kekuawela. No Wai'anae mai au. He haumāna au no ke Kulanui o Hawai'i ma Mānoa. I'm just going to speak from my na'au today. I oppose any military occupation and future occupation on Haleakalā, and in any other sacred spaces in Hawai'i, and in all places in Hawai'i. I just wanting to talk about the sacredness and the kapu of our 'āina. You know us Kānaka 'Ōiwi have...we have a mo'okū'auhau. We are connected to our 'āina, so when there is desecration and there is damage to our 'āina we experience that damage. We feel that, you know. Personally, I...I can feel it when the military is occupying Makua Valley right now and all our other places in Hawai'i nei. So, you know, just being there is hewa. It's not pono. And I...that's all I just wanted to say. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Tauala...Tuela. Okay. Any questions? Seeing none. Okay. Okay. We'll check...still, no. Okay. Okay. That will...I guess, we'll do a last call for testimony. Any individuals wishing to testify, you may...oh, I see someone raising their hand. Guest. Will the individual identified as Guest--can we enable their mic and camera? Okay. Participant identified as Guest, you may unmute yourself now and proceed with your testimony. Okay. Okay. It looks like we have a testifier walking to the lectern now and, perhaps that'll give our participant online a little time.

MR. LAW: Jasee Law, Kula Uka, Waiakoa Ahupua'a. Kia'i 'āina, kia'i mauna. I live...Haleakalā. And kind of confused like...for once in my life I feel sorry for the United States guys. I was in the U.S. Army. I heard the Air Force is a little bit better but I understand what everybody is saying about all these guys, talking about the U.S. military has, like, got a bad reputation now. I don't know if...like if you...how long you been here and stuff but just trying to figure it all out. I don't want to start any wars but the military really...since they're occupying this Country, they don't really have to ask for anything, so it's kind of like confusing to me. But in my own personal battle with the...trying to figure all this stuff out, who's in charge. The Hawai'i...the State...the State of Hawai'i flag, which they got from the monarchy, is flown like six inches lower, if you look out here in the...in the yard in front of the...mauka of the building here. So, until the...the United States recognizes themselves as even with Hawai'i then I don't know, it's like we have to figure that out first before we get all the paperwork straight. So, I

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guess, I'm throwing my...my vote in for 'a'ole for that da kine.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Law for your testimony. Okay. We'll try again. Anyone wishing to testify, you may unmute yourself now. You can press --

MS. NUNOKAWA: Aloha..

CHAIR RAWLINS-FERNANDEZ: Oh, aloha.

MS. NUNOKAWA: Aloha 'auinalā . . .*(inaudible)*. . . Chair Rawlins-Fernandez, Vice-Chair Paltin, and the rest of the Committee Members. My name is Jill Nunokawa. And I have a lot to say in three minutes. So, I just want to start with this, I been testifying in front of the Board of Regents at the University of Hawai'i for many, many months talking about how they...the University of Hawai'i through the president, being the principal investigator, a huge Department of Defense contract, including trying to get up to \$700 million in the next five years and the relationship between the Maui High Performance Computing Center, and Haleakalā, and the Air Force up there. Okay. And I'm ecstatic to have this resolution prepared and this conversation today because it is not occurring at my University of Hawai'i. I asked them, why did they move the Maui Board of Regent meeting from May 16th from Maui to Manoa when they knew that Monday, Tuesday, Wednesday the Air Force was having their public hearings on their proposal. There is a direct relationship between the University of Hawai'i through its Department of Defense contracts and what is occurring on Maui. And this is extremely disturbing because they're held, as far as siloed out. That's why you should be asking the Air Force, and since they want to build trust with you folks, for the truth about what is the relationship with the Institute for Astronomy, in this case Dave Lonborg who is a UH employee, but he's also the Maui Haleakalā IfA, I don't know if he's director, or whatever. So, there is this little game that's being played, like it was played at Mauna a Wakea where it's pitching between scientific research for IfA and native Hawaiian cultural and traditional rights. That's not what's happening. What's really happening is Star Wars. They call it Space Force. And I'm so excited that Maui is taking this up today because I was a Public Defender on Maui for many years in the Lahaina Courts. And my clientele had significant intergenerational trauma over the continuous bombing of Kaho'olawe. Now, when I see what's on the agenda today, I'd like to speak to both. Obviously, I'm in favor of the resolution. There should be more...no more development up on Haleakalā. And why? Because both IfA and the Air Force has shown consistently, they are poor stewards. Let's start with nondisclosure, no transparency, no inclusion, no accountability; these are all the things I say to the Board of Regents. Board of Regents, thank you . . .*(inaudible)*. . . the Board of Regents are absolutely silent on this issue. But this Maui County Council, I'm overjoyed, that will not be silent on this issue. And we can connect the dot because the bottom line is IfA and UH are part of this. They're not just landlords. And there's a direct connection . . .*(timer sounds)*. . . with all the military occupation and what's happening between Maui High Performance Computing Center, and Haleakalā, and the University of Hawai'i, and ARL at UH, and RCUH. And if you had a little bit more time I would give you the dots between Dick Chong [sic], Mike Mawberry [sic], Dave Lonborn [sic], David Lassner, et. al. So, thank you, Chair Rawlins-Fernandez, for introducing this resolution. And I'm holding...beginning the

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process to hold the military accountable, not just for past . . . *(timer sounds)*. . . spill...and by the way, I want to add on the spill. I'd like to know exactly what was spilled. Because in their presentation it just says a fuel spill. Everybody else been talking about a diesel fuel spill. I'd like to...I'd like the fuel, itself, to be tested because now, when we see around the world what the military is doing, there's all kinds of forever chemicals. And so if you want to build up trust, Air Force, we'd like an independent assessment of the type of fuel that was actually spilled to ensure that there's no forever chemicals in it. Mahalo. Mahalo nui to you all. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo. We have a question from Committee Vice-Chair Paltin.

MS. NUNOKAWA: Yeah. Mahalo.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Ms. Nunokawa. I just wanted to clarify; did you get an answer as to why the UH Maui Board of Regents meeting was moved to O'ahu?

MS. NUNOKAWA: Thank you for that question. I actually never get responses from the Board of Regents. It's like the black hole; they never respond. And...and I brought it up several times, even before the May 16th meeting, itself, and the earlier meeting in beginning of May saying, why? Why are you moving it? And there's always no explanation. And I just want to follow up with one thing that you had said earlier, Vice-Chair, which is absolutely Maui is a target. The further expansion of the military on Maui, much like Pu'u'loa or Pearl Harbor, makes us an exact target. And a lot of the 21st Century military operations are going to be both in the space and deep in the water. And it is a huge concern for the people who understand subject matter that, yes, we are a target now, specifically, certain areas of Maui. So, thank you for that question you asked earlier.

VICE-CHAIR PALTIN: Thank you. I just also wanted to follow up. So, then by moving the Maui Board of Regents meeting to O'ahu, then it was a hardship for people to testify in person because they would have to fly to O'ahu at their own cost to be able to testify in person.

MS. NUNOKAWA: That's exactly right. It...it became prohibitive when just once a year Maui gets an opportunity to talk to the Board of Regents, and they were well aware of that. And I, specifically, asked the two Maui representatives, which is Lauren Akitake and Diane Paloma, could we have a response on why you allowed this meeting to be orchestrated and intentionalize...intentionally moved? And I...I...it's problematic because of the manipulation. And it's not just the UH manipulation, it's their relationship with the DOD, which I been trying to get out into the public but I can't get it into the media very much. I did appreciate this past weekend *Civil Beat* article written by two Polynesians, however. But it's just not out there and I'm so thankful that this Committee is beginning to scratch the surface of really how our constituency and your Maui County is being manipulated. So, thank you very much.

VICE-CHAIR PALTIN: Thank you. And...and the names you said was Ms. Lauren Akitake and

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what was the other one again?

MS. NUNOKAWA: Diane Paloma.

VICE-CHAIR PALTIN: Thank you. I'll see...try follow up.

MS. NUNOKAWA: Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair Paltin. Seeing no other questions, we'll thank you for your testimony. Mahalo, Ms. Nunokawa.

MS. NUNOKAWA: Mahalo, Chair. A hui hou.

CHAIR RAWLINS-FERNANDEZ: A hui hou. Okay. I see another individual wishing to testify. You may join us at the lectern and identify yourself for the public record.

MR. KAPUA'ALA: Aloha mai kākou. 'O wau 'o Hezekiah [Taije Kau'iokalani] Kapua'ala. No Maui mai au and he haumāna au i UH Mānoa. Akā, ua ho'i wau i kēia kauwela i ku'u home. Aloha, everyone. My name is Hezekiah Kapua'ala. Heze (ph.), as a lot of people know me as. Hi, Auntie. Oh, there's my Auntie Yuki. I legit just saw her the other day, so... And also, around a year ago I did another testimony for a different...so I was just...so, this is just nostalgic to be at the podium again. But hear...hearing this resolution, we've had many issues in the past, as far as Kānaka, with UH, as well as the military on the issues of accountability for their actions and compliance to their presence and what they have caused such as the spilling in Haleakalā. So, accountability is just one aspect that we need to bring up and need to remember that they...we need to hold these entities responsible for their actions. So, hearing...presenting this resolution is a good start...a good first step. I was just talking with one of my kumu, Kaleikoa . . .(inaudible). . . a couple minutes ago because there was this mana'o...there is this idea the he is resented of how...as long as you take the first step, it's a good step. Doesn't matter what direction, as long as you start. So, us starting, presenting ways to hold the military or UH accountable is...is an amazing start, so mahalo nui loa.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Heze. Okay. Seeing no questions, we'll mahalo you for your testimony today. Okay. I'll do another last call for testimony. Anyone wishing to testify? And then we'll close public testimony and then we'll...we'll take our afternoon break. Okay. Okay. Seeing no one stepping up. We...we can't close public testimony. Yeah, we'll close when we get back from recess unless you want to start asking questions. Okay. It's 3:12. We'll take a ten minute...we'll...we'll break to 3:20...we'll just do 3:25. Any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: And we'll leave public testimony open and then we'll close when we get back. Okay. Okay. ESCS Committee meeting will be in recess until 3:25. . . .(gavel). . .

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RECESS: 3:12 p.m.

RECONVENE: 3:33 p.m.

CHAIR RAWLINS-FERNANDEZ: . . .*(gavel)*. . . *(Audio interference)* order. It's 3:33 p.m. on June 3rd, 2024. Okay. From you? Oh, okay. Do it again? Do it again? Okay. Okay. 'Elima, 'ehā, 'ekolu, 'elua, 'ekahi. . . .*(gavel)*. . . Okay. Aloha, will the ESCS Committee please return to order. It's 3:34 on June 3rd, 2024. Okay. Ms. Bouthillier will be distributing the resolution that was being referred in testimony. And it will also be uploaded to Granicus for the public and the media's review. And we will call...do a last call again for testimony. Anyone wishing to testify, may unmute themselves and proceed. Okay. There's no one heading to the podium, or attempting to unmute, or raise their hand. So, if there are no objections, we'll now close public testimony. Any objections?

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY . .

CHAIR RAWLINS-FERNANDEZ: Mahalo , Members . Okay. Okay. We'll now open the floor for discussion. We'll do three minutes per Member. We have about an hour. Okay. And then we'll start with Committee Vice-Chair Paltin, followed by Member Cook. Okay. You may proceed.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Mr. Wagabach [*sic*] and Mr. Maxwell. I just was wondering...so, like the military is making a surveillance telescope for this area of the globe. And it's in this open process where we're doing a EA, asking for comments for a military surveillance telescope. And so what is the plan? Is it, like, you think a...or missile would come and Barking Sands [*sic*] would, like, shoot it down? Or what...what is you guys' plan? Because, I mean, they bombed Pearl Harbor and that was a military installation and, I mean, I...what is the point of all this?

MR. WAGENBACH: So, Councilmember, the...the purpose of the telescopes on the summit are actually to look into space and look at objects in space, not so much looking out for incoming missiles, or that kind of thing. That was done in the '60s but that's not the current purpose of the telescopes atop Haleakalā. They're to observe objects in space in orbit; satellites, debris, those types of things that impact the ability for satellites to perform....provide the services to people on the earth that...that they need from satellites in space.

VICE-CHAIR PALTIN: So, my understanding was that they can put those things in space as well. That the pictures from space are, like, beyond the pictures that you take from earth.

MR. WAGENBACH: Certainly, just like many...many things, multiple applications have their strengths and weaknesses. Ground-based telescopes have a strength of always maintaining a location....awareness of a location, in this case over the Pacific. For

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example, in geostationary orbit the site atop Haleakalā can see objects in space in geostationary orbit, which is about 36,000 kilometers above the earth from mainland China or mainland Asia to mainland U.S. So, we can observe satellites in orbit...in geostationary orbit. These are things usually like communication satellites, weather observation satellites that tell us when clouds and...and rain, and when they're coming in. Those types of satellites can be visible from this part on the earth all the time, and so it's very valuable to have a fixed ground-based asset that can see that. Space-based assets are in orbit and so they're constantly moving., and so that is a challenge as well. If you try to take a...take a picture out of a moving car of a thing that's fixed on the...on the ground next to you, it's blurry, it's a controlled problem. But it's not that it's impossible, it's just usually good for different things. And so, ground-based telescopes...telescopes on top of mountains, then are even better because of the less atmosphere between you and your target. So, looking into space is easier because there's less air particles, there's less in the way, if you will...less sky background . . .
.(timer sounds). . . for that.

VICE-CHAIR PALTIN: Okay. My time's up. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair Paltin. Okay. And then just as a reminder, for our Committee Members, we have Lieutenant Colonel Wackebach...Wagenbach; Mr. Maxwell; Ms. Costa, if we can make sure her camera is enabled, if Members have any questions for her; and then we also have Ms. Dukelow. Okay. And then I know we designated Kumu Kaleikoa a resource person as well but he is with the...with the students right now. So, just Ms. Dukelow will be with us. Okay. Next, Miss...Councilmember Cook, followed by Chair Lee.

COUNCILMEMBER COOK: Okay. Lieutenant and Chair, my question is for Lieutenant Colonel. The...what's the relevance of the number of telescopes?

MR. WAGENBACH: For this project...so there are several different types of telescopes. The...the first one being...so, if I...if I count through all...all seven. The first one is a larger...is the largest aperture system and that provides daytime coverage, which right now that is a challenging area to detect things in space. Because when we look up at the sky during the day, it's blue because of all that light that gets scattered in the blue part of the spectrum. And so it's...you can't see to the stars. We know the stars are there, we know the planets are there, spacecrafts are still there; and so we have to look in different wave lengths. So, that telescope is going after that daytime mission to be able to observe things during the day. Because if you're only observing things half the time, you got a big gap in your coverage. The next two telescopes are for development of different tactics, techniques, and procedures. When it comes to observing objects in space as they interact with each other on orbit, because that is a...that is a current thing that is happening between two satellites. You might have just saw the news article about a satellite from Russia that was launched into the same orbit as a US satellite and they're kind of playing a little cat-and-mouse game in orbit. This is to help overserve that and help build better tactics for how we can go about keeping our asset safe and keeping track on what they adversary is doing. The other...other two are just the small aperture systems that just provide us more capacity. As there are more increased items

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in space, you need more eyes to see all the different objects; that's the next two. And then the last two are both laser-based systems. One is for laser communications, which is higher speed communications, which if you use Starlink a lot of their cross links...satellite to satellite use a laser instead of RF. And then the last one is laser...laser ranging, which allows you to tell the distance to an object. So, that allows you to tell what orbit it is in much faster.

COUNCILMEMBER COOK: Okay. So, the second example...the first example of two was to...being able to track two separate objects?

MR. WAGENBACH: So, potentially, yes, two separate objects or two objects in the same field or support two different things in...in two different parts of the sky. As I mentioned, we have a very wide access to the geostationary orbit belt. And so you may have things going on in two different places that you need two...two...two additional telescopes to look at.

COUNCILMEMBER COOK: So...okay. My next question is so this EIS that's being addressed for impact, and whatnot, and it's like one is seven and one was . . . *(inaudible)*. . . --

MR. WAGENBACH: Seven, six, or no action.

COUNCILMEMBER COOK: Yeah. So, is there anything less than six?

MR. WAGENBACH: There are many numbers less than...yes, there are. And that's certainly part of this...part of this trade space that we look at and we will assess all the comments. And when we come back with draft EIS, we may adjust it at that time based on the feedback received.

COUNCILMEMBER COOK: Okay. That's all my questions for right now.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Cook. Next is Chair Lee, followed by Member Sinenci.

COUNCILMEMBER LEE: Are you, Colonel? I forgot your rank. General, how about...how about General --

MR. WAGENBACH: No, thank you.

COUNCILMEMBER LEE: -- for today?

MR. WAGENBACH: Lieutenant Colonel.

COUNCILMEMBER LEE: Oh, Lieutenant...okay. So, what is the distance that we talking about? How far can these...these telescopes reach? What's the range?

MR. WAGENBACH: So, that...that's a...that's a really...that's not exactly the question, I guess,

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I would ask because it's more about brightness. So, we see stars that are impossibly far away because they're extremely bright. Some of you may have seen satellites in the sky because they just happen to be in favorable lighting conditions. So, the telescopes can see things all the way out to the moon if they're bright enough. They might not see things all the way to the moon if they are not bright enough. So, it really becomes about brightness, which is why it's important to have as little atmosphere in...in...atmosphere between you and your target that you're trying to observe. And so the range of the telescopes really depends on the brightness of the object. And so it could be everything from things outside our solar system because, obviously, these telescopes can see the stars because we can see them with our eyes. But it's really about the dimness of the object they can detect.

COUNCILMEMBER LEE: Okay. So, I find this interesting. Why would it be effective, you know, on Maui...you know, over Maui? I mean, I can't imagine us having that much traffic and...and, you know, stray objects.

MR. WAGENBACH: So, depending on where you are in orbit, there's a thing called geostationary orbit, which is effectively fixed so it matches the rotation of the earth. So, satellites in geostationary orbit are always over the same part of the earth. And so that is valuable for communications, weather, as I mentioned. And so those satellites are mostly always in the same place. The challenge with that is if they do move, you don't know that they've moved for a very long time. So, you need to observe them multiple times to see if they have shifted in their orbit. Satellites that are lower: Starlink, other weather satellites that...that'll take closer pictures, they overfly parts of the earth all the time. They...they orbit almost every 90 minutes in some cases, and then everything in between. So, from one day to orbit to everything below that. So, you need coverage across all those different regimes and to be able to track these objects at different times of the day.

COUNCILMEMBER LEE: Okay. So, assuming this...this project is essential and you find that, oh, the public is really not in support of it, where would you be...what would be your second choice...location?

MR. WAGENBACH: So, I...I really can't speak to the...the...the fallback options because this...we'd have to look at that after the...a decision is...is rendered on the current EIS. And we're only trying to bound the conversation about the proposed project, itself. If there is a change that's made in...well, once the decision is made about the current EIS, then we could look at alternatives. Yes, there are alternatives. You could look at other locations. You could look at space based. There are definitely things that we can look at as part of this, and that is where we would go back to.

COUNCILMEMBER LEE: Well, I would think you'd find a location where you...to be more welcoming. You know, . . . *(timer sounds)*. . . the...the public would be more inviting. It...you know, the...there's no history of any kind, you know, that would make things difficult.

MR. WAGENBACH: That is certainly something that we take into account and that's why we're

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doing an EIS to take into account the cultural considerations for this parcel of land. And understand that this is...this is very repetitive...or seemingly very repetitive for the community, but each action is required to go through this by law. And so we are executing the responsibilities that we have to go through the National Environmental Preservation Act --

COUNCILMEMBER LEE: Okay.

MR. WAGENBACH: -- approach and procedure.

COUNCILMEMBER LEE: Thank you very much. And I can't believe you're going to retire in three years.

MR. WAGENBACH: That's not approved yet. . . .*(laughing)*. . .

COUNCILMEMBER LEE: Okay.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Okay. Next, is Member Sinenci, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair. And...oh, just a first question for you, Chair. This is a 7(B) for today. We do have the resolution on Wednesday.

CHAIR RAWLINS-FERNANDEZ: That's correct.

COUNCILMEMBER SINENCI: Are you...all right. So, there's no need to discharge anything today?

CHAIR RAWLINS-FERNANDEZ: No.

COUNCILMEMBER SINENCI: Okay.

CHAIR RAWLINS-FERNANDEZ: No discharging. It's on the Council agenda Wednesday at 3:00 p.m.

COUNCILMEMBER SINENCI: So, you're just taking testimony and input for today.

CHAIR RAWLINS-FERNANDEZ: And discussion, correct.

COUNCILMEMBER SINENCI: Discussion today. Okay. Thank you for that. And then my question was for Ms. Costa. She did mention in her testimony about a lease that the Space...Space Force...Space Squadron [sic] doesn't have a lease. So, can she expound on that? And who...then who has the lease and is there an expiration of that State lease?

CHAIR RAWLINS-FERNANDEZ: Ms. Costa.

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MS. COSTA: Thank you. Thank you for the question. That was my very first encounter with Brigadier General when he came to Hawai'i and I asked. He gave his introduction of their birth, which was in 2019. And was very proud to...to announce that they are this special division. And so I asked him if they had a lease and he said, no. In our duration of...of talking with each other, he then...it shifted that because they're under the Air Force, the Air Force has a lease. I also communicated with David Lonborg and I asked him if they had a lease with Space Force, and he confirmed that there is none. It's under Air Force. So, it's wordsmithing, yeah. Technically, all armed forces is under the same department, which is the Department of Defense. So, they're all the same. So, the lease is kind of, I guess, like mesh. But, yet, when you talk about their operation, it's totally separate. They don't do war; these guys just do surveillance. These other guys are the ones that is armed forces with war. So, you know, it all depends on what you're talking to them about which makes it the same or separate. But my understanding and introduction was that they were...they were created in 2019, by President Trump, to be its own individual division. And when we continue the conversation, all of sudden they're like meshed together with Air Force. And I'm sure they're...they're going to confirm that, that they are Air Force, Space Force. I don't know if...if Air Force was ever in your conversation today; it's always been Space Force. But if you further this conversation, they'll merge into Air Force, Space Force. So, the...the...the target on the back and...and possibly weaponry, you know, can be then wordsmithing in there too. That's what I'm...I'm afraid of.

COUNCILMEMBER SINENCI: Okay. Thank you, . . . *(timer sounds)*. . . Ms. Costa. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Next is Member Sugimura and then myself. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I wonder if Lieutenant Colonel just could answer that question what they were just talking about. Is there a lease with Air Force? Is there a lease with who, I guess?

MR. WAGENBACH: So, the Space Force is...correct, it was...United States Space Force was created in 2019 by an act of Congress signed into law by the President of the United States. However, the Department of the Air Force now consists of two subordinate services, the United States Air Force and the United States Space Force, for many support functions like civil engineering, security forces, medical, legal, many specialties that are required of a military department. The Space Force does not have that organic...that organic capability and so we depend on the Air Force as a single department, much like the Navy is the Department of the Navy but it includes the Marines and the Navy, together. There are no Marine medics, they have Navy Corpsmen, as an example. That is a similar relationship that the United States Space Force and the United States Air Force have as part of the Department of the Air Force which is...so, everyone's boss is the Secretary of the Air Force, whether they're...you're a Guardian in the Space Force or an Airman in the Air Force.

COUNCILMEMBER SUGIMURA: Wow, interesting. So, is this project part of...

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MR. WAGENBACH: So, the Air Force still manages all of the leases for the Space Force locations that are...were and are currently, now, part of Space Force missions. So, that leasing apparatus...our civil engineering is all...all...is all drawn from Air Force research...Air Force resources, the Department of the Air Force.

COUNCILMEMBER SUGIMURA: Okay. And --

MR. WAGENBACH: Does that make sense?

COUNCILMEMBER SUGIMURA: Yeah.

MR. WAGENBACH: Okay.

COUNCILMEMBER SUGIMURA: Thank you. I never even knew that and thanks for the explanation. And also, then, this property is...is it part of University of Hawai'i? Is it...is it leased from somebody? Or...

MR. WAGENBACH: Which...which parcel?

COUNCILMEMBER SUGIMURA: Oh, Haleakalā. The parcel that you talking [sic].

MR. WAGENBACH: So, there...there are two parcels. There's the current facility, which is within the High Altitude Observatory which, as was mentioned, is...is managed by the University of Hawai'i. So, we, the Department of the Air Force, has a sublease or a lease of that space of our current facilities. The STAR site is on a piece...a parcel that is under FAA control right now and we currently have a permit. We, the Department of the Air Force, have a permit from the FAA to use it for storage. And once we complete the EIS and potentially a design, only then would we go back and have a longer-term permit to use that land from the FAA.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Okay. All right. My turn. Okay. My first questions will be regarding the cleanup. To clarify and from the presentation, the phase that you folks are at now is Phase 3?

MR. WAGENBACH: We are finalizing Phase 2 but we have Phase 3 ready to go once a decision about Phase 2 is made.

CHAIR RAWLINS-FERNANDEZ: Okay. And then either Lieutenant Colonel or Mr. Maxwell, regarding if there were any plants or animals that were impacted by...I...I know we talked about water the last time but the last time I didn't ask about any flora or fauna impacted.

MR. MAXWELL: Correct me if I'm wrong but nothing was identified to be impacted during the Phase 1 and 2 --

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MR. WAGENBACH: Yeah.

MR. MAXWELL: -- or during the spill.

CHAIR RAWLINS-FERNANDEZ: Mahalo. So, it's...it's the tangible. In communicating...so, as a cultural monitor when you...you know, Ms. Dukelow spoke about sacredness and you also shared that in your opening remarks, how...how do we...how is that being communicated: the...the damage to the sacredness of Haleakalā?

MR. MAXWELL: That's a really big question. How is it being communicated? Well, there's...there's several ways that it's communicated and it's not limited to just the Space Force. Some of the things that come out of the...I think, it's the long-range management plan, is a introduction of a video that was created by IfA for those who are working long term up at the summit, that was with my grandfather, Kaleikoa (ph.); that's Auntie Hoku (ph.) all in that. But then when it comes to this one...this...this immediate remediation project, it's on a one-on-one...one-to-one basis with each individual. Each individual still has to go through that same review of the video and introduction to space and place and that's done by Space Force, I believe. Right?

MR. WAGENBACH: [Nodding head]

MR. MAXWELL: But then when it comes to those who are on the ground, who I'm able to work with directly, it's conveyed through our personal interactions and how they enter the space. For instance, the initial steps to working consisted of...I wouldn't say it's a blessing but it's more of a mihi (ph.), like a forgiveness ceremony of when we're working into...working in the space. From our perspective...from my perspective, we really shouldn't be there in the first place. So, that is the first thing...that is where we...that...we start with those. And it's a...it's an eye opener for those who step into the place. You mean I have to ask? Who am I asking to be in this space? Well, here this is where we start. So, that's kind of just a really high overview look of where the process begins, but it starts there, yeah.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Maxwell. I don't know if you wanted to speak to the Ms. Dukelow. . . .(timer sounds). . .

MS. DUKELOW: How the sacredness is communicated or impacted.

CHAIR RAWLINS-FERNANDEZ: [Nodding head]

MS. DUKELOW: Maybe the practices. So, one of the things...and I'm sure you've all been to Haleakalā at some point in time, through...you know before they built the DKIST, through the building of the DKIST, up until now...and some other people who testified talked about, you know, the way they get stuck in the process with the military, or with UH, with NSF. And, you know, their goal through the DKIST was to sort of mitigate the...the...the negative effects. And, you know, I agree with Faith that it's a very frustrating process because basically you're in the room asking the military...or in

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this...in the DKIST instance it was NSF, right. They begin to provide you pathways that you are able to express your cultural practice, right. Oh, you can do it here, and you can do it here, and you can take this little path when you go there, and you can let us know when you want to come because, you know, it's closed off. And as you are trying to practice, you are surrounded, now, by the DKIST, with...you know it's a huge monstrosity, you can see it from anywhere on Maui now. So, it does...it limits and degrades our ability to experience Haleakalā in, I would say, a healthy state, right. So, I...I...you know, I said this before, it's not just about, you know, not desecrating, it's stopping the continued desecration. And when I mean desecration I mean...I'm talking about, you know, our ability to access and perform cultural practices. I'm talking about the environment. I'm talking about the birds, the insects, the plants that have already been impacted and will be further impacted by this. And this is something...you know Haleakalā is in a Conservation District, so we don't disagree there, right. U.S. law tells us that. We also believe that. Where we disagree is where exceptions are given to that law and what you see...those telescopes were given exceptions to their own law. Right. So, we don't disagree that it's sacred and...and environmentally fragile, and that it will be desecrated in all of those ways. What we're talking about is whether or not the military is able to look past all of that, all of the voices of the community, their own laws, what has already been established in their own process through the...through the EIS process with the DKIST, and continue to do this. So, it...it's...it's...it's all of those things at once. And, you know, I'm...I just want to echo what everybody else said, there was nobody that testified in support. And I think it's because of what our community has been...has gone through with Haleakalā and then with Mauna Kea. Right, again, this is not the first time. And in all those cases, in order to do what they have done or what they have already done, they needed to subvert the law somehow. And that is how the DKIST was built, through...through subversion of their own laws.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Dukelow. Oh. Yes, Member Sinenci. Oh, raising...oh, okay. Ms. Costa.

MS. COSTA: I wanted to go to the question that you asked about plants, and insects, and...and other life...life there because I...I was able to...you know, I could not, physically, bring myself to go atop Haleakalā when the spill happened; I just couldn't. Even when I privately wanted to try, I was devastated and affected. A trauma is...is like high when it comes to Haleakalā. But I was able to go up there to do a site visit. And so when you talk about these plants, what I noticed is in the more cleaner sterile area, which is where their facility is on the...the very top where they...they walk around, we had silversword...baby silverswords growing. In that toxic area where the diesel is, where all the collect of...of...of runoff water was, where construction was, nothing grows there so they're not going to see it. The question is why doesn't anything grow there when you can just take steps above and find the baby of our silversword, and whatever else that sustains it, living. You know, it's one thing to say, we didn't have any impact, there's nothing there. The question is why. And it's all in that toxic area, right in the hallow of...of...of that. To me, there is an impact there.

CHAIR RAWLINS-FERNANDEZ: Mahalo for that perspective, Ms. Costa. Okay. That concludes Round 1 and we'll go back to Committee Vice-Chair Paltin for Round 2.

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VICE-CHAIR PALTIN: Chair, before you start, can I just say the disclaimer?

CHAIR RAWLINS-FERNANDEZ: Yes.

VICE-CHAIR PALTIN: Because we only have three minutes, if I got what I need from the question, I'll just cut you off. And I'm not trying to be rude but I just want to get as much as I could through...before the buzzer. So, I understand that the land is being leased from UH. Where did UH get the land from, if anyone knows?

CHAIR RAWLINS-FERNANDEZ: Lieutenant Colonel, or...

MR. WAGENBACH: So, there's an executive order that set aside that Haleakalā Observatory and then University of Hawai'i is executing that...or is using that executive order and overseeing that.

VICE-CHAIR PALTIN: So, the executive order is coming from the State of Hawai'i.

MR. WAGENBACH: State of Hawai'i.

VICE-CHAIR PALTIN: And what is the authority of the State of Hawai'i to that land?

MR. WAGENBACH: I don't have...I don't a . . . *(inaudible)*. . . --

MS. DUKELOW: It's part of the ceded land...lands taken at...during the time of the overthrow from the Hawaiian Kingdom.

VICE-CHAIR PALTIN: The ceded lands that are --

MS. DUKELOW: Ceded --

VICE-CHAIR PALTIN: -- referred to in the Apology Bill *[sic]*?

MS. DUKELOW: Yes.

VICE-CHAIR PALTIN: And how much does the Air Force pay for that lease?

MR. WAGENBACH: So, that single lease from that is a...is a \$1 lease but then also allows use of the facility to the University of Hawai'i for science and to further their research mission.

VICE-CHAIR PALTIN: \$1-a-year lease, is that what you said?

MR. WAGENBACH: That is my understanding.

VICE-CHAIR PALTIN: Were there any fines for the oil...diesel spill?

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MR. WAGENBACH: None.

VICE-CHAIR PALTIN: And someone said that the conservation subzone was general. Is that through State zoning or County zoning?

MR. WAGENBACH: I'm sorry, I have no idea what...what that was about.

VICE-CHAIR PALTIN: If anyone knows.

MS. DUKELOW: I believe that's the State.

VICE-CHAIR PALTIN: So, it's zoned conservation because it's special land. And it seemed from your presentation, it took one month from the time the spill to the time you addressed it. Is it that there wasn't a plan before there was a spill to address a spill?

MR. WAGENBACH: So, there were plans for notification . . .*(timer sounds)*. . . ahead of time and...but it takes...it took that long to mobilize contractors to come up and address the immediate cleanup.

VICE-CHAIR PALTIN: I didn't understand by what you meant by plans for notification.

MR. WAGENBACH: So, the required plans for notification of a spill like this, for example, of a volatile, right, that is a standard plan and requirement that we had. So, we made notifications up the chain and then immediately started getting contracts...a contract in place to immediately clean up the spill. However, we wanted to make sure that we took into consideration the difference that this site has, in terms of you can't remove the soil from the summit without causing more damage than the spill itself. And so finding a contractor that could, then, execute in the way that we wanted them to, based on our cultural advisor and...and based on the situation we were in, took that amount of time, yes.

VICE-CHAIR PALTIN: So, just...I don't understand that that wasn't thought of in the plan that you would need to have a contractor that would clean it up without removing it. If nothing changed from when the plan was made to when the spill occurred, why wouldn't that have been expedited when the plan was made? Because you knew ahead of time that things shouldn't be removed from the conservation area, there was no pre-existing contracts. Like that's kind of a disaster thing where you put a contract in place before the disaster happens, so that when the disaster happens you don't wait a month before you address the disaster. So, you're basically saying the plan didn't call for a pre-existing contract that would clean up in alignment with the sensitivity of the area.

MR. WAGENBACH: That is correct. We did not have a pre-existing contract in place so we had to start from...from scratch.

VICE-CHAIR PALTIN: Okay. Thank you for that clarification.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair Paltin. Next is Member Cook,

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followed by Chair Lee.

COUNCILMEMBER COOK: I don't have any more questions.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

COUNCILMEMBER LEE: None for me.

CHAIR RAWLINS-FERNANDEZ: Okay. Member Sinenci, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Thank you, Chair. For Mr. Maxwell, do...are you aware of this EO? And is there a sunset date of this State EO ?

MR. MAXWELL: EO.

COUNCILMEMBER SINENCI: . . .*(Inaudible)*. . . executive order.

MR. MAXWELL: I don't know of a sunset date for it, but I do know the leases have sunset dates...expirations on it. For the specific dates on which...which lease expires when, I cannot say that but maybe Wags...Wagenbach would know *(audio interference)* but, yeah. Is that...is that what you're asking?

COUNCILMEMBER SINENCI: Yeah, I just searching for a date.

MR. WAGENBACH: So, the...the...the lease...the Department of the Air Force's lease is due for renewal in 2031.

COUNCILMEMBER SINENCI: 2031. Okay. All right. Thank you for that. And then what about the National Parks? I mean, are they...that's a Federal agency, they have an...how do they operate up there?

MR. WAGENBACH: I'm sorry, I can't speak to that.

COUNCILMEMBER SINENCI: Mr. Maxwell.

MR. MAXWELL: No. No, comment on that one. I...I really don't --

COUNCILMEMBER SINENCI: . . .*(Inaudible)*. . . --

MR. MAXWELL: -- know how that operates on --

COUNCILMEMBER SINENCI: Right. And I know your grandfather was part of working with the National Parks including trying to have a day of rest --

MR. MAXWELL: That's true.

COUNCILMEMBER SINENCI: -- up there. Or...or for --

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MR. MAXWELL: And it has been done.

COUNCILMEMBER SINENCI: Oh, it has been done.

MR. MAXWELL: Has been done. I know we observed it during one Makahiki.

COUNCILMEMBER SINENCI: Just one.

MR. MAXWELL: And I know we're working on...we have been working with...I think it's Natalie Gates who's the Superintendent now, on identifying specific events throughout the year that is significant to our practice and our religion as Hawaiians.

COUNCILMEMBER SINENCI: It's not a weekly thing or anything? It's just one...one day in the year.

MR. MAXWELL: Well, you know if, I think, more needs, and beliefs, and practices are expressed, there's something that can be accommodated possibly...or proposed at the very least through the Superintendent. And I...I don't know if it's limited to just the summit but, like, for instance, Kipuhulu, right, where you could do the same thing in a...a national park, perhaps. If the...because the precedent has already been set when it comes to, say like Makahiki up at the summit, or other events that we've done.

COUNCILMEMBER SINENCI: You guys know how much the National Parks makes in revenue for that park per year?

MR. MAXWELL: No.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I just have one question and I'm basically done, but I was just wondering jobs for local people, or in general, if you have any thoughts on that.

MR. WAGENBACH: So, as I...as I stated in my...in my presentation that the...of the government civilians who are...who are here...Federal government civilians employed by the Federal Government, Maui residents; Maui locals, by that standard; and then all of our contractors are also Maui residents. And so it's around 200-ish...250 folks that are part of our workforce that is our continuity and our people that have...we just had a retirement of a...of a gentleman that I think he'd worked well over 30 years on the summit as one of our mechanics. And so he'd spent a lot of his time at the site protecting and...and maintaining our systems so that they can...that they can get this job done. So, many...many long-time residents of the island that...that work up at the summit day in and day out.

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COUNCILMEMBER SUGIMURA: Thank you.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Sugimura. Okay. My turn. Okay. I had one last question regarding clean up. Have you found PFAS or any other forever chemicals in the soil? Or was that in the fuel that spilled? And are you testing for them?

MR. WAGENBACH: It was never a part of the fuel that was spilled and we had not found any in the testing. So, it was no. No, to both.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Okay. Now, for the telescopes. Okay. To operate this new...the AMOS STAR facility, how much more people...or...or employees would you need?

MR. WAGENBACH: So, just given the time horizon, it's tough to put a really...a large number on that. A lot of the telescopes would just plug into our existing operations floor that is over in the AEOS building or can remotely work from...from Kihei. So, it's...it's really hard to say. We would have a small increase, probably in the number of mechanics, maintenance personnel just based on having a larger footprint or facility. But until all of them are built, it's really hard to put an accurate projection on what that would look like . . . *(inaudible)*. . . --

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And then for...in...in dovetailing off Member Sugimura's question, what percentage of your workforce are from Maui, not, like, military from somewhere else?

MR. WAGENBACH: Yeah, I don't...I don't have exact numbers on that. And, obviously, the...the...the term from Maui is...carries a lot of how far back do we go. And so we have, you know, a non...a non-trivial amount of our employees . . . *(inaudible)*. . . and...and contractor employees have...have lived here for most their life, if not almost all their life. So, it is...it is a subset of our population. But, obviously...and...and, honestly, for the military, we've had several folks that have come through that were born and raised on Maui and are serving in the military. And to be able to bring them home for even a short tour is...is really...is really meaningful...I think impactful. So, that's...that's a really great opportunity because it's certainly something that...being from Wisconsin, like, I have no option, really, to serve near my home where I'm from. So, it is...it is really valuable to me...or helpful that we can...we can do that for some of our military members.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And then, perhaps, in response to Member Sinenci's question, with the executive order, we can request a copy of the executive order. If Staff could prepare a letter to request that. And do you know when the...the executive order was signed? What year?

MR. WAGENBACH: I believe it was from 1959, if memory serves.

CHAIR RAWLINS-FERNANDEZ: 1959.

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COUNCILMEMBER SUGIMURA: Statehood.

CHAIR RAWLINS-FERNANDEZ: Okay. Okay. And then so we'll get a copy of the executive order and then we can follow up on the presentation of...or . . .*(timer sounds)*. . . a clarification on the workforce. Okay. That's my time. Okay. So, I will call on you. Just raise your hand if you have questions. Member Sinenci, followed by Committee Vice-Chair Paltin.

COUNCILMEMBER SINENCI: I just wanted to give Ms. Dukelow...if she...she had some comments. I know you...you had some...your light came on.

CHAIR RAWLINS-FERNANDEZ: Okay.

MS. DUKELOW: I was just thinking about...I mean, I think that question about jobs is an important one because I would press the military to show some real numbers. I know that people live here now because they moved here to...to work there. I know we have a small subset of people who are from Maui who work there. I also know that we have a few planned developments near the Supercomputing Center *[sic]* that is proposing a, sort of, campus. And I...I forget the name of the company but it's specifically designed to create housing for visiting employees, if you will, of the Supercomputing Center *[sic]*. Again, that is directly related to what is going on, on top of Haleakalā. So, I would say that this is not an opportunity for more jobs on our island for our people who live here.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Dukelow. Pau?

COUNCILMEMBER SINENCI: Just one more question for Lieutenant Colonel. Would the...your...the last part of the...the pad, would the pad now become some kind of containment for the amount of diesel, potentially, that was spilt?

MR. WAGENBACH: Yeah. So, the...the future...future state of the generator will include a tertiary level of confinement...of containment that would collect any...any amount of fuel that is stored within the tanks inside. Yeah. Planned development does not exist today.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Lieutenant Colonel. Ms. Costa.

MS. COSTA: Thank you for that question, Member Sinenci. My background is in automotive. And one of the things that are...is very key is fill. And so when I got in touch with them, the first thing I asked was the amount of fuel that you contain on Haleakalā, which is close to 9,000 gallons, why wasn't a berm put in. And...and I think some of the people I was talking to on the meeting were kind of confused as to what a berm was. And then they said, you know, it's not in the budget but they'll...they'll think about it. Well, I'm glad that they're going to consider configuring taking everything off of that pad and putting it in a walled area with a berm. In the meantime, I was asking them to...there's a thing called a sock that you put around anything that may potentially spill. And so they didn't see the sense in it . . .*(timer sounds)*. . . but I said, well, we didn't think that it was going to spill. So, they emptied the big tank and they're only working off of the

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generator. So, just for precautionary because it's sitting just on that flat piece of cement with no wall, put a sock around it. So, when I went up to that site visit, they did. But it was ineffective because they put the sock up against the wall of that generator that would not catch anything because it would flow right over the sock. The way you implement that sock is you...you make a perimeter around it so when it spills it'll stop the...the flow. So, it wasn't even installed correctly. And this is just a few things that I've been trying to help them understand through my understanding and compliance with EPA, and with, you know, Department of Health, and any regulations to do with fuel, and especially fuel spill. If I had...if I had leaked 55 gallons at my particular employment, I would have been shut down until everything got cleaned up. But it is Space Force, Air Force, so it's business as usual. And I just want to put in a little caveat, I do not think that Lieutenant Colonel Wagenbach is...is to blame for this. He's...he's the man that has to come in front of us and talk to us, and then relay this message back. So, I give him, you know, props for taking all this lickins every time he got to come publicly, but we got to talk to somebody. And I think the next time request the people who are making decisions and put them on that hot seat and relieve this young man of...of, you know, his...his angst because he's feeling our pain too; I know he is, so mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Costa. Mahalo, Member Sinenci. And mahalo for recognizing that it...it's not being directed at Lieutenant Colonel in his individual capacity. Committee Vice-Chair Paltin.

VICE-CHAIR PALTIN: Thank you. I just wanted to follow up on my last opportunity to ask questions about plans. You know, in visiting to Japan, they said sometimes when you have a disaster you overcompensate for the specific disaster, which I guess in this case would be a fuel spill. I was wondering of any other plans for disasters on top of Haleakalā besides a fuel spill and knowing that it took one month to respond to this particular disaster, have you looked into getting pre-existing contracts for all of your plans so that you can respond immediately in other planned disaster responses on top of Haleakalā?

MR. WAGENBACH: Yeah, so after...after the spill, we definitely did top-bottom review of...of that...the...the contract that does our...our maintenance and sustainment actually had changed out. It's now with Kūpono Industries, which is another native Hawaiian organization that we shifted to.

VICE-CHAIR PALTIN: Kūpono Industries or Kūpono Builders?

MR. WAGENBACH: Kūpono.

VICE-CHAIR PALTIN: Kūpono.

MR. WAGENBACH: Kūpono.

VICE-CHAIR PALTIN: Builders or Industries?

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MR. WAGENBACH: It is Industries, not Builders.

VICE-CHAIR PALTIN: Kūpono Industries.

MR. WAGENBACH: Yeah. So, Kūpono is now our base operations sustainment contractor that oversees the maintenance of our generators and a lot of our support facilities. So, that...that was actually already in the works, though. But that happened shortly thereafter and that also complicated because we were in the tail end of a contract, there is only so much sealing and there's only so much left on that contract. So, that...that did kind of truncate our ability to respond immediately because of that contract transition; that was just a fact of life that was there. But we have looked at our other potential hazards and done a top-to-bottom review of that and added more of that into the existing contract where we have more ready options.

VICE-CHAIR PALTIN: How many other plans for hazards do you have for Haleakalā?

MR. WAGENBACH: I don't have that number off the top of my head, but I can get it.

VICE-CHAIR PALTIN: And would it be possible...or are those plans confidential to get also the hazard response plans?

MR. WAGENBACH: I will...I will see...make sure...see if we can...we can make those releasable. I can't commit to that right now, but I can go ask and see if we can get that released.

VICE-CHAIR PALTIN: Thank you. And is that something the Committee Staff can follow up on as well?

CHAIR RAWLINS-FERNANDEZ: Yes.

VICE-CHAIR PALTIN: And then the other question I had was, you know, if America wanted to do what they're doing in a foreign country on their sacred space and that foreign country said no thank you, would America still . . . *(timer sounds)*. . . do it?

MR. WAGENBACH: I...I don't think I can speak for the entirety of the United States of America on a response to that question.

VICE-CHAIR PALTIN: There's no policy or procedure?

MR. WAGENBACH: There are...there are procedures. There are agreements that would be, like, . . . *(inaudible)*. . . agreements or something like that, to go use space in another nation. There are procedures for that, yes.

VICE-CHAIR PALTIN: And if there's no treaty and the other country said, no, is the procedure to go ahead and do it anyway?

MR. WAGENBACH: I think it would really depend on the situation. I don't know that you could give an absolute answer to that question. It's too general.

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VICE-CHAIR PALTIN: Take this situation, for example.

MR. WAGENBACH: It all depends on the legal opinions of all of the various governing documentation, so it's not something I can answer in this situation.

VICE-CHAIR PALTIN: Maybe you can share with us why this is so needed for humanity. It says, characterization, communicate...dedicated satellite tracking and communication capability to allow the characterization, cataloging, and tracking of objects in space; and to enable advanced research that expands the Department's understanding of objects in the Pacific theater. That doesn't really have a lot of significance. Like whereas, you know, if you were putting this on the Vatican, that you should just demolish the Vatican and put it up. I was wondering if you could, like, let us know, in layperson's terms, the significance of why that's necessary.

MR. WAGENBACH: So, the...in that exact situation, I guess, I don't really have an answer for that many presupposed answers...or that many different comments about...about it. All I can say is that we're going through the process for this project, this proposed project, and that is all I can offer at this point. Is that we are doing this environmental impact study to assess that.

VICE-CHAIR PALTIN: I just was trying to find out the significance of the project. Like why it is we need it, how it will help humanity, like if will save lives, or if it, you know, could stop Lahaina from burning down...or if Lahaina was burning down we could still call for help and let somebody know Lahaina was burning down or something like that; is it going to --

MR. WAGENBACH: So...so . . . *(inaudible)*. . . --

VICE-CHAIR PALTIN: -- fix those problems, or...

MR. WAGENBACH: In that situation...I mean, Lahaina...one of the problems with Lahaina was that the terrestrial cell towers were all knocked out. And so if they had more satellite communications then there's, yes, a potential path. And actually after...after Lahaina we had several folks from the Tech Park, basically, attach Starlink communications, terminals to trucks and take them out and powered sites so that people could get back in contact with their families.

VICE-CHAIR PALTIN: I'm aware of that, and they went down pretty quick...right away. It was Red Lightning that put up ones that worked continuously, which is --

MR. WAGENBACH: Uh-huh.

VICE-CHAIR PALTIN: -- a different disaster response. And it was Starlink's as well but --

MR. WAGENBACH: Uh-huh.

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VICE-CHAIR PALTIN: -- I'm just saying that was after the fact.

MR. WAGENBACH: So, in that...in that sense, yes, if...Space provides a lot of benefit to our day-in and day-out life. And from the example...for the example of communications for timing that allows our power grids to be more efficient so that we can have more network traffic and share more information more readily on our cell networks, all of that is enabled by Space-based assets. And so if those are taken out by unfriendly nations or other nations in...in the world, that will be felt...that impact would be felt across the entire...entire of the modern world.

VICE-CHAIR PALTIN: You're saying if somebody bombs Haleakalā and takes out this tracker?

MR. WAGENBACH: No, if somebody takes out space-based assets that our site keeps awareness of. Because satellites don't really have good awareness of what's around them. They are...they're blind to their immediate area. So, they don't know. You have to, basically, tell them that something...a threat is coming so they can move out of the way. That's what our job is; to make sure satellites don't collide unexpectedly, to make sure that an adversary can't sneak up on a different...on a satellite and take it out of service which might cut off communicates to some . . . *(inaudible)*. . . people and keeps them operating.

VICE-CHAIR PALTIN: I guess, if I was an adversary and I knew that was the potential of Haleakalā, to stop it from happening, I would take out Haleakalā. So, I don't know how, you know, having this on the ground would stop it because knowing that Haleakalā would be able to communicate with the satellite to move out of the way or track objects, I would take out Haleakalā first so that there's no interception, or whatnot. Like, I mean, I...I don't understand how this is not putting a target on our back for what it...the good it intends to do. We have Starlink right now. We used it --

MR. WAGENBACH: Uh-huh.

VICE-CHAIR PALTIN: -- and we don't have the AMOS STAR.

MR. WAGENBACH: Correct. So as...as more objects are in space, there's more likelihood of things colliding. Just like when there's more aircraft at...at a busy airport, you get more potential for accidents. And so by having better knowledge of where things are you can keep them from running into each other. Going forward, this site is only one of several that do this job around the globe. Obviously, as a fixed site in the ground...on the ground, it can only see things over the Pacific AOR...our region . . . *(inaudible)*. . . area of...of responsibility. This is unique territory when it comes to the Pacific because there's not really much for land masses that are high elevation that'll allow you to see into space with that kind of clarity.

VICE-CHAIR PALTIN: So, it's unique territory that's worth \$1 a year.

MR. WAGENBACH: Neither of us were there when that was...that was negotiated and so I don't...I don't know what else you want with that.

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CHAIR RAWLINS-FERNANDEZ: Okay. I...I have two last questions before we lose quorum. Member Cook, if you're...if you're able...okay. So, my two last questions are what is the relationship with the telescope...the proposed telescopes and the Maui High Performance Computing Center? And how much is the cultural consideration weighed in the, I guess, scoping first?

MR. WAGENBACH: So, right now there is not a connection between...other than they're both part of the same unit, there is not going to be a connection between the STAR site, the additional telescopes, and the High Performance Computing Center directly. The High Performance Computing Center could be used to process data captured from the telescope but there's no direct linkage between the two. Was that the question?

CHAIR RAWLINS-FERNANDEZ: Yes.

MR. WAGENBACH: As for how much the cultural...the cultural portions of the EIS is weighted, I...I don't...I don't know. I don't...there's not a formula of these many...these sections carry this weight, this sections carry less. I don't...I don't have an answer for what that would look like right now. Obviously, given the scope of response and the amount of comment, it requires a serious look and we will give every comment a very serious look about...based on its merits and based on what was provided for the...the study.

CHAIR RAWLINS-FERNANDEZ: Okay. And then, I guess, I'll mahalo everyone if you wanted to provide any final remarks. Ms. Costa.

MS. COSTA: Mahalo, Chair. Just that track record speaks more...you know actions speaks louder than words. And so in the presentation, the brand-new telescope that they're thinking about may be located on a...on a site already there but it's not up to speed. It's not been maintained, according to the testimony from Lieutenant Colonel. So, again, that's the reputation of maintenance on that mountain. And if they...if they know of a sensitive space, then they should also understand the cultural things. I don't turn on my lights in respect for what they're doing up there. They should not be invading our space now with more impacts of injury adding more, you know, telescopes up there. But the...the track record speaks for itself. And like I said, you know, you're not going to find the impacts that normally these...these tests or the...these EAs will look for because it's been damaged. And the...it cannot grow there. I had...I had a reaction on my eyes coming down the mountain from that site visit because I realized I was picking up debris from that actual spill site. So, exactly what's on that ground, you know, we have to trust that they're going to let us know. But thank you for allowing me to...to be with you folks today.

CHAIR RAWLINS-FERNANDEZ: Mahalo for joining us, Ms. Costa. Kumu Kahele.

MS. DUKELOW: Yeah, I wanted to leave you with two thoughts. So, the first one is that when we think about what this project, the AMOS STAR Project, is planning to do, it is to further develop the industrial complex on top of Haleakalā. So, when we talk about the degradation that we talk about happened, is happening, it's...it's ongoing. What this

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would do would be to continue this and to expand this. The second point I wanted to make, that the process that we're in right now is not a process...and I don't know what the military process is, but the process we're in right now is a Hawai'i environmental review process. This is a process from our State. It's our law. That is why they're engaged here and have to go through a very serious, lengthy process in order to do this. What I would say is our State has pretty good laws if we listen to them and if we abide by them. So, this is not people trying to work against State law. We are trying to get the County and the State to adhere to our laws and they have to do this. Right, this is not because they want to, they have to do this in order to move through the project. 'Oia iholo, mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Kumu Kahele. Lieutenant Colonel.

MR. WAGENBACH: I just would like to thank everyone for coming and I really do appreciate the questions. And I think the...the comments about accountability and transparency, you know, we're here, we're executing this process. As we mentioned, it's both State and Federal law to...to go through the EIS process. It is also State and Federal law that we'll have to come back to the public after the fuel spill and for remediation efforts. And so we are here to be in the public. This is what...this is what accountability, in my mind, looks like is we are here and available for comments and questions. That is...that is why we're here. That's why we are participating in these forums. It's not because...and then it's to...for me, personally, it's not because we have to, it's because we should be doing this, and this is what we ought to be doing whether it's law or not. Over.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Mr. Maxwell.

MR. MAXWELL: Yeah. Mahalo. Mahalo nui, Madam Chair and Council...Committee Members. We...it's...it's rare that we have this opportunity to discuss such an important...well, such a big part of our identity as people from Maui, as--because a person who is Hawai'i. The fact that you have a cultural monitor...really, you see cultural monitors all over the State of Hawai'i, but on Maui you rarely ever see them. Just recently you see a really large uptake in Lahaina and look what it took to get that to happen. The gravity of that situation commanded that that space needed a cultural monitor. Now, Haleakalā has had a cultural monitor since the late '90s. So, if that doesn't speak to the significance of Haleakalā then I'm not sure what else will convey that. You know, the fact that we have cultural monitors is a...is a...is a really sad signal, in the first place. My...my goal would be to work myself out of a job and that...that...that doesn't seem to be the case. In the case of Haleakalā and IfA they have stipulations which in their long-range management plan doesn't allow them to build any new footprints or create any new footprints without deconstructing or reutilizing the same space. Now, that...that seems like a problem...a condition that is forcing, you know, new projects to look elsewhere, something to look at. But it's hard for me to...to stand here in front of you folks and fight over and over again because how many times have we been here in this place at this time debating the same situation. I really appreciated your question about...was it the Sistine Chapel or something relating the significance of this project in comparison to something that is holy to another people elsewhere; for us this is Haleakalā. My

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grandpa would say, how about we go dig up your kūpuna at Arlington Cemetery or build a telescope on the Sistine Chapel. So, it was something that really hark back to my kūpuna and I appreciate that. Speaking from my na'au here, I didn't testify on the proposal because I wanted to allow for others to speak. But my 'ohana...my family and those who are in my...my atmosphere or in my orbit, we use that word, would not like to see any more telescopes on Haleakalā. But so far...like when Auntie Joclynn said, it's been a real pleasure working with Colonel Wagenbach. So, I've had the ability to travel the world to bring back kūpuna from all over the place...all over the world. And one...one thing that's really made that possible is having humanity. So, I appreciate everybody for being in this space and to be able to convey these thoughts with each other and express them honestly. So mahalo piha iā 'oukou pākahi, mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo to each you, our resources, for staying with us and having this, you know, challenging, sensitive discussion but one that's really important to our community. So, you know, mahalo, Lieutenant Colonel, also for...for having that...taking on the kuleana to interface with us as the County Government and with our community members. To our resource personnel, again, for your...your time and for your dedication to our 'āina, our kūpuna, and...and our lāhui. To our Councilmembers and Staff for granting your Chair the latitude for completing the discussion. It is 4:40 on June 3rd, 2024. And is there anything that I need...oh, I need to defer. Are there any objections to deferring this item?


COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Okay. Item is deferred. Anything else? Good. Okay. It's 4:40, June 3rd, 2024. The ESCS Committee is now adjourned. . . .(gavel). . .

ADJOURN: 4:40 p.m.

APPROVED:



KEANI N.W. RAWLINS-FERNANDEZ, Chair
Efficiency Solutions and Circular Systems
Committee

escs:min:240603:Transcribed by: Tricia Higa

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CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 46 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 19th day of June 2024, in Mililani, Hawaii

A handwritten signature in black ink, appearing to read "Tricia Higa", is written over a horizontal line.

Tricia Higa