

BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE

Council of the County of Maui

MINUTES

September 25, 2023

Online Only via BlueJeans

CONVENE: 9:06 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Tasha Kama, Vice-Chair (in 9:16 a.m.)
Councilmember Tom Cook, Member (out 12:01 p.m.)
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U'u-Hodgins, Member

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: James Krueger, Senior Committee Analyst
Jarret Pascual, Committee Analyst
Megan Moniz, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk

Additional staff

Executive Assistants for Councilmember Gabe Johnson:

Kate Griffiths

Axel Beers

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Executive Assistant for Councilmember Shane M. Sinenci:

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Bill Snipes, Council Aide, South Maui Residency Area Office

Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

ADMIN.: Kekuhaupio Akana, Managing Director
Erin Wade, Chief Planning and Development, Department of Management
Robert Schmidt, Deputy Director, Department of Environmental Management
Jordan Molina, Director, Department of Public Works
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Kristina Toshikiyo, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Susan Pcola-Davis
Jaycee Law
Others (18)

Resource Personnel:

Cole Glenwright, Debris Operations Chief, California Governor's Office of Emergency Services

Dr. Cory Koger, Senior Chemist, Water Quality Program Manager, United States Army Corps of Engineers

Jess Curry, RFO Commander, United States Army Corps of Engineer,

Zeph McKee, Hawaii Emergency Management Agency

Don Aweau, Executive Officer, Hawai'i Emergency Management Agency

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CHAIR SUGIMURA: ...*(gavel)*... Welcome to the Budget, Finance, and Economic Development Committee. Today is September 25th, it is now 9:06 a.m. And my name is Yuki Lei Sugimura, I'm the Chair of this Committee, and I welcome everybody. We...let's see, I wanted to...this meeting is...is being conducted online, and in accordance with the Sunshine Law, as a reminder, when your name is called, if you do not...if you're not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Good morning. First of all, Vice-Chair for this Committee, Tasha Kama will be coming a little late, but she will be here. Chair Lee, good morning.

COUNCILMEMBER LEE: Aloha and good morning to everyone. Looking forward to your meeting, Chair.

CHAIR SUGIMURA: Good morning. We don't have another greeting in another language from another country?

COUNCILMEMBER LEE: Not today.

CHAIR SUGIMURA: Not today. Okay. We'll just stick with USA. Next we have Member Tamara Paltin from West Maui. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou.

CHAIR SUGIMURA: Aloha. And next we have Member Cook. Good morning.

COUNCILMEMBER COOK: Good morning. Aloha, Chair.

CHAIR SUGIMURA: Aloha. And then we have Member Nohe U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Good morning, Chair. Good morning, everyone.

CHAIR SUGIMURA: Good morning. Good morning. Online we have Gabe Johnson from Lānaʻi...I see you're in Lānaʻi.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, Committee Members. There's no testifiers here at the Lānaʻi District Office. Mahalo.

CHAIR SUGIMURA: All right. Nice to see you. Member Shane Sinenci, good morning.

COUNCILMEMBER SINENCI: Aloha and good morning from the Hāna District Office. I'm here with District Staff Members Mavis Medeiros and Dawn Lono, and no testifiers today.

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CHAIR SUGIMURA: Thank you. Thank you for being here. And next we have--I want to introduce our resources--from the Department of Management, Erin Wade, Chief of Planning and Development. Good morning, Erin, nice to see you here. Good morning. From Environmental Management...do we have Robert Schmidt here? I don't see him yet. Oh, he's going to be on BlueJeans? Okay. Very good. Also on BlueJeans we have Director of Public Works Jordan Molina. And from the Department of Corporation Counsel we have Michael Hopper. Thank you very much. And our other resources which are sitting here, I'd like to welcome all of you for...for all the help that you're giving us on Maui, as I know you traveled from afar. So, first we have Cole Glenwright, Recovery Operations Section Chief, California Governor's Office of Emergency Services. So, Cole Glenwright, thank you very much, and later we'll ask you to kind of walk us through this bill. Thank you very much. Then we have Tom Dunkelman from...Incident Commander, United States Environmental Protection Agency...Tom Dunkelman? No, we don't? Okay. We don't. Let's see, Dr. Cory Koger, Water Quality Program Manager and Chemist, United States Army Corps of Engineers. Did we get that right? Okay. We also have Colonel Jess Curry, Commander of Recovery Field Office, United States Army Corps of Engineers. Thank you very much. Thank you. Then we have Zeph McKee who is with the...you're a Debris Planner with Hawai'i Emergency Management. Did I get that correct? So, you're...you're from the State, correct? Thank you very much. So, with no objections, I'd like to designate them as being resources for this meeting, Members.

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: Thank you. Committee Staff, thank you very much. Yvette Bouthillier, we had her working, it was 10:00 at night. Thank you very much, Yvette. James Krueger, you also, Senior Legislative Analyst. Jarret Pascual, Legislative Analyst. Megan Moniz, our attorney...oh, there, you're there. Lei Dinneen, which is Council Services Assistant Clerk. Thank you, Members, for attending today's meeting. We have one item on our agenda, which is BFED-34, Bill 36 [sic] (2023) Relating to the Maui Wildfires Debris Removal. Please see the last page of the agenda for information on meeting connectivity. This morning what I'm going to do is ask first for the resources to introduce yourselves, and then we're going to take public testimony, and then we'll dive into the bill. So, at this time then, Erin, you want to introduce your team?

MS. WADE: Sure. Thank you, Chair. I think we'll just go down the row. So, I'm Erin Wade with the Department of Management, and I'm overseeing the enrollment and outreach program for debris removal.

MR. KOGER: I'm Cory Koger of the Army Corps of Engineers. I'm a debris subject matter expert.

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MR. CURRY: I'm Colonel Jess Curry, I'm the Commander of the Recovery Field Office for the Corps of Engineers. Just real quickly that that office, including working with Cory here, it really brings the best from across the Corps to support this recovery effort. Thanks.

MR. GLENWRIGHT: Good morning. I'm Cole Glenwright, I'm the Chief of Debris Operations at the California Governor's Office of Emergency Services, which is our state-level emergency management agency, and I'm here on a mutual aid assignment providing technical assistance and guidance to HIEMA and the County of Maui.

MR. MCKEE: Aloha. Good morning. My name is Zeph McKee. I represent Hawai'i Emergency Management Agency, and I am a Debris Operations Planner for the State.

MR. AKANA: Kekuhaupio Akana, Managing Director, here to support the team and our legislators.

CHAIR SUGIMURA: Yeah, I'm sorry I didn't introduce you earlier. Thank you very much for being here. And I know that you have another meeting to go to, so if you would...would you like to say a few words then before you have to go out?

MR. AKANA: So, we're here before our Legislative body and our impacted citizens regarding Bill 86, drafted by our Corporation Counsel...or Deputy Hopper, proposing an ordinance related to the Maui fires debris removal. Our objective is to ensure there is transparency in the process, that we can answer or clarify any questions for our legislators or our impacted citizens regarding this debris removal and the process. This process will take great coordination, thus we desire and we thank the Council for getting it on the calendar to have open discussion. Of course, urgency is important because of the magnitude of the crisis that bestowed us and the work ahead of us. So, we're going to be showing the general process, some details may need to be worked out, but we do need your support to move this forward. The key message from Mayor Bissen is that the County of Maui and our Federal and State partners and others want to emphasize that this is the County of Maui's offering free debris removal at zero cost for our impacted citizens, with the right of entry acting as the authorization or the permitting process for the owner to participate in the program. So, we do emphasize and encourage our citizens to utilize our Army Corps of Engineers and the process for the free removal of debris. And we could not overemphasize that. But we will also establish, and are establishing procedural administrative rules, for the alternate debris removal program for those who elect not to participate. And this is where it becomes a little more...you know, the rules will become a little tedious because you have to follow the procedure because of the nature of the debris. So, we just want to emphasize to our impacted citizens who choose not to use the free program that

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they will have to abide by certain rules and procedures regarding the alternate removal program. Lastly, as we move from this...from the extreme crisis that we were in to the crisis...to now the re-entry, and then, of course, the recovery, things have been very fluid; many of us, including yourselves, stretched thin and to the max, but we have made great progress in many, many areas. Patience will be our number one virtue as we move into the future. We are confident that with our Legislative body's wisdom and input, and with our leaders across all areas, that we can implement this critical component of the recovery from this unprecedented disaster, and we thank very much Chair Sugimura, all of the Councilmembers for allowing these experts and these subject-matter experts to come and give their mana'o. Mahalo very much, and that is my open.

CHAIR SUGIMURA: That's a very good opening. Managing Director, that really explains it, the difference between the government program versus if an individual wants to do it yourself, and that's exactly what this bill about...is about, for the alternative program for those who want to do their own debris removal, and what the guidelines would be. And I hope at some point one of you will talk about the cost because, of course, the...the residents who want to do the debris removal will...will have to pay the cost, whereas, as you said ten times in your opening comments, this is...the government process is free, and somebody can explain why that is when you talk about it later. And appreciate, you know, your comments, and it came from the Mayor also, correct? Yeah. And then...so at this time then, what I'm going to do is I'm going to take...oh, welcome...Vice-Chair Kama, welcome to the meeting.

VICE-CHAIR KAMA: Thank you very much, Madam Chair. And good morning to everyone, and I apologize for my tardiness.

CHAIR SUGIMURA: Good morning. Good to see you. So, I'm going to take public testimony, and then we'll dive into the bill. So...

MR. KRUEGER: Chair?

CHAIR SUGIMURA: Yes?

MR. KRUEGER: Apologies. Prior to public testimony, did...did you want to receive opening comments or presentations from any of the other resources?

CHAIR SUGIMURA: Oh, okay. If anybody wants to do that, then maybe that'll answer some of the questions that the testifiers may have. Erin, you want to guide that? And then we'll go into testimony.

MS. WADE: Chair, we did prepare a PowerPoint presentation to walk through the debris removal process, so I'll leave it up to you whether you would like that --

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CHAIR SUGIMURA: Yes.

MS. WADE: -- in advance, or following testimony.

CHAIR SUGIMURA: Yes. Could you do that now then? That might answer some of the testifiers' questions. Do you have a PowerPoint presentation?

MS. WADE: Oh, sorry. We sent it to the BFED email address. Or...or it looks like we have it up here too. Zeph has it.

UNIDENTIFIED SPEAKER: Brief recess.

CHAIR SUGIMURA: Oh, okay. Let's take a three-minute recess...oh, five-minute recess. Thank you. . . .(gavel). . .

RECESS: 9:18 a.m.
RECONVENE: 9:24 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Welcome back to the Budget, Finance, Economic Development Committee. It is now 9:24. At this time I would like to ask our resources to do a presentation, just so we understand what this bill is about and get, you know, some of the terminology that we need to. So, Erin Wade, you want to take it away?

MS. WADE: Sure. Thank you, Chair. Thank you, Members, for allowing us to be here at the Committee to share this information with you. We do have a presentation that basically outlines the entirety of the debris removal process, and then we'll walk through a little bit more about the specific phases. Let me just say upfront too, for anyone that's been impacted by this or this bill directly is going to apply to, we're very sorry that we're in this situation, and our hope is that we can do our best to move this along as quickly as we can. Next slide. So, today we'll go over a high level of what all of the debris removal program can look at in both forms. We'll talk about the Phase I operations which is currently underway, the Phase II operations which is the debris removal component, and then Bill 86 which talks through what the alternative debris removal will entail. Next slide please. So, the two-phase model, essentially the first phase is underway right now with the Environmental Protection Agency. They're removing all bulk hazardous material from the site. Kula has been completed at this point, and they're about halfway through with the Lāhainā cleanup phase. The Phase II is structural debris removal, and I will pass it on to Cole, who's going to take the next couple slides.

MR. GLENWRIGHT: Next slide please. Okay. Thank you. Again, for the record, Cole Glenwright with the California Governor's Office of Emergency Services. I've

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been asked to give a little overview of the process since California does have a good bit of experience moving through this. And we've tried, where possible and practicable, to model the Maui program after some lessons learned from California. So, this slide has a bit of detail on it, and I'm hopeful folks can...can read through, but this essentially outlines the full process. You can see the Phase I and the Phase II that we mentioned, and my...my colleague, Dr. Koger from the Army Corps, will speak through the Phase II in a bit of detail, but you can see that there's an important box between Phase I and Phase II, which is where the landowner makes a selection between the consolidated debris removal program, which is the program operated by the Army Corps, or the alternate debris removal program, which is what we're here principally to discuss today. I think an important takeaway from this slide is that regardless of the selection, the intent and the hope, and certainly the spirit of this bill, is that the standard of cleanup will be consistent. And that's, I think, hugely important as we remember that the entire purpose of this operation is to protect public health and safety, and so ensuring that whether a parcel moves through the consolidated program or the alternative program, the community, their neighbors, and the general public can be assured that the same level of care was given. You'll see also that Phase I includes a few steps, and we'll talk through those. We are in kind of the first box within Phase I, which is the component being managed by the Environmental Protection Agency, but it is important to realize there are a few additional steps under Phase I which are intended to set the consolidated program and the alternate program up for success. So...and, you know, we'd be happy to flip back to this slide as we go, I think it is a great reference tool, but we'll talk about really each of these boxes in detail, and so if I can get the next slide, we can start that. Great. So, this is the step we're on now. This is the work being done by the Environmental Protection Agency which we're referring to as hazardous materials removal. You may also have heard it of household hazardous materials, household hazardous waste. There's a few terms being used for that work, but it is that direct removal by hand. It is, as we mentioned, being led by EPA. Just kind of for...for background and context of how we got there, EPA holds a Federal emergency support function role which designates them to do this work anytime FEMA asks. FEMA asked because the State of Hawai'i asked on behalf of the County of Maui for them to take point on this. EPA, as you may know, has mobilized both its own personnel and contractors to do this work. And as we noted on that prior slide, Phase I is what's done automatically without the necessity of an enrollment mechanism which differs, of course, from Phase II, which we'll talk about. So, you know, happy to answer questions about this when we get to the end, and I think many of us have heard from the Environmental Protection Agency themselves on this, who's, of course, best positioned to speak to this work. And I'll turn it over to Dr. Koger to speak about the remainder of Phase I, and then take us through Phase II.

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MR. KOGER: Thanks, Cole. Again, it's a pleasure here, unfortunately under these circumstances. I'd like to answer the first question that's probably on your mind, why is the Army Corps here? Again, under direct Federal assistance, the request was made from the State to FEMA.

COUNCILMEMBER LEE: Is your mic on?

MR. KOGER: Can you guys hear me?

COUNCILMEMBER LEE: Oh, yeah, now.

MR. KOGER: Oh, sorry. So, I'll start again. Under direct Federal assistance, a request from the State was made to FEMA, FEMA then (*audio interference*) the Corps under our emergency support function role to remove the...the Phase II debris. So, next slide please. So, we still have a role in Phase I, first and foremost as coordination with EPA, to make sure that they've completed household hazardous waste removal. Secondly, we have to do a site assessment, which is basically the scope for every parcel or a TMK or tax map key. That site assessment basically is a site map, documents the debris that's on site, and checks for site hazards. We...we, in addition, will also be removing any bulk asbestos that was left by EPA because they have a very limited scope for that. In addition, resource advisors in the form of biologists, archaeologists, and Native Hawaiian monitors are going to assess the site and flag for resources that require protection. That's a critical path that we need to perform prior to debris removal whether a person opts into the...the Phase II consolidated program or decides to do debris removal on their own. And then finally, at some point, and I think this might be kicking off soon, EPA will...will apply a tackifier for public health concerns. Next slide please. So, during asbestos assessment abatement, the HAZWOPER, or hazardous waste operations trained certified consultants, will sample suspect asbestos material. That's sent to a lab. If it comes back as positive, then those...those materials are removed for disposal. Currently all household hazardous waste is being disposed of off island. Next slide please. So, for the Phase II process, it...it begins with enrollment, that enrollment is through a right-of-entry for each and every property owner or parcel owner. Once enrollment has taken place and EPA has completed Phase I, then the Corps can initiate Phase II debris operations, which is the second step, Phase II debris removal. After debris removal of all eligible debris under this program, soil analysis will occur with soil sampling. We'll go with...into a little bit more detail in a couple of slides on what that entails. And we'll also remove any hazard trees that are eligible for the program and note that this is a hazard tree versus a hazardous tree. The hazard that comes from these trees is that they are dead or dying and...and have a potential fall hazard, but they are not termed hazardous under the program that we're...we're removing right now. And that doesn't necessarily have to happen at the end of debris removal, we may have to remove trees for safety of the workers, or they

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may actually be in the debris stream. And then finally, erosion control will be applied so that runoff does not occur after debris removal has been completed. Next slide please. So, under the consolidated removal program, the Army Corps, USACE, would receive an ROE from the property owners that basically opted into the program. That is a no-out-of-pocket cost for the property owners, and the Army Corps will perform...perform all of those duties from start to finish with the exception of Phase I, which is currently being done by U.S. EPA. The alternate program is when a property owner must submit a work plan, an alternate work plan, which is the purpose of the bill that we're discussing today, and that work plan goes to the County for approval, and...and outlines the debris removal plan that, in general, mimics the Phase II program that the Army Corps is performing. So, under that, with probably few exceptions, the property owners will have to hire qualified private contractors to complete that. So, when you look at hiring asbestos consultants, or certified arborists, or air monitoring consultants, or soil sampling consultants, it's a fairly significant and technical process that will be carried out, again, by the Army Corps if they opt in, but they would have...probably have to hire an...an environmental consultant to perform that on their own. At the bottom, note, for property owners that do not select a debris removal program to remove the existing public nuisance and health hazard, their property may be abated at the Director's discretion, and there's language in the bill that...that specifies that. Next slide please. During debris removal, as you can see from the slide, there's heavy equipment operation. The...the contractor, the Army Corps, and at the property owners' discretion, the property owner will walk the site, they'll determine what is eligible based upon the site assessment that's already been performed. In the ROE process, there is an area where the...the request can be made by the property owners for specific items to be left. If it is possible to do so, we can work with the contractor to make sure that happens. The crew...crews typically removes metal and concrete and transports them to recycling centers. The intent is to recycle at...at all possible...everything that can be recycled will be recycled under this event. The crew removes ash and debris and transports in lined haul trucks...so in essence, we're plastic wrapping and heat sealing all of that material, and that...it goes to a TDSR. You see that? That's a temporary debris storage and reduction site. That's the acronym, TDSR. In this case, we're not probably going to do much reduction, it's going to be that plastic wrapped material. And then finally, that would be disposed of in an approved landfill that has yet to be determined. So, there's still some work to do on...on where the temporary site will be set up and where the final disposal site will be made, and that is...the...the Corps is working with Maui County as we speak to determine that. After all of that ash and debris has been removed, the crew will scrape six inches of soil from the building footprint, or the eligible footprint, as it were. We don't take all ash, not all ash contains those structural materials that are inherently or potentially toxic. So, that six inches of soil is removed. During the entire process, air monitoring will be conducted to make sure that the workers...the wet methods we're employing

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to knock down dust are working, and that the community is...is being cared for. I should also like to add that the erosion control, once an ROE is received, is also put in place prior to work so that there is some protection...once folks opt in that we'll put in barriers to make sure that ash does not migrate offsite. Next slide please. There's sort of an unprecedented level of demolition that may have to occur during this event. Typically demolition is not eligible under the PPDR, private property debris removal program, from FEMA, but the letter that approved PPDR also approved demolition as indicated by the County of Maui. So, again, the Corps or FEMA do not make this determination, Maui County currently has building inspectors going out, and if a building cannot be saved, it will probably be eligible for this program. But just know that that's a little bit different than we normally do, so that's going to require different types of material, different types of equipment, to do demolition. In addition to that, we have to follow Section 106 consultation for historic preservation. We're working with FEMA, Environmental, and Historic Preservation Office, as well as the SHPD Office, the State Historic Preservation Division, to identify historic buildings that will receive additional review. If those can be saved, we will do our utmost to do so; but if they can't be, and that determine is ma...determination is made by everybody else but the Corps, then they might be eligible for this program, and we would remove them. Next slide please. Soil analysis will occur, again, after all debris...eligible debris has been removed. Samples are collected from the...the ash building footprint. Samples are sent to a certified laboratory and analyzed, at a minimum, for heavy metals. We are working currently with the State Department of Health to determine what sampling is required, and the cleanup goals that need to be met for rebuild. And that's the...the key part of this is the...the intent is to get back to rebuilding. So, working with the State Department of Health, as well as the...the building commission, we're making sure that folks can actually get back and...and rebuild into their homes. So, we're working through that process, that has not been finalized, but those same requirements would hold for the private debris removal program or the alternate program. Sample results are again compared to those health screening levels as appropriate, and if those results are higher than those screening levels, an additional six inches of soil will be taken. Under the approval that...that the Army Corps received from FEMA, and that went to the State, and that additional six inches of soil is the maximum limit of excavation for this event. So, a maximum of 12 inches of soil will be removed. Previous studies from the State of California have shown that the initial three to six inches of soil is the impacted soil by a fire event. So, this is a safeguard to go an additional six inches of soil deeper. There's other reasons why we don't want to excavate, mainly because of the cultural sensitivity. We don't want a huge excavation for these properties, so we'll...we'll have to go through that process, and that may be a case-by-case basis. Next slide please. As we discussed, hazard trees will be removed during this event. Trees along public roads and infrastructure are assessed by an arborist to determine if they're dead or dying, and a hazard tree, by definition, will die

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within five years as dated by an arborist. So, there's other criteria that need to be met, but in general, those trees should and will be taken under this event unless we are given information otherwise. If Maui County identifies certain trees, homeowners identify certain trees, they will be saved if they can, but in some cases we won't even be able to go on the property until those trees are removed. That removal process is performed by a licensed operator from the State of Hawai'i. Next slide please. After work has been completed, the trees have been removed, and the structural ash and debris have been removed, proper erosion control measures will be placed on the property. A stormwater pollution prevention plan, just like any other large construction project, will be in place and will be enforced. Final inspection is conducted to confirm that all work has been performed, and at that point we will send Maui County a letter stating that the work has been performed to the restrictions and requirements of this program. And at that point, Maui County can start discussions with the property owners about rebuild, about insurance costs, and things like that. And that is the end of our involvement, and we have returned the right-of-entry so that the Army Corps and the Federal Government do not have rights or access to that site. However, we will be leaving in place those stormwater controls, so those will become the responsibility of the property owner at that time. Next slide please. In the...Zeph...I'll turn it over to Zeph McKee.

MR. MCKEE: Aloha, everyone. Once again, my name is Zeph McKee, I'm representing the Hawai'i Emergency Management Agency. Also representing HIEMA in the stand is our Executive Officer Don Aweau, and we'll be available to answer questions after this as well. So, just briefly wanted to go through the...what Bill 86 allows and prohibits. So, you can see up here on the screen that the...the big distinction that I want to make here is the difference between debris and personal belongings. So, this does not intend to restrict people from being able to enter their properties and recover personal belongings. The intention of this bill is to restrict people and prohibit people from going in and removing ash and other toxic materials on their own accord. And so, the way this works is that prior to the Phase I cleanup, you can see if no structure has been burned on the property, then the owner is allowed to remove debris, and we'll...we'll talk briefly about qualified structures. So, those are structures that are considered to be 120 square feet or more are qualified. Non-qualified is underneath that. So, if a structure is less than 120 square feet, after the Phase I process has been completed, the owner may remove and begin to remove debris with the approval of the Director of the Designated Department. So, it does say on here Director of the Department of Environmental Management, that has been changed in the bill to just the Designated Department, as a department has not been selected at this time. And so, basically the way this...that this works is that following Phase I, if someone decides to enroll in the alternate program, that is a program separate from the Army Corps program, then they will need to contract with an approved contractor to remove the ash and dust from their property. Following Phase II cleanup, the direct...the authorized department

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will be the one designated to approve and sign off that the work has been completed, and that any sort of debris removal can be performed in...on the affected parcel. Can we go next slide please, and I'll briefly run through the bill. So, Bill 86, Section 1, I'll go over briefly just some of these sections. Section 1 briefly outlines the findings and declarations, identifies that underneath Hawai'i Revised Statutes 46, each county has the power to enact ordinances necessary to protect life and health and property. Additionally, it defines the incident as Maui Wildfires, so all of the debris that will be removed will be directly related to the fires in Lāhainā and Kula and other...other areas directly affected by the fires. Additionally, it provides definitions for hazardous materials, as well as hazard trees, and there is a big distinction, as Dr. Koger made, that hazard trees are trees that are...have the potential to fall either in the ash footprint, or to fall onto public right of ways and cause additional damage. So, in Section 2, it goes over briefly definitions. Again, there is not a department or agency currently designated for enforcement on this at this time. And additionally, we are...it defines the Army Corps program as the Government program. Not codified in this bill, but also referenced, we've been calling it the consolidated debris removal program, and all three of those names--government program, consolidated debris removal program, and Army Corps program--are the same...the same program. So, additionally, it defines the partially burned structures of 120 square feet or greater as the structures that will be considered for this cleanup, in addition to the ash footprint, concrete foundations, contaminated soil, vehicles, trailers, and other debris from the property. Section 3, Duration, specifies that the ordinance takes effect immediately upon approval, and ends as soon as the Designated Department has deemed that everything has been completed. Section 4, briefly, prohibits any removal of structural debris from private property by someone who is not a certified contractor either through the Army Corps program or through the alternate program. However, it does not--and it specifies in the bill--it does not preclude the removal...or it does not prohibit the removal, excuse me, of personal property from residential or commercial sites. So, existing commercial property, it would not prohibit anyone from taking that. Section 5 briefly summarizes the government program. It is specified...it has been specified already, and it will be continually articulated, that this will come at no out-of-pocket cost to the owner. When we say no out-of-pocket cost to the owner, we mean that the property owner will not be paying any money; however, if they have insurance, and that insurance policy has a clause that specifically relates to debris removal, those costs will need to be remitted from the insurance provider. Additionally, Section 5 outlines that property owners may join the government program through a right-of-entry permit. And we currently have collection stations established for these right-of-entry permits, and we'll continue to collect them for enrollment into this government program. Section 6 goes over the alternate program, and establishes that, and essentially states that the alternate program will match the rigor of the government program. The standards established will be identical to what will be required of

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the government program. Additionally, it states that the Designated Department to manage the alternate program will manage the application process, and so homeowners or property owners will need to submit an application to the Designated Department for approval. Additionally, it gives the Designated Department the authority to put together deadlines. Section 7 establishes a brief hold on building permits for affected parcels until the Director or the Designated Department can ensure that the cleanup process has completed. And then finally, Section 8 allows for enforcement...an enforcement process establishes a brief...civil fines for not following the program, and then additionally, gives the Director of the Designated Department the authority to extend the deadline of the program, should it be needed. I believe that is it. Next slide please. No, that's it. Okay.

MS. WADE: Thank you very much. So, that concludes the overview presentation of debris removal, and we're happy to listen to testimony and take questions as well...as needed.

CHAIR SUGIMURA: Thank you very much. Thank you very much for the presentation. And Zeph, thank you for dissecting this bill. Good job. I'm sure you'll have questions from the Members later. But at this time then, I'm going to take public testimony. How many testifiers do we have signed up from the public?

MR. PASCUAL: Chair, we currently have two individuals on the testifier list.

CHAIR SUGIMURA: Okay. So, we're going to begin public testimony. Oral testimony via phone or video conference will be accepted. Please note that if you are signed in and you are on the list to testify, even if you did not request to testify, please let Staff know or...in chat if you are signed on and do not intend to testify. Testifiers wanting to provide video or audio testimony should have joined the online meeting via BlueJeans link or phone number noted on today's agenda. If you are logged in the meeting, Staff will add your name to the testifiers list. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item, and we have one item so it's...it's three minutes, and you will be given 30 seconds to complete if you do not complete within that time. Please state your full name, and if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier" and assign to you a number. You may indicate in the chat if you do not wish to testify, and we want to ask everybody to please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, or if you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Thank you, everybody, for your cooperation, and let's begin with our oral testimony.

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MR. PASCUAL: Chair, the first person signed up to testify is Susan Pcola-Davis, followed by Chloe Markley.

CHAIR SUGIMURA: Good morning.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. PCOLA-DAVIS: Good morning. What a wonderful presentation. Can you hear me?

CHAIR SUGIMURA: Yes, we can hear you.

MS. PCOLA-DAVIS: Okay. Great. Just wanted to make two points on the presentation. For right of entry, will those that have less than 120 square feet be notified before even going through the rigor? And will sites designated for demolition be publicized prior to demolition? Okay. Going to my testimony. Be it ordained by the people of the County and ordain the meaning of it is to order, establish, or enact with authority by the people. I think this bill needs to be separated between Kula and Lāhainā due to two distinct circumstances, density and damage. For those reasons alone, I think Lāhainā's debris removal must be separated; however, I understand there's a timing issue that has to be carefully designated. So, you could write two separate bills. Unfortunately, I do not know how many zones in Kula had been completed, but last night, looking at Lāhainā, there's approximately 45 zones, and at the first look for reentry, emotion, denial, sadness, because no one is prepared to experience a loss this huge. They may stay a while and go home to recover from the shock, but they will need to prepare for the next time. Things that have been posted in social media as advice is to make sure you bring plenty of water, it's hot. There's some...not rakes, but hand tools that you can do to...to scrape through the ashes without making a lot of...of dust. It is a reality, member...memories will be...be both happy and sad, remembering times before August 8th. As you listen to me and see your constituents suffering from their loss, are you prepared to really enact a bill that will be punitive, set deadlines without information regarding Lāhainā residents returning, lacks clarity, prohibits removal of structural debris except pursuant to the requirements of the table, be misunderstood by many words like "qualifying" and "unqualifying" structures, declares someone a public nuisance and health . . .*(timer sounds)*. . . hazard, order a civil fine? All of the above, written by a lawyer, is a sad optic for government officials. Any time there is a perceived lack of control, a new law is written. Put yourself in their shoes, go meet them, comfort them, be with them, and most importantly, listen. And this presentation that was provided today should be made available a number of times in any town hall with explanations as well as it was done today--I can't see it being done any better--and having

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people be able to ask questions. A fantastic presentation. Whoever put it together, thank you very much. Aloha.

CHAIR SUGIMURA: Thank you very much. She also submitted...Susan submitted this in...by email to us for Members if you checked your email, and she has these questions also there. Anybody has questions for her? Seeing...oh, Tamara Paltin? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Ms. Pcola-Davis. I just was wondering if you could clarify about the less than 120 square feet. Is it that they...because they don't remove structures of less than 120 square feet, you want to know what happens to those structures, or...

MS. PCOLA-DAVIS: Now, the...the automatic removal, if you sign a right to entry, is for anything over 120 square feet. If it's under 20...120 square feet, that will not be removed free of cost. That's the way I understand it. So, owners that have square footage less than 120, they would need to be provided additional information --

CHAIR SUGIMURA: . . .*(inaudible)*. . .

MS. PCOLA-DAVIS: -- due to costs.

COUNCILMEMBER PALTIN: Okay. Got it. Thank you for clarifying.

MS. PCOLA-DAVIS: Thank you.

CHAIR SUGIMURA: Anybody else have questions for her? Seeing none. Okay. Thank you. So, before we go to the next testifier --

MS. PCOLA-DAVIS: Thank you.

CHAIR SUGIMURA: -- we will answer your question when we got into the deliberations portion because I think that's a good question. Next testifier please.

MR. PASCUAL: Chair, the next testifier is Chloe Markley, and that is actually currently the last person on the testifier list.

CHAIR SUGIMURA: Chloe?

MR. PASCUAL: She's currently unmuted on our end. I believe she would have to unmute herself to begin her testimony. Okay. Chair, it does not appear that Chloe wishes to testify, so that is actually currently all the individuals on our testifier list. Oh, I do see one individual in the Chamber.

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CHAIR SUGIMURA: Okay. Next testifier in the Chamber, Mr. Jaycee Law.

MR. LAW: . . .*(inaudible)*. . . Kashiwa *(phonetic)* Sugimura. Aloha kakahiaka. Aloha kākou. Aloha Akakū. Ko inoa Jaycee Law from Kula Uka Waiakoa ahupua'a. I appreciate the kokua from the Army Corps of Engineers and all their...their people with them, but like a lot of Kānaka, I no trust 'em until they recognize the sovereign Kingdom of Hawai'i. I read somewhere that humans started getting sick more often because electricity was introduced as because there's choke minerals and ashes from the cook fires and every farmer knows that ashes makes good fertilizer, so I'm wondering if the dirt and ashes will be used to mālama 'āina, or will it be dumped into the landfill. Now is the time to build the waste-to-energy factory for the wildfire debris. Ua mau ke ea o ka 'āina I ka pono. I yield the remainder of my time to the Hawaiians.

CHAIR SUGIMURA: Any questions for Mr. Law? Seeing none. Thank you very much for being here. Next testifier?

MR. PASCUAL: Chair, that is currently all the individuals signed up to testify. If you'd like, I can do a last call? Okay. If there's anyone out there in the audience or in BlueJeans that would like to testify, please come up to the mic or unmute yourself on BlueJeans now. And I will do a brief countdown...three, two, one. Seeing none. Chair, no one else has indicated that they wish to testify.

CHAIR SUGIMURA: Thank you. Okay. So, I'm going to close public testimony with your approval, Members, and receive written testimony to this item.

COUNCILMEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR SUGIMURA: Thank you very much. Thank you very much.

**ITEM 34: BILL 86 (2023), RELATING TO MAUI WILDFIRES
DEBRIS REMOVAL (BILL 86 (2023))**

CHAIR SUGIMURA: So, we're going to begin deliberations, and I think we heard really good opening...opening remarks from all the resources, and I really appreciate...sorry about...I have a new phone, so sorry about this. At this time then, Members, you have any questions for any of the resource? Vice-Chair Kama.

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VICE-CHAIR KAMA: Thank you, Chair. So, my number one...no, my only question is, is there a list of qualified contractors for...for homeowners if they decide to opt out of the government program?

CHAIR SUGIMURA: Members, before we start answering, I'm going to give you five minutes to ask...ask questions.

MS. WADE: Chair, I think Jordan Molina is also on the line, who would probably be better equipped to answer that question.

CHAIR SUGIMURA: The question is, who are the certified contractors, is that what...

VICE-CHAIR KAMA: If there's a list. Because my assumption is that if the homeowners decide to opt out, who are they going to call? Right. Who...who...who's the go-to person? And if that's readily available to them, then it's easier for them to either vet it themselves, or to make the call and figure out if they're going to...what it's going to cost them to do this as opposed to do the other thing, but they'd have time to do that. So, but other than, that was just my question. And --

CHAIR SUGIMURA: Okay.

VICE-CHAIR KAMA: -- if Mr. Molina can answer, that's fine, but if...we can go on, Chair.

CHAIR SUGIMURA: Okay.

VICE-CHAIR KAMA: Thank you.

CHAIR SUGIMURA: So, maybe we can get...I think he's...I think he's online. There he is. Okay. Mr. Molina --

MR. MOLINA: Hi.

CHAIR SUGIMURA: -- did you hear the question?

MR. MOLINA: Yeah. Good morning. Can you guys hear me okay?

CHAIR SUGIMURA: Yes.

VICE-CHAIR KAMA: Yes.

CHAIR SUGIMURA: And I can hear you.

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MR. MOLINA: Okay. Yeah, so there isn't a list at this time, but I would point out that...again, a reminder that if they opt into the County program, it is no cost to the property owners at this time. And an important thing to keep in mind is, if you look at that table in front of you of all the experts we have just to try and put the County program together, these property owners are going to have to build a similar team, and it is going to be a team of professionals and contractors that they'll need to assemble on their own to comply with the alternate program standards for that debris removal. So, there is no preset list at this time because it's going to take different professions and experts to assist these property owners, and that'll be...you know, as part of...part of the structure of this program is that if they want to undertake it on their own, they need to do their due diligence to be able to comply with the requirements of the alternate program standards. Thank you, Chair.

VICE-CHAIR KAMA: Thank you, Mr. Molina. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Next we have Chair Lee for five minutes.

COUNCILMEMBER LEE: Thank you. Mr. Molina, you mentioned at no cost to the homeowner or the property owner. You...you mean that the debris removal will be paid for by FEMA, correct? Hello?

CHAIR SUGIMURA: Right person to answer, is it...

MR. MCKEE: I...I can speak to that. So, yes, and just recently FEMA has approved through President Biden the use of 100 percent cost share for the County of Maui to pay for this program for six months. What this means is that it will be paid 100 percent by FEMA for the next six months, after which it will go to a 90 percent-10 percent cost share, and that is for the County of Maui and the State of Hawai'i to...to deal with themselves, right, the 10 percent there. It does not affect insurance, however. So, if there is any duplication of benefits, meaning that if someone would otherwise receive money from their insurance specifically for debris removal, that will have to be remitted to the Federal Government in order to avoid duplication of benefits.

COUNCILMEMBER LEE: Okay. Just clarification. Did you say after a certain amount of time the cost share will become 90-10 and then more over time? Is that what you just said?

MR. MCKEE: So, the cost share, as approved, will be 100 percent for six months --

COUNCILMEMBER LEE: Six months.

MR. MCKEE: -- after which it will go to 90 percent with the Federal Government and 10 percent with State and County.

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COUNCILMEMBER LEE: Okay. Two...two more things. The testifier asked about the 120 square feet concern. Do you have that answer too?

MR. MCKEE: Yes. So, the 120 feet, that will not be covered by the program. And I can defer to Army Corps to talk a little more about what...what counts and does not count in their program for that.

COUNCILMEMBER LEE: All right. Please.

MR. KOGER: The...that is for the primary structure on the property. So, if there is only a 120-square-foot structure, that's typically not eligible under the program.

COUNCILMEMBER LEE: Okay. That's fine.

MR. KOGER: So, if...so if there's a residence, a larger structure, all structures on the property will be removed as eligible under the program. But that...that comes from building codes, 120 square feet is the permissible size for under the International Building Code.

COUNCILMEMBER LEE: Okay. Oh, what if somebody had a bigger...had a bigger home and a 120-square-foot accessory, what about that?

MR. KOGER: So, then, yes, if they have an eligible structure on that parcel, then all structures that burned on that parcel will be removed under the program.

COUNCILMEMBER LEE: Okay. Great. So, getting back to you, person from Kaua'i, I wanted to ask you about...oh, Hawai'i.

MR. MCKEE: I'm with the State.

COUNCILMEMBER LEE: But you're from Kaua'i, right?

MR. MCKEE: No.

COUNCILMEMBER LEE: No, I thought you said you're actually based on Kaua'i. Okay. So, anyway, getting back to the question on the removal...debris removal. So, do you go through an RFP procurement process in order to identify contractors that you will hire to pay for the removal?

MR. MCKEE: You're referring to the government program?

COUNCILMEMBER LEE: Yes, the government program.

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MR. MCKEE: Okay. So, the way it works is that the State of Hawai'i put out a request to assist with debris removal through a...through a government program to the Federal Government, to FEMA. FEMA then made a mission assignment to the Army Corps of Engineers to be the prime contractor, and they will be the ones issuing and going through procurement standards. And they will be following Federal procurement standards as well.

COUNCILMEMBER LEE: How long will that take?

MR. KOGER: We're currently in the process of negotiating contracts as we speak.

COUNCILMEMBER LEE: Are there contractors from Maui?

MR. KOGER: So, our...we are using local 8(a) firms for four of the five contracts we intend to let.

COUNCILMEMBER LEE: Local what?

MR. KOGER: Native Hawaiian --

COUNCILMEMBER LEE: Oh, native.

MR. KOGER: -- owned organizations under the --

COUNCILMEMBER LEE: Oh, okay.

MR. KOGER: -- 8(a) small business program. We already have agreements in place. So, those are sole-source contracts for, as I said, four of the five contracts we intend to let.

COUNCILMEMBER LEE: Okay. And maybe one last thing that you want to say for the public's reference, although you don't know exactly how much the removal process will cost under the government program, but I did hear at one of the meetings that it...on average, it could be around \$70,000.

MR. MCKEE: That would...

COUNCILMEMBER LEE: So that people know what they might have to end up paying themselves. . . .(timer sounds). . . Okay.

CHAIR SUGIMURA: Maybe you can answer that question. How much will it cost if an individual uses the alternate plan?

MR. MCKEE: I will...given that I...this is my first time in a wildfire from a State Government perspective, I will defer to my colleague from California.

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MR. GLENWRIGHT: Yeah, thank you. So, I think I was the one that provided the 70,000 figure at the...last time I was before this body. That's kind of the average pricing we're seeing in California. I think...you know, I'm not sure anyone is really even speculating what the final cost will be for an individual doing the work here. I think there'll be, you know, a variety of factors playing into that, including contractor scarcity, you know, and availability to do the work. But I...I would hedge it's probably no less than 70,000 if that's what it costs to do on the mainland.

COUNCILMEMBER LEE: Thank you.

CHAIR SUGIMURA: Thank you very much. Next, Member Paltin from West Maui.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess my first question is, has the master contract been awarded for debris removal?

MR. KOGER: So, we've...given the cultural sensitivity, we won't have one master contract, we're going to have five different prime contracts; one specifically for cultural awareness, cultural sensitivity, cultural training, and providing the cultural monitors and archaeologists. So, yeah, again, there won't be one, and we haven't awarded any contracts yet pending the final disposal site determination.

COUNCILMEMBER PALTIN: So, what would the other four contracts be besides cultural monitoring?

MR. KOGER: So, the intent is to use one contractor to do residential properties, one contractor to do the public properties, and one contractor to do the commercial properties because they have very different requirements on how we're going to do those cleanups.

COUNCILMEMBER PALTIN: And then any special precautions for the industrially-zoned areas, or would that just be under commercial?

MR. KOGER: That would be commercial. Yeah, industrial, commercial would fall under the same, and the requirement...a lot of that will be the demolition work that we discussed previously, and the cleanup requirements will be different working under the State of Hawai'i.

COUNCILMEMBER PALTIN: And then for the building...or the lots in Phase I that have a red or a yellow placard, they don't get the green from the EPA, is there an opportunity still yet for the owners to sift through before the debris removal, or no?

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MR. KOGER: I would defer to the County as that's a safety issue...oh.

MR. MCKEE: So, currently the...the...you're...you're referring to the red, yellow, and green placards that have currently been issued? U.S. EPA is not responsible for issuing those placards, they are the ones issuing the all clear household hazardous waste placards. I know there are quite a few placards being pushed out, but the red, green, and yellow ones are currently being issued by County of Maui Department of Public Works through...they have been doing building assessment, structural assessment programs to determine the safety of these buildings. That does not prohibit any...any resident from re-entering their property, it is...the placard is simply a warning that those properties may have free hanging or freestanding structures that, given a strong gust of wind or rain, could potentially fall over. And so...but there will be given ample opportunity for people to go in and sift for belongings. For specifics on that, I would speak with Maui Emergency Management Agency as they are the ones currently managing it right now.

COUNCILMEMBER PALTIN: And then some of the residents contacted me that they have a specific rock, or rock wall, or a kumu 'ulu tree, or burials, and if they sign the right of entry they can avoid...the...the Army Corps can avoid those areas that they map out. But then what happens to those areas? Like do they still get tested for toxicity and stuff like that? Can they just be left as is?

MR. KOGER: So, we have a copy of the right of entry, and there is a place to put a sketch on the back. So, in general, if the specified resource is within the ash footprint, it may have to be taken because it's been impacted, but we'll work with cultural resource monitors that we are specifically hiring for that to determine how we're going to do that work. They have the authority to stop work or pause work, and...and then the archaeologist, the State Historic Preservation Office, and FEMA's Environmental Health and Preservation Officer, we can all make a determination at that time what we can do with that resource. But first and foremost, they should map it on so that it's identified so that we can have that discussion.

COUNCILMEMBER PALTIN: So, for like a kumu 'ulu tree or family burials that are around the kumu 'ulu tree, then it may...it will have to be removed?

MR. KOGER: So, typically if they're underneath a tree, that's not a hazardous material, it's only the structural debris that's considered a hazard.

COUNCILMEMBER PALTIN: What about your six-inch scrape though?

MR. KOGER: That...that does not include anything outside of the structural ash footprint. So, we will leave intact everything that we can. The...the sole purpose of this is to remove that material that burned from structures,

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cars...but trees, again, are not hazardous . . .*(timer sounds)*. . . it's *(audio interference)* like a forest fire.

COUNCILMEMBER PALTIN: So, it could be left?

MR. KOGER: So, those...those will be left. That tree however, depending on the arborist designation, we'll have to work through that on a case-by-case basis. Because if it represents a falling hazard, we may be required under this program to take that because it could fall on a new structure that was built.

COUNCILMEMBER PALTIN: Okay. My time is up, I'll wait until my next round.

CHAIR SUGIMURA: Thank you. Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. I have two questions for whoever wants to answer them. The first one was the EPA, the hazardous debris removal, will be taken off island. My question is, where, and how is it transported...and the...a guesstimate of the volume?

MR. MCKEE: So, I can speak to a little bit about that. We've had a chance to meet with EPA at their staging area and see some of their operations. So, first of all, the debris itself, they're using quite a few precautions. Even batteries, for example, which were things that they can't really transport by ships, they have to completely de-energize and then process in such a way so that there's no threat of any leaking or combustion or anything of that sort. And I imagine that it is the same for many of their other hazardous wastes and things like that. As to the location of final disposition, that I do not know. Do...do you know, Dr. Koger?

MR. KOGER: There are a number of hazardous waste facilities on the mainland that...that are taking this material. I think they've identified three or four, I don't know what the specifics are. But as we get into our contracting mechanisms, we'll...we'll probably use the same vendors, and...and they're shipped under hazardous waste manifest.

CHAIR SUGIMURA: Your mic.

COUNCILMEMBER COOK: Thank you. When does the six-month clock start? You said as far as the 100 percent, and then 90 percent-10 percent split occurs at a six-month period. Has that started already, or is that forthcoming, that start date?

MR. MCKEE: So, that six-month begin date is at the discretion of State leadership.

COUNCILMEMBER COOK: To be determined?

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MR. MCKEE: Yes. I'm sorry, yes, it is to be determined. That has not been...the start date has not been determined yet.

CHAIR SUGIMURA: Okay. Thank you. Next, Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Okay. Thank you guys for being here today, I really appreciate your guys' presentation earlier, but I do have a couple of questions. So, for the alternative program, the County standards, they're going to be provided when? And where can they be found? And then who will review and approve the alternate program?

CHAIR SUGIMURA: Go ahead.

MS. WADE: Thank you for the question. So, the first question about when will the standards be ready, so we are working on that simultaneously, but we kind of...this is the foundation we have to build that on top of. So, whatever you're specifying here, if you're saying there's violations, or what the time frame will be, all of those things, we'll build it off of that, so this is our starting point. But we do have templates that have been provided to us from other communities that we can work through. Right now, it's very clear that this is going to have to be a multi-departmental effort, so we're trying to determine who's going to be the intake, and then are we going to have a team, bring in a team to assist us in reviewing for alternative program, or are we going to try to handle it in-house--and as you know, all of our departments are stretched. So, we're trying to identify, we know that this needs to be expeditious.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. WADE: Thank you.

COUNCILMEMBER U'U-HODGINS: Thank you. And then for the government program, how long does the right-of-entry period last? And then I'm kind of looking for more detail. So, if I own a property on one side of the affected area, do I have to wait for the other side of the affected area to be cleaned? Are you guys going to kind of go by piecemeal and subdivide it out, or how long is this going to last? And then after you're done cleaning, let's say it's not done to whatever standard hypothetically, do you guys have the ability to come back and fix if you guys missed anything?

MS. WADE: I'll take the right-of-entry part, and then I'll pass it to you for the strategy. So, right of entry, anyone can submit now, we're already accepting right of entries, and have accepted in Kula. And then our intention is, as we start to move through the re-entry process in Lāhainā, is to meet with each

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neighborhood as the re-entry is opened up, and then can continue to meet with them.

MR. KOGER: So, the...the question regarding whether anything was missed. Typically there's going to be a walkthrough at the end with our contractor, the Army Corps, and we will invite Maui County to make that determination so that we do not leave a site. If there are issues or concerns that are outside of the program, we would be willing to discuss those, but that in general, we're kind of restricted by what is eligible as we discussed. And so if it's eligible and it wasn't removed, there will probably be a reason for it, and...and one of those reasons might be there's a retaining wall that we cannot remove because it is actually holding back a slope...so for safety issues. And that will be determined during the...the site assessment, so the property owner will be notified that we cannot remove that retaining wall, and then they have the option to either opt in or opt out of the program.

COUNCILMEMBER U'U-HODGINS: Okay. And then how long do people have to wait? Like are you guys going to go by subdivision, and then when the subdivision is kind of pau with the cleanup, can people go back, or are they waiting for the entire thing to be cleaned?

MR. KOGER: So, we have a couple of different factors. If we have rights of entry, for efficiency sake, we will probably sector out once we get enough of a volume that it makes sense to go into a subdivision.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. KOGER: So, we encourage people to enroll early so that we can actually have some sort of efficiency as we move through.

COUNCILMEMBER U'U-HODGINS: Okay. And then for the alternate program, again, going back to that, how long do people have to find a contractor, get approval by the County, does that going to affect their timeline if the County takes a long time to approve their permit? And then before they're determined to be a public nuisance, about how...what does that timeline look like?

MS. WADE: We haven't set those dates yet, but Cole, would you like to share a typical?

MR. GLENWRIGHT: Yeah, I'm happy to. So...and there really is no typical, right? The intent usually is to try and not allow the alternate program to extend too far past the end of the consolidated program, and so we've often seen jurisdictions set, you know, three to four months after the substantial completion of the consolidated program. There is often an interest in communities to try and figure out if there is going to be a small universe of folks that are noncompliant,

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so that while there is a general contractor mobilized and performing work for the consolidated program, in California we're often able to, through a judicial process, get those folks enrolled ...*(timer sounds)*... in the consolidated program so that they can get cleaned concurrent with it and they aren't hanging out there forever. So, I don't know if that answers your question, but...

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. Chair, I do have one more question that I can save for after.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR SUGIMURA: Thank you. We'll do another round. Next we'll have Member Johnson from Lānaʻi.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. Thank you, everybody, for coming in, giving a great presentation. I only have five minutes and a lot of questions, so if I hear the answer, I don't mean to cut you off, I'm just going to keep on going. So, the first question is about Wahikuli in specific, but I know there might be other areas that have cesspools, but Wahikuli has a lot of cesspools. Does that create new challenges or more difficulties when it comes to all the things you're describing, the 4 inch...or the 6 inch you're grading up to a 12-inch grade? Putting those large machineries on the property, do the cesspools cause any problems for you guys?

MR. KOGER: Yeah, this is Cory from Army Corps. Certainly they can from an operational perspective. So if those can be identified on the right of entry for the map, that makes it simpler for the process.

COUNCILMEMBER JOHNSON: Okay. Thank you. How about the...you know, Lāhainā was very historic, and the...I know you mentioned you were speaking with SHPD. The historical district, does that cause any...create any issues that you guys haven't come across before when dealing with a big disaster like this?

MR. KOGER: Sorry about that. I...the only...so, first and foremost, yes we are hiring archaeologists to perform 100 percent cultural surveys for every parcel that's been impacted. That's unprecedented, we...we have never had to do that. So, that is going to occur prior to any Phase II activities. All of those results will be available as appropriate for the community. There's also...in general, I'm looking at a slower process to...to go through that because we will also have 100 percent cultural monitoring for every parcel. So, as we go through, anything that's identified, we may have a pause. It may get to the point where we will not be able to complete our work as defined in our scope on that...on that parcel, and then the...the property owner could opt out at that point. And

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I want to make that clear that at any time during our debris removal operations, the parcel owner can opt out of the program.

COUNCILMEMBER JOHNSON: At any given time? Okay.

MR. KOGER: Yes.

COUNCILMEMBER JOHNSON: Thank you. So, luckily we haven't had any big storms hit West Maui yet, but over a long period of time there's going to be some storms, some weather effects. Can you speak on how the weather affects the removal process?

MR. KOGER: We will anticipate some weather delays. In...the good news is, is most, if not all, of the debris removal will occur under wet methods, so we will already be wetting the material. So, in that sense, light rains help the community because of the...the...the toxic nature of the dust that's out there. So, we will build into our program there will be safety stand-downs based upon weather events, so we will work around those.

COUNCILMEMBER JOHNSON: Thank you. You know, so there was...unfortunately, wildfires is...is not a new thing, like we've spoke with a lot of different communities, the Camp fires, the Paradise fires, et cetera, et cetera. All of the...and they...all of the experienced municipalities, they were mentioning that during a cleanup process, a lot of the county roads and infrastructure gets beat up and damaged because of that. You know, the heavy machinery on...on residential roads, I can only imagine what that does over this huge operation. Is there going to be funds to reimburse the County if we...if a lot of our roads get damaged?

MR. MCKEE: So, the...there are funds through the Federal Highway Administration under...I don't know if they will apply to State roads or not, but I...I don't know if you have a...

MR. GLENWRIGHT: Yeah, I can speak a bit to that because I'm familiar with the example you're citing in Paradise. So, Paradise's road repair was funded by a combination of Federal Highways and FEMA public assistance funding, and that they may have shared. The crucial element to that was their pre-work documentation, including laser surveys of their road network to evidence to Federal funders what the current or, you know, actual condition of the road network is so they could document damage directly resulting from debris removal. So, I can't speak for FEMA or FHWA on if those same funding . . . *(inaudible)* . . . will be available, but that's how it's worked in the past.

COUNCILMEMBER JOHNSON: Okay. So, the pre-work is...needs to be done. Ms. Wade, do you know...or anybody up there know if the County's done

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any...or actually, Director Jordan Molina is here. So, is there any...been any pre-work done to our roads before the...the...before they start removing?

MR. MOLINA: This is Jordan, Director of Public Works. Yeah, that damage assessment work is ongoing at this time.

COUNCILMEMBER JOHNSON: Okay. Thank you for that. The...the right-of-entry permit, I know the Mayor spoke on creating a new division within . . . *(timer sounds)*. . . I...okay, I'll save that question *(audio interference)*

CHAIR SUGIMURA: Can we save that for the next round --

COUNCILMEMBER JOHNSON: Thank you, Chair.

CHAIR SUGIMURA: -- Mr. Johnson? Okay. Good question coming up. Next we have Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo to the resources for presenting to us today. I know you've been all busy meeting with the individual communities and community leaders; however, our Committee offices often take a lot of questions from our constituents. So, again, thank you for presenting to us today. My first question was, you know, has there been residents that have expressed to opt out of the government program? And if there has, have they shared why they want to opt out?

MS. WADE: Thank you, Councilmember. Yes, we do have one in Kula who shared that their debris line item in their insurance was quite high, and that they felt like it was to their benefit to attempt to do the alternative program. They did express concerns about timing. But what they are going to do is actually opt in with a right of entry, and then watch and see if, as the timing plays out, if they're still able to beat the Army Corps removal, they'll do that and go alternative route. If not, they'll be already enrolled in right of entry and be able to proceed that way.

COUNCILMEMBER SINENCI: Thanks for that, Ms. Wade. Then following up on the historic buildings, I know that the County does have our own Archaeologist and the...and the mission on historic resources. Can the County use our own resources as part of the cultural monitoring?

MS. WADE: Thank you for the question. We did do a review already and have deployed signage in partnership with State Historic Preservation Division, FEMA, and our in-house team that identifies all properties that are contributing to the National Historic Landmark District. So, anything above or below ground that was a contributing property to the Lāhainā NHL is being documented and verified in the field as well.

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COUNCILMEMBER SINENCI: Oh, okay. So, Ms. Six is part of that in-house team?

MS. WADE: That's correct.

COUNCILMEMBER SINENCI: Oh, okay. Great. Thank you. And then we've been receiving calls about the appropriateness of the...the PPEs and the Tyvek suits. Are...are the PPEs adequate for our residents to use? I know the glasses are...are not actually goggles but just safety glasses, and the...the gloves are just standard gloves. Are...are these adequate for our residents?

MR. MCKEE: I can speak to that. The State Department of Health has put out official guidance on that, that you can find on their website, but they have expressed that yes, the Tyvek suits and the gloves as provided, and most importantly is a face respirator. So, not just your regular facemask, but an N95 or better is recommended in order to prevent small particles. And that's really what you want to...you want to prevent is inhalation of small particles.

COUNCILMEMBER SINENCI: Okay. Thank you for that. And then are...are there going to be screens, dust screens put up between the burn sites and some of the existing homes that still may house residents?

MR. MCKEE: So, a few fences and dust screens have already been constructed. Most of that has been either through the State Department of Transportation or Maui Department of Public Works. And if Jordan wants to elaborate on that, he may.

MR. MOLINA: Thanks. Yeah. So, as...when we get into the debris operations . . . *(inaudible)*. . . can speak to this, but there will be BMPs, best management practices employed to try and control dust as activities occur and, you know, taking into consideration when we're working next to standing structures or structures that may still have inhabitants in the area. So, those considerations will be made during the Phase II operations. Thank you.

COUNCILMEMBER SINENCI: Thanks, Director. And then my other question was, are there alternatives to using the...the tackifier? We've been receiving calls about...I...I get it, maybe the tackifier Upcountry, but for using the tackifier down near the shoreline might pose some issues with its proximity to the ocean. So, once they use the tackifiers, is...is it going to be quickly cleaned up?

MR. MCKEE: So, the EPA has provided a lot of valuable information of the tackifier. It is an organic material and break down is very...breaks down very quickly. The alternative to using the tackifier--because it's...it's being used to prevent . . . *(timer sounds)*. . . wind from blowing up all the dust, as well as erosion from rainfall--the....the alternative to that is just wetting the soil constantly to keep it from blowing around, which is...you know, I know water is a, you know, very

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valuable resource, so that...that would be expensive. And I think...I won't speak for EPA, but the...the idea is to prevent that erosion and prevent the...that dust from blowing around.

COUNCILMEMBER SINENCI: Great. That was my time. Thank you, Chair.

CHAIR SUGIMURA: Okay. So, I'm going to ask a couple of questions. I'm going to take a ten-minute break and then we'll come back. So, going back to what Member...Vice-Chair Kama opened with about contractors that will be certified or able to do the work that is required for this because it sounds like it's highly specialized. Will there be classes for the contractor to become certified, or is...is there some kind of criteria or standard that must be followed?

MR. KOGER: Thanks for the question. As...as we discussed, there's going to be a number of different contractors required, so the certification is usually through the State. So, I would recommend that if contractors are interested, they reach out to their State certification agency. Whether that's an arborist or a tree removal service or a certified asbestos consultant, they may have classes that are available typically online. For general construction to go into the...what we're calling the hot zone, in the ash area, at a minimum, they have to have HAZWOPER certification. EPA was offering that free of charge. I don't know how many slots they still have available, but that might be a resource to send the link for. At that...at this time I don't...yeah, I guess you could reach out to EPA and find out how many slots they have left.

CHAIR SUGIMURA: Okay. So, in other words, if there's a contractor that's interested, they can contact EPA and...

MR. KOGER: At this time, yes, correct.

CHAIR SUGIMURA: Okay. Because I think that's important. The requirements are pretty stringent, and it would...it...it would be detrimental to our community if...if they randomly do things and are not properly certified. And I wanted to ask Director Molina, if you would, talk about the work that you're doing to be sure that the structures are...are safe, or what is your team doing now?

MR. MOLINA: Thank you, Chair. So, the current program is safety assessments, whereby our DSA building permit department, as well with support from the State of California, has been performing safety assessments to determine whether the buildings are safe to occupy. And so, the determination is really just a...your minimum safety assessment on whether these structures, the ones that are more or less still partially standing, are safe for the occupants to be in those buildings. That's kind of the rough extent of it. From there, we're going to have to do a further assessment for those standing structures to determine

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the extent to which demolition may be required to abate the hazardous . . . *(inaudible)* . . . structures. Thank you.

CHAIR SUGIMURA: Thank you. And so, you'll be in communication with the property owners about this?

MR. MOLINA: That's correct. I mean Public Works is going to be involved throughout the duration of the cleanup.

CHAIR SUGIMURA: Oh, very good. Okay. And one of the comments--well, from our first testifier--was that she appreciated your presentation that you all put together, and I wonder if there's a way that we could...I don't know if you want to work on it, but if we could have it, you know, play on *Akakū* or get it publicized so that people...or put in on *mauirecovery...recoveries.org* [sic] on that website so people can watch it, but I would like a bigger reach also. Would that be possible, Erin?

MS. WADE: Yes. And we're also planning to do a little video series. So, if you just want to know about one phase, or understand the different components, we'll be posting that on *mauirecovers* as well.

CHAIR SUGIMURA: Okay. And then one of the...one of the statements was that if we're going through...if you opted in for the government process, and then you decide to change that you wanted out of it and do on your own, so what happens with the cost? I think we got to think about that because to do it on your own is a completely different cost, but to do it through the government process, it...you take from your insurance policy first, and then the government would cover the difference. So, how would that be handled?

MR. GLENWRIGHT: I can start on that answer because we have some experience with that, and then Cory definitely could jump in. So, you know, it is correct that the right of entry permit, as a voluntary agreement, allows you to terminate it at any time. The challenges, you...you kind of have to opt out and into something, right, which is usually, by definition, the alternate program. And there's a couple cost considerations. One is that if costs have been incurred on your property to date, the insurance recovery provision is still applicable. So, if you opt out after some work is done, the Federal Government has an obligation to prevent the . . . *(timer sounds)* . . . duplication even for that work. The second would be that, you know, you're opting out into the alternate program, the full cost of that ahead as discussed, and at least in...in our experience in California, if you leave the Government program, it's not always possible to get back in afterwards, right. And we have had that issue where folks opt out, they then get a bid from a contractor, it's more than they can afford, and they try and get back into the public program, but the public program has already moved along. So, we would really encourage folks, you know, before they make that

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determination, to think long and hard. And our jurisdictions in California are...are pretty forward with their constituents. If they're making that decision, before they, you know, let them submit that withdrawal form, to really sit down with them and say, is this the best decision for you? And I would really encourage the County Staff to do the same.

MR. MCKEE: And I would direct anyone who is curious about the actual terms of that to go to the ROE form, which is available on mauirecovers.org, and under Section D., Other Terms, number 10., Modification, it gives permission for...or it allows the ROE to be terminated [sic] by submitting...to be terminated, sorry, by submitting an executed withdrawal form to the County. And then it also does say that the Government may seek reimbursement for expenses incurred up to the point of withdrawal, including insurance claims.

CHAIR SUGIMURA: Okay. Very good. Okay. So, that was the end of my five minutes. I'm going to take a five-minute recess. So, it is...oh, I'm sorry, ten minutes. Sorry. 10:52 we'll come back. . . .(gavel). . .

RECESS: 10:42 a.m.
RECONVENE: 11:08 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Welcome back to the Budget, Finance, Economic Development Committee. Can you hear that we have noise in the background? Can you hear it? Can we ask Jordan Molina to have his people pause? We could...we can continue with the meeting though, right? You all can understand? Okay. All right. So, I just did my first round of questions, and we'll go through the second round. So, Vice-Chair Kama.

VICE-CHAIR KAMA: Thank you, Chair.

CHAIR SUGIMURA: This will be...this will be for three minutes. Is that all right?

VICE-CHAIR KAMA: I guess so. . . .(laughing). . . I'm not the Chair, so I guess it's okay.

CHAIR SUGIMURA: Thank you.

VICE-CHAIR KAMA: Okay. So, three minutes. Okay. First question. I think this is for...I'm not sure which one, I...I forget. But anyway, there were four out of five ADA contractors. Who are the four, and who's the fifth?

MR. KOGER: So, we haven't awarded any contracts yet.

VICE-CHAIR KAMA: Okay.

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MR. KOGER: So...or do you want to know which of the ADAs --

VICE-CHAIR KAMA: Yes.

MR. KOGER: -- in particular?

VICE-CHAIR KAMA: Yes.

MR. KOGER: We have a group of five or six that already have agreements with our Pacific Ocean Division and/or Honolulu District. So, we're working through those. I can get you a list of those.

VICE-CHAIR KAMA: Okay. Oh, I'd appreciate that.

MR. KOGER: Yeah.

VICE-CHAIR KAMA: Okay. Thank you. So, we're going to be expecting that, Chair...that list, right? Okay. Thank you. And then the other question I had --

CHAIR SUGIMURA: Did you get that, James? You got that? Okay.

VICE-CHAIR KAMA: Okay. And the other question I had is, on Section 7 of the Building Permits, it said that, you know, we're not going to issue any building permits to the people until, you know, all of the...everything is clean, and the land is ready for them to go and build. So, in that case, does that mean the entire...for both Kula, as well as Lāhainā, that all of the...the lots must be cleaned off before any one person builds, or does that mean that you can...as it gets cleaned, people can go build?

MR. MCKEE: So, if I'm reading this correctly--and please feel free to interrupt --

VICE-CHAIR KAMA: Yes.

MR. MCKEE: -- if someone with a law degree is on--but it is specific to that property that was cleaned up. So, if a single property is cleaned up, then it would not prohibit building permits on that cleaned property, as long as it was determined pau, right?

VICE-CHAIR KAMA: Okay.

MR. HOPPER: Chair? Michael Hopper is...I am available to confirm that if...if needed, Chair.

CHAIR SUGIMURA: Okay. Can you confirm that, Mr. Hopper?

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VICE-CHAIR KAMA: Thank you.

MR. HOPPER: Yeah. Basically it says completed on the affected property. So, the cleanup has to be completed on the affected property specifically. So, that property would be allowed, you know, that...that permitting once the cleanup for that property is done.

CHAIR SUGIMURA: Okay. Thank you.

VICE-CHAIR KAMA: Okay, and then my last question is, the Mayor just appointed a five-member advisory team. So, are you all going to be working in collaboration with them, or what is that relationship that you will have with them, if at all?

MS. WADE: Thank you for the question. So, that's the recovery phase. So, this...the cleanup phase is...is considered --

VICE-CHAIR KAMA: Yeah.

MS. WADE: -- kind of straddling --

VICE-CHAIR KAMA: Yeah.

MS. WADE: -- rescue and recovery. So, the...the role is going to be assisting us also with outreach...enrollment in outreach of the...the advisory group that's been created.

VICE-CHAIR KAMA: Okay. Cool. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Oh, okay. Chair Lee.

COUNCILMEMBER LEE: Thank you. I'm not sure who would answer this, but when you say cleanup, to what degree do you...does that...do you plan to take that cleanup? Is it so that it will be ready...the property would be ready for the property owner to build on it?

MR. HOPPER: Chair?

CHAIR SUGIMURA: Oh, here is Mr. Hopper.

MR. HOPPER: Yeah. Reading that section, it says, "No new building permits pursuant to the Maui County Code shall be issued until structural debris cleanup is completed on the affected property, and completion is confirmed of the County building official either through the Government program or the alternative program, as applicable." So, the Government program, through the right of entry, would have to confirm that all of its requirements are met, and

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then if the alternative program, when all of those requirements are established, those would all have to be met before those permits could be issued. So, you'd have to complete cleanup through one of the two programs.

COUNCILMEMBER LEE: Okay. Thank you. I wasn't talking about the permit. Okay. I think you got what I was trying to say. You are going to clean that property to the point where somebody can begin to rebuild.

MR. MCKEE: Yes, that is the goal of the program.

COUNCILMEMBER LEE: Okay, great. Now, when...when you do that, does the property owner have to pay FEMA in advance and then get reimbursed, or there is...there's no upfront cost to the property owner if the property owner is in the Government program?

MR. MCKEE: If the property owner is in the Government program, there will be no upfront costs. They're only required to provide their insurance information if they have a debris removal clause in their insurance.

COUNCILMEMBER LEE: Okay. And so, the other thing is, when you're cleaning up a person's property, my understanding is that the waterlines and sewer lines have been damaged. So, is that part of the cleanup or not?

MR. MCKEE: I will have Dr. Koger answer that.

MR. KOGER: So, we don't do any subsurface work, other than that six inches of removal. Waterlines, sewer lines, electric lines, all of the utilities will be mapped, and then we'd cut and cap at the end of the debris removal process. So, they'll be rendered safe, but there's no recovery associated with our work.

COUNCILMEMBER LEE: So, Erin, what about those issues? I mean before you can rebuild, those things have to be taken care of.

MS. WADE: Jordan, are you still on to comment on the infrastructure task force's work?

MR. MOLINA: *(Audio interference)*.

COUNCILMEMBER LEE: We...we...you're breaking up, Jordan.

CHAIR SUGIMURA: We can't understand you.

MS. WADE: Okay. I'll jump in. So, infrastructure task force has been doing assessments on all of the infrastructure, and bringing in teams to look at those,

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and then looking to identify costs to replace infrastructure systems where needed. . . .(timer sounds). . .

COUNCILMEMBER LEE: Okay, but may I, please...since we got delayed by Jordan?

CHAIR SUGIMURA: Yeah, yeah.

COUNCILMEMBER LEE: Okay. So, Erin, I don't want the public to think...property owners to be misled and think, oh, once FEMA cleans up my property, I can build. That's not going to happen because all these other issues need to be addressed.

MS. WADE: Thank you. Great point. So, if you do...if the public wants to go to the mauirecovers.org website, there are maps available that show the status of water systems, wastewater systems, et cetera. Those are updated weekly to identify where improvements have been made, and where different resources have been cleared and can come online. So, keep track of that because everywhere that is not functional is currently identified. So, in terms of timeline, we'll get updates as they're available up on that site. But that's correct. Even if it was cleaned up tomorrow, they wouldn't have water and wastewater. So, we need to...there's parallel tracks we have to take through this.

COUNCILMEMBER LEE: Okay. Thank you for the clarification.

CHAIR SUGIMURA: Thank you very much. Now, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. To follow up on Member Lee's question, they could start the permit process even if they couldn't rebuild, or would they need the water and wastewater to be functional before they start a permitting process?

MS. WADE: Jordan, are you clear to speak again...or Mike Hopper?

MR. MOLINA: Testing. You guys got me connection now?

CHAIR SUGIMURA: Yes, we can hear you now.

MR. MOLINA: Okay. Thank you. We are still working to figure out the permit process for this incident. The Building Code currently provides a procedure for seeing one- and two-family dwellings to get emergency permits that involves not involving the reviewing agencies, being water and wastewater. However, because of the dire issues with that infrastructure, we need to assess whether that's advisable to be processing permits until we know the infrastructure is safe for people to inhabit those rebuilt structures. Thank you.

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COUNCILMEMBER PALTIN: So you could bring up like the permit process up to that line, and then once that becomes clear, then it'll be like just tip it over the edge, pau?

MR. MOLINA: Yeah. In...in theory, we could have everything ready, and then it'll be just contingent upon those last infrastructure pieces getting cleaned up, and then people could start living in their homes again.

COUNCILMEMBER PALTIN: And then for the six-month 100 percent reimbursement, can you start and stop that, or you're not going to start that for Kula because Lāhainā is not ready, and...and you rather start that six months when the big money is going to be needed?

MR. MCKEE: So, to conf--...to clarify the decision on that, the Governor has indicated that State Budget and Finance will be the ones to...to make that decision. And I can get back to you about that, I do not know.

COUNCILMEMBER PALTIN: So, if Kula is cleaning up prior to the six-month, 100 percent reimbursement, is it on the 90-10 plan?

MR. MCKEE: Yes, that is correct.

COUNCILMEMBER PALTIN: And then would the insurance contribution count towards that 10 percent, or no?

MR. MCKEE: No. No. The...well, actually, that is a...do you know that, Cole?

MR. GLENWRIGHT: Yeah. You have to provide a little clarity. So, the insurance is kind of separate from the cost-sharing with the Federal Government. If work happens before or after, that cost-share is with the State Government or the County Government, however that's sorted out, but not with the landowner, right. Traditionally, the way we do it in California, and how we may or may not choose to follow it is, after the work is done, we look at kind of the overall burn, and say, okay, that six months is the opportune window to take up to 100 percent with the Federal Government. . . .*(timer sounds)*. . . So, that's likely a similar approach maybe followed here, but it is usually a continuous six months, and it's consistent across the entire disaster, not community by community, if that makes sense.

COUNCILMEMBER PALTIN: Sure. The question was about the insurance portion, is that counted towards the FEMA's 90 percent, or to the County and State's 10 percent? Because...or is that just taken off the top, and then that...whatever is left over split into 90 percent-10 percent?

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MS. WADE: So, Cole, if I can. It's two separate things. So, it's more like who's going to pay the bill at the front end, right? So, instead of it being 90-10, it's 100 up...upfront for FEMA. But ultimately, the request back for insurance payment is the same, whether we're on the 100 percent or the 10 percent, because we can't do the duplication of payment.

COUNCILMEMBER PALTIN: Yeah, that...that wasn't my question. My question is like --

MS. WADE: Sorry.

COUNCILMEMBER PALTIN: -- so, there's insurance money that's going to the overall cost. Would that recouping of money go towards the FEMA's 90 percent, or would it go towards the County and State's 10 percent? Or would it be taken off the top, and then whatever is left over, the...FEMA has to cover 90 percent of what's left over after the insurance payment, and County and State have to cover 10 percent of that?

MR. GLENWRIGHT: I apologize, Councilmember, I misunderstood your question originally. It's probably a question best for FEMA. In California, our experience has been that insurance recovery goes against the Federal cost-share, not the State or local cost-share, which is, you know, not our preferred option in California either. But, that might be something to explore with FEMA because I think they have perhaps a better discussion on how that works.

COUNCILMEMBER PALTIN: Yeah, maybe if they take it off the top, and then it's still 90-10...like if it was 100,000 and you get a 10,000 payout, then 90 percent of 90,000 goes to FEMA and 10 percent of 90,000 goes to the County and State, seems kind of fair...equitable.

MR. GLENWRIGHT: Yeah, I know in the past, California has advanced the position that the insurance should be deducted exclusively from our cost-share because it's, you know --

COUNCILMEMBER PALTIN: Even better.

MR. GLENWRIGHT: -- our constituents --

COUNCILMEMBER PALTIN: Yeah.

MR. GLENWRIGHT: -- even did not follow us in that argument, but it's certainly an argument that could be advanced, I think.

COUNCILMEMBER PALTIN: Okay. Thanks. Thank you for the leeway.

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CHAIR SUGIMURA: Okay. Next we have Member Cook.

COUNCILMEMBER COOK: Thank you. The infrastructure is going to be a big deal. Director Molina, what's the status of the capac..., wastewater and water capacity in Lāhainā the way it is now, and is there enough capacity for it to be rebuilt the way it was with a little extra? I mean, what's your...it would be great if we could replace it, but it doesn't seem like it's going to...what's the capacity in Lāhainā for wastewater and water? Thank you.

MR. MOLINA: With all due respect, Member Cook, I think that's outside the scope of this meeting, and that is worth an entire meeting in itself to have that conversation...because it is a moving target at this point in time.

COUNCILMEMBER COOK: Okay. I...I respect the fact that there's no answer, but that's going to be critical as being able to calendar it out. So, may I ask, in Paradise, what was the average lot size? And then in Lāhainā, what is the average lot size? I'm trying to...there's been some parallels made, not...I'm not...you know, directly. But is Lāhainā more challenging and different because there's a lot of small lots?

MR. GLENWRIGHT: Yeah, that's an excellent question, Councilmember. I don't know statistically the similarity, you know. Anecdotally, having driven through both communities, I do think the lots in Lāhainā appear smaller than the lots in Paradise were. Importantly, the campfire affected Paradise, and then three other unincorporated communities where the lots were much larger, just because they were more rural communities. So, any averaging being done should probably look at that. So, that's the best I could probably provide at this stage.

COUNCILMEMBER COOK: Okay. Thank you.

CHAIR SUGIMURA: Member Nohe U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. We had a minute to talk to them during our recess, but for the record, what kind of documentation do people need to provide for the ROE permit? I know that there's a checklist, but for the people listening, what kind of documentation are they going to need to show that they're the lawful owners of their property and can sign this permit?

MS. WADE: Thank you. So, when you go to mauirecovers.org, on the Fire Debris Removal page, it has both the right of entry and the checklist to identify what's needed. So, in terms of owners, we do ask for your property tax billing or statement, and then your TMK number. If we can confirm that the name on the application and the real property tax is the same, typically there's no further investigation needed. If it is a trust, and there's multiple people on the trust,

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we will ask for the trust document. And then in all cases, you're asked to provide your photo ID...State-issued photo ID.

COUNCILMEMBER U'U-HODGINS: Thank you. And then for my own curiosity, is there any reason why anyone is ever denied in this Government program since it's a permit? Is there any reason why somebody would...wouldn't qualify for this Government program?

MR. KOGER: Sorry. So, there...I think we discussed the 120-square-foot eligibility. So, there may be instances where the...the...if the property owner starts to do debris removal prior to enrolling, that might make them ineligible for the program. But, in general, I...I don't think we've come across ineligibility inherent in...in a particular applicant.

COUNCILMEMBER U'U-HODGINS: Okay. So, if...it is safe to say that anybody who applies through the ROE Government program will be accepted?

MR. KOGER: At least from the residential perspective. There's a different process for public because that's a different ROE process, as well as for the commercial structures...or industrial structures.

COUNCILMEMBER U'U-HODGINS: Okay. How different? Significantly different?

MR. KOGER: Under the PPDR approval letter, I think those entities had 60 days to opt in for public, and 60 days to opt in and there's no further requirements. For commercial structures, I think there will be an application process to go through, which might extend the cleanup for those.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much. Next we have Member Johnson...Member Johnson, and then we'll...then we'll go to Member Sinenci.

COUNCILMEMBER JOHNSON: Thank you, Chair. Many of my questions were in regards to the permit...the ROE permit, and they have been answered, so thank you for that. I guess the...just to follow up to all the discussion on that is, we know the Mayor was speaking on creating a Division of Emergency Permitting. Would this right of...is that the...the Division they would go through to get that right of evidentiary [sic] permit?

CHAIR SUGIMURA: Is that a...Member Molina...oh, not Member Molina . . . (laughing). . . Director Molina.

COUNCILMEMBER JOHNSON: If the...if Director -- yeah.

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MR. MOLINA: Yeah. It could be, but not necessarily. They're two kind of separate animals. The ROE for the cleanup versus permitting post-cleanup.

COUNCILMEMBER JOHNSON: And then it...it mentioned the Director in...in the bill a lot. That was DEM's Director, I'm assuming? Because that's what it said in the definitions, it was DEM. So, I don't know if the DEM...that's the part where I'm kind of clarifying. The DEM Director will follow the process of the permitting coming along, or is that...is that different?

CHAIR SUGIMURA: Erin Wade? Oh, Mike Hopper.

COUNCILMEMBER JOHNSON: Yeah, Mr. Hopper.

CHAIR SUGIMURA: Corp. Counsel...there.

MR. HOPPER: Well, I...I think Ms. Wade could give an update on this as well, but the Departments that are going to be assigned the different sections of the ordinance is still something that's being discussed. I had submitted some proposed amendments to change DEM to a new to a...a new definition of Designated Department. It would basically say that for the different sections of this ordinance--and this could change prior to first or second reading, should those determinations be to the point where they can go in the ordinance; and again, Management can discuss this further. But the proposal was to have Director changed to Designated Department throughout, and that would essentially allow the Mayor to designate a department to administer different sections of the ordinance. I think, again, Management can maybe discuss more about what's happening there. And I think in a...a practical sense, no matter which department is...is going to be designated, they are going to need to work with other departments, State and Federal and County, and...and potentially have to contract some of the work out as well. So, again, I think Management can discuss that, but right now, I don't think DEM is necessarily going to be able to be consistent through...through this. We may need to look at changing to either Designated Department, or once that's been determined, have that put in the bill before it's passed on second reading. So, that's my understanding.

COUNCILMEMBER JOHNSON: Thank you for clarifying that. Maybe we could get Ms. Wade to follow...anything to add to that, Ms. Wade? . . .*(timer sounds)*. . .

CHAIR SUGIMURA: Go ahead.

MS. WADE: Thank you. Yes, as Mike said, we're still trying to determine who is going to carry what. The thing to note is the soil testing, the air quality monitoring, we don't have a department in the County of Maui that does that. In...in California, which we pulled a lot of the information from, there's a health office typically. Because we don't have that, you know, and that would normally be a

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lead, we're having to kind of build a system to support this. So, we're going to need to use State Department of Health for that, and...and develop --

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. WADE: -- a critical path for permit review for that. So, still working on that. I think the Designated Department for now is our preferred, just so that we can keep moving forward, and create...build the airplane while we're flying it.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER JOHNSON: Make sense to me. Okay. Thank you so much. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Next we have Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a couple follow-up questions. The first, from Member Johnson, on this permitting issue. We had a lot of concerns at the HSAC Conference if current permits that are in the queue will be put on hold, considering this emergency permitting process.

CHAIR SUGIMURA: Who wants to take that? Jordan? Director Molina.

MR. MOLINA: Thank you. Yeah. So, couple...couple issues with that. So, obviously the ordinance puts those permits in question, first of which being whether there's still debris cleanup on that property that needs to happen before construction under any issued permits or pending permits can proceed. The second part being our infrastructure issues, about whether we're prepared to allow construction to resume at this point in time, given our infrastructure challenges with water and wastewater. So, those are two kind of ongoing issues that we're working right now.

COUNCILMEMBER SINENCI: Okay. Mahalo, Director. We can extend those concerns to those applicants. And then a follow up on the PPEs. If we're allowing residents to sift through the debris, are those N95 masks appropriate enough?

MR. MCKEE: I would refer to the...the State Department of Health website for their guidance on which PPE is appropriate because they...they are the ones who will be issuing that.

COUNCILMEMBER SINENCI: All right. Thank you. And then can residents request an alternative to the tackifier and still be part of the Government program?

CHAIR SUGIMURA: Is it EPA?

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MR. MCKEE: So, that is something that would need to be brought up with U.S. EPA if they would not like tackifier applied to their property. And so, that's a concern that...that would need to be worked out between the County of Maui and U.S. EPA.

COUNCILMEMBER SINENCI: I know there was an issue about some kind of pine resin that would be a more suitable alternative. And then my last question for you, Chair, Ms. Pcola-Davis asked about the separation from Kula and Lāhainā. Will you be submitting an ASF for today's preparations . . . *(inaudible)*. . . too?

CHAIR SUGIMURA: Okay. I hear your question. So, I would really like to know what the Members are thinking about that, and if we could have a discussion of it. I will tell you that I am prepared with an ASF to do that, but...but I'm...I'm most interested to hear what . . . *(timer sounds)*. . . you think about, you know, doing that, if there's a need. And also, to ask questions of maybe Erin as how we're doing with the re-entry, and the ROEs that have come from Lāhainā, and how that would be handled. So, if I could...I guess it's my turn. That'll be my question then.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR SUGIMURA: So...

MS. WADE: Yeah. Sure. So, I mean let me first say that with the outreach we've done, people are on a huge spectrum of where they are in terms of their readiness to deal with the circumstances. So, we have people who are so very much in shock and not ready to process the next step. And then we have people...I...I relayed much like when people get a diagnosis, they deal with it differently. Some people don't want to address it, some people address it by wanting to plan, and take the next step, and take action. And we have people all...at all points of that spectrum in both Kula and the Lāhainā communities. So, in terms of meeting people where they're at, that's kind of what we're trying to provide here with like what can my next steps be? What are my options for moving forward? For re-entry in Lāhainā, while we weren't and haven't been pushing at all really in Lāhainā, we've been making information available generally, but not like requesting people attend specific meetings because they hadn't been allowed to re-enter. But that changes today with the re-entry of Zone 1C. So, we will be putting out specific re-entry requests to neighbors to come. They don't have to come right away if that's not...if they're not interest yet, or if they're not mentally there, it's totally understandable. But, we'd like to be able for those that are to be able to present those options, so if they would like to move forward. As re-entry starts to move forward, and two to three zones a week start getting opened, it's going to be relatively quickly that we'll be able to progress through the process of that community being able to submit their rights of...and frankly, I already have several dozen rights of entry for

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Lāhainā, for people who are...have already reached that conclusion and want to just start planning. So, for us, you know, I think the deadline is the question. Did you want to create two different deadlines for Kula...one for Kula so we know we can get moving, and maybe a further out deadline for Lāhainā? I think that could be a possibility? But we certainly want to create the expectation that folks do need to begin processing and understand what their options are, and then pick...pick a way and decide what...what path they would like to take in a timely way so that we can ensure the environmental protection. That is, of course, we wouldn't be doing this if there wasn't some concern with the environmental health of these areas.

CHAIR SUGIMURA: So, are you saying then that when...when...today we have re-entry of Zone 1C, which is kind of by the Lāhainā Civic Center, the Hawaiian Homes area. And then I heard Director Olivero's was saying last night at the MACC that the team would do an assessment and then figure out . . .*(timer sounds)*. . . how you're going to do the next step. So, it...it won't be a slam dunk, we'll just keep on going, right? So, if I could ask you then, how would you involve those residents so that they can have, you know, like training or...you know, more education, I think, is probably needed.

MS. WADE: Thank you. Yeah, so, that's where the outreach comes in. So, as, you know, you've seen in Kula, we had a community outreach meeting, we had a resource fair, and then we had a follow-up kind of question and answer. We would like to do that for every neighborhood that's been affected. We also have outreach teams at the Lāhainā DRC, the Disaster Recovery Center. They can ask questions about...answer questions about debris removal. Today is their first day there because we knew re-entry was going to start. And we have people now...we set up a right of entry intake center in the lobby this morning as well. So, it's staffed...people are there to answer questions. We did find...in terms of the resource fair in Kula, that's...people's preferred...some people are just ready to sign and they understand. A lot of people want the one-on-one consultation to talk through...what does this mean? It was very helpful to walk through with people their property sketch, and have them, you know, map out their property, show me where their rock wall is, show us where your septic tank is, all of those things, and...and to form, frankly, accountability, you know. So, the importance here is that I think folks know that we heard them, whatever their expectation is, or concerns are, it's correctly documented...it's been documented by them in terms of intake. So, there...it is a very high-touch thing, I've learned. They've taught me now that there does need to be a whole lot of availability and access for some folks who want to sign the right of entry permit. So, we want to make that...open up that process as soon as we can in Lāhainā for folks that are ready.

CHAIR SUGIMURA: Thank you. So, that's the end of my...my second round of questions. Does anybody have any more questions? None? Member Paltin.

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COUNCILMEMBER PALTIN: Thank you. So, for the unstable structures, the ones with the red or yellow placard, would those qualify to be removed as part of the debris removal?

CHAIR SUGIMURA: Is that a...Director Molina?

MR. MCKEE: Yes. Yes, they would.

COUNCILMEMBER PALTIN: And then is Lāhainā Crossroads one of those, or have we not reached it yet?

MR. MCKEE: Yeah. I...I don't know. I can check. We have a GIS layer map that has shown the areas that have been designated and inspected, so I can get back to you about that, Member Paltin.

COUNCILMEMBER PALTIN: Cool. And then like the Kaiāulu O Kupuohi, there's only...it looks like the elevator shaft and maybe like the stairs or something. Would that be qualified for debris removal because it's only pieces that aren't going to be used? And then if the debris...like I think Fleetwood's was like built by like World War II or something, kind of like real strong structure, and it's not livable or useable as a commercial establishment. Would they knock that down if the structure is structurally integrity?

MS. WADE: Thank you. So, FEMA is building a team with structural engineers to assist for any properties that do qual--...or were a part of the National Historic Register, Landmark District. So, that's one of the buildings that's being assessed by structural engineers to determine if preservation is possible.

COUNCILMEMBER PALTIN: Oh, what about the office on the...by the Senior Center, Kaunoa Senior Center, that was...

MS. WADE: The Mill Office...the Old Pioneer Mill Office is also on that list. Yeah.

COUNCILMEMBER PALTIN: Courthouse? No more nothing Courthouse?

MS. WADE: The Old Courthouse. Yeah. So, actually, for anybody that's interested, Lāhainā Restoration Foundation had done a mobile app, it's called Lāhainā Historic Trail. You can actually see all of the sites that were contributing structures to the National Register District. All of those have been marked, and would be part of the structural assessment.

COUNCILMEMBER PALTIN: So, have some of those just burnt all the way to the ground, but there's partial...some of them that are partially still standing, and they are part of the Historic Register, how do those proceed?

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MS. WADE: Yes. So, there's elements of some that are still standing, some are...there's nothing left. In some cases, the thing that made them eligible is below ground as well, with burial preserves, et cetera. So, for all of those, they would receive the first cultural assessment and documentation to determine potentials for preservation, to identify clear areas that needed to be . . . *(timer sounds)*. . . cordoned off so they're not impacted during debris removal.

COUNCILMEMBER PALTIN: And then if a portion of your home burnt, does it need to meet a percentage to be eligible? Like what if, you know, one room burned down, or something like that?

MR. KOGER: So, previous to this fire event, if there was more than one wall standing, it would not have been eligible for the debris removal program. Under the letter of approval, it might be eligible, depending on the determination by Maui County for the whole structure.

COUNCILMEMBER PALTIN: Okay. And then in terms of debris removal and the special management area, is there any specific steps being taken different in the special management area, or the Historic District, than for the regular areas that are not SMA or Historic?

MR. KOGER: Yes. So, I think FEMA is currently working to see if there are any nonprofit or NGO organizations that might be able to shore up prior to debris removal. But we will have probably separate contract mechanisms to do cleanup when we can't take the whole structure, and...and how we...we would address that. So, that...that will be a separate part of the debris process.

COUNCILMEMBER PALTIN: Like dust fence along the coast, or something like that.

MR. KOGER: Correct.

COUNCILMEMBER PALTIN: And then when you were talking about the...the trees that might not live five years, or something like that, would it be a contract under the commercial for the trees on the commercial, public for the trees on the public, and residential for trees on the residential, or is there a specific tree contract?

MR. KOGER: So, the assessment monitoring contract will also do the...the tree assessment to see which ones, and...and basically they bar code each of those trees, saying it's...it's an eligible hazard tree under the FEMA program. And then depending on the type of property, that contract would...would do the debris remo..., or the tree removal.

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COUNCILMEMBER PALTIN: And have the Kumu 'Ulu trees been marked, and will people be let known if any of those are scheduled for removal?

MR. KOGER: So, we're going to work with Maui County to figure out which trees will be marked for preservation, and...and then the team will make a determination whether or not they can be saved.

COUNCILMEMBER PALTIN: Will the public be let know about the 'Ulu trees?

MS. WADE: Thank you. I was texting John Smith to find out because I know his arborist has been out there multiple times to determine if there's mechanisms to save...you know, to encourage saving some of the trees that are out there. So, ideally, what we'll do is, we'll get a map and identify everything that's been considered. Primarily what's on government property, or has been identified as an exceptional tree, I know that those would be top of the list. If there's others that the community wants to communicate to us in terms of importance, we're happy to document that as well.

COUNCILMEMBER PALTIN: Okay. And then --

CHAIR SUGIMURA: Wait, Tamara.

COUNCILMEMBER PALTIN: Oh.

CHAIR SUGIMURA: Let's ask...let's ask Alice if she could have a --

COUNCILMEMBER PALTIN: Oh.

CHAIR SUGIMURA: -- her turn.

COUNCILMEMBER PALTIN: Oh, sure.

CHAIR SUGIMURA: As you're going into ten minutes. Just kidding.

COUNCILMEMBER PALTIN: She gave me her time.

COUNCILMEMBER LEE: You almost pau?

COUNCILMEMBER PALTIN: No, go ahead.

COUNCILMEMBER LEE: I just have one question for Erin. I need to know if the...if FEMA has a hard deadline for the 100 percent reimbursement?

MR. MCKEE: I'm sorry. Are you speaking to the...the debris removal, or the individual assistance program?

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COUNCILMEMBER LEE: The debris removal.

MR. MCKEE: Okay. So, that hard deadline is currently being worked between the State Department of Budget and Finance and FEMA, and they will be the ones who can make that determination.

COUNCILMEMBER LEE: And there's going to be only one deadline, or there can be multiple --

MR. MCKEE: So --

COUNCILMEMBER LEE: -- two different deadlines?

MR. MCKEE: So, the Governor, right now, is continuing to petition the Federal Government that the deadline be extended even farther than the six month.

COUNCILMEMBER LEE: So, right now, when is the deadline?

MR. MCKEE: It has not been determined at this time.

COUNCILMEMBER LEE: Oh, it didn't start yet. Okay.

MR. MCKEE: No. It has not started.

COUNCILMEMBER LEE: Yeah. But you see why we're concerned that Upcountry could meet that deadline, but I doubt if Lāhainā could, you know, meet that deadline.

MR. MCKEE: Um-hum.

COUNCILMEMBER LEE: And that could be tens of thousands, if not millions of dollars, right?

MR. MCKEE: Yes.

COUNCILMEMBER LEE: Okay. And that's the reason why I'm concerned about the deadline. Thank you.

CHAIR SUGIMURA: Okay. Are you done with that? You're done. Okay. That was your one question?

VICE-CHAIR KAMA: One question.

CHAIR SUGIMURA: Next, we'll go to --

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VICE-CHAIR KAMA: Yeah.

CHAIR SUGIMURA: -- Vice-Chair Kama.

VICE-CHAIR KAMA: Thank you. So, you mentioned that there was an Individual Assistance Program deadline too? What is that deadline?

MR. MCKEE: So, FEMA is offering what is called Individual Assistance, and that comes to people who were impacted by the disaster. And people can enroll in Individual Assistance by going to the DRCs, the exact date of the deadline. I do not know at this time...I believe it is in the first or second week of October.

CHAIR SUGIMURA: October 10th.

MR. MCKEE: October 10th. Yes.

VICE-CHAIR KAMA: Okay. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Okay. Anybody else than Member Paltin has questions? Member Paltin? Yeah.

COUNCILMEMBER PALTIN: I was wondering the CAL FIRE, Mister...CAL FIRE, if...when you said about usually they do all the debris removal, and then they choose the six most expensive months in a row. Who fronts the money? Is it FEMA fronting the money, and then the six-month period that's the most expensive...you're like here to here, and then everything else the County and State come up with the 10 percent?

MR. GLENWRIGHT: Yeah. So, there's a bit of difference between how we do it in California and how it's happening here, right...because here, the Army Corps is leading the work. So, the Federal Government is, by definition, fronting the money because they're the ones paying the contractors, and then on the back end, for whatever is outside the 100 percent window, the State will essentially be kind of reimbursing the Federal Government, which is pretty different than how it normally happens. In California, we perform the work through our contractors, so the Federal Government is reimbursing us, up to 100 percent in some cases. We're not usually that lucky, and so it's usually reimbursing, you know, at 90 or at 25 percent. So, did that answer your question?

COUNCILMEMBER PALTIN: Yes. And then...so, if...and...and the way that we have to re...if you know, the way that we reimburse FEMA is through cash, not...it's not going to be in-kind or anything?

MR. GLENWRIGHT: That, I'm not sure of. That's a good question.

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MR. MCKEE: By in-kind, you're referring to concern of things like...examples like property, and things like that?

COUNCILMEMBER PALTIN: Oh, no. No, not at all. Like...

MR. MCKEE: That...that will not happen.

COUNCILMEMBER PALTIN: Thank you. Like I mean...well, so our Public Works are working with you guys, so that's probably 10 percent of value if you take into account their salaries, or overtime, and things like that.

MR. KOGER: I...I believe their time actually can be resubmitted for reimbursement by FEMA for work on this project.

COUNCILMEMBER PALTIN: Okay. That's good. Now we're getting somewhere. I guess my next question would be for Mr. Hopper. If it's a cash payment, or if it's in-kind donation through County workers' overtime or whatever, would that come out of the Emergency Fund?

MR. HOPPER: I...I don't have an answer at this point, and it sounds like this is more of a State has the direct agreement with the Federal Government and the County's involvement on the...on that 10 percent. I have not been in discussions on...on that to this point. So, that's information that we can...can look at. I imagine there is going to be a fair amount discussed as to how that will happen for the time frame outside of that. It also sounds like the Governor is petitioning to have that time frame extended, which obviously would be, you know, very important. So, that...those specifics, I have not gotten into. I have worked on this bill and the right of entry process and things like that, but I don't have an answer for you specifically on...on that question, I'm sorry, at this point.

COUNCILMEMBER PALTIN: And so, then there's no like 5 percent County, 5 percent State. It's not been determined yet, none of that?

MR. HOPPER: I have not...and maybe Mr. McKee and others know...know more on this, but I have not been in specific discussions about that aspect of...of this.

MR. MCKEE: So, the...the State of Hawai'i, under Hawai'i Revised Statutes, Section 127A, alpha, 16 (*phonetic*), establishes a Major Disaster Fund, and this is essentially the State's rainy day fund, right. And so, this is initially where all the spending on disasters and everything that happen within the State is going to come out of. As far as a County, you're...you're referring to like the share that the County would be required to put forward? Yeah, I do not know exactly

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how much, or if any, that would be. Again, I can do some research and speak with the State AG and get back to you on that, so...

COUNCILMEMBER PALTIN: Okay. And if you could do that research to see if in-kind donation counts as well. And then, I guess...so, then that brings us to like if we can split the bill for...have it apply to Kula until like we're into...finish Phase I, possibly for Lāhainā?

CHAIR SUGIMURA: Erin, or --

MR. GLENWRIGHT: I'm probably not the best person to answer this, but I...I do want to make sure...I think the decision between how this ordinance proceeds and the Federal cost-share, unless I missed something or...or different questions, and don't connect with one another. So, the decision to have this bill either address both or...or not would really have no effect on how the Federal Government's cost-share waiver works. And I don't...I'm not sure if I could have made that more clear, or if I'm missing something, but...

COUNCILMEMBER PALTIN: Yeah, it has no effect. Okay, good. And then I guess the other question would be, at what point will we--or not necessarily us, but the people who need their debris removal from their lots--know the rules and procedures by the Director of the Department that gets called out? When will they know what those are? Because we're kind of voting on a framework for fines and penalties and timelines without knowing what is expected of folks under the alternative program; is that correct?

MS. WADE: So, I think what we know is the...the quality of cleanup will have to match the quality of Army Corps' mission. So, what we're just trying to do right now is document that, and memorialize it, and identify how the County itself can review to ensure that that's happening. So, I have to give Mike Hopper a whole lot of credit because he just jumped on it, and got the right of entry done, and got this bill developed for us to process. We do already have the draft, and I think in the next couple of weeks, we could push out what those rules would be for cleanup...because we do have a framework. But, it will help today to know, you know, if...if everyone here is...if you folks are okay with us moving forward with the ordinance as we've identified it, we can continue building and finalizing it.

COUNCILMEMBER PALTIN: So, if we move forward with this ordinance just for Kula, and we...we don't have the rules and procedures yet, they are being drafted as we speak, then as Kula begins Phase II, they will have the specific rules and procedures that they need to follow under the alternative program. And there was one resident that might possibly take up the alternative program, and we could kind of see how that works out, and then we can come back and enact the bill for Lāhainā?

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MS. WADE: Mike Hopper, I think, is best to answer that.

MR. HOPPER: I just...I would strongly advise against actually...if you want to look at deadlines different, perhaps we could ask FEMA about those issues. But, I would sort of strongly advise against completely separate bills, and not taking action on this for...for Lāhainā area for a few reasons. One, is it makes clear that the debris removal is not permitted unless it's through one of the two programs. Two, it authorizes the creation and collection of the right of entry forms, which...which will take a large amount of time before, and needs to be in place, I would say, earlier...well before the work would be set to begin. And...and so for, you know, to have that separate...we already have two more meetings, first and second reading for this before it could become law. When you look at the timing of this, this is sort of intended to be in place earlier than we are right now. It talks about the...the different phases, and it also talks about regulating the...the cleanup immediately. So, these are passed generally as emergency ordinances, is my understanding. And so, I...I would raise a concern about having nothing in place mentioning right of entries in the County Code, mentioning debris removal in the County Code, for that period of time because the collection is...is ongoing. This does say that a right of entry executed prior to the effective date is effective once the ordinance is passed. But to have that degree of uncertainty...I understand there are still things to be worked out, but I...I was--and...and again, others can discuss this as well on the...on the panel that you have, but I...I raise a concern about having...having a bill not in place for...for Lāhainā as this right of entry process moves on. But that's the concern that I have. And...and the other question is, what would be different, other than I guess the deadline, between the two...if you have two bills. What would be the differences? And really think about that. Because much of this framework is dictated by the Federal process. Some of the things the County can decide in the ordinance, but in looking at it, a lot of it is...is in place through that process. And so, that would be the other question is, what would the differences be in those ordinances, and think of those. But, you know, I...I was just sort of concerned of this...of...of the timeline we had looked at, and the...going to Committee, and then having two more meetings as far as that timeline. And I'm still not sure when this would be adopted if it goes through the regular Council schedule, if it's going to be mid-October, to not have anything in the Code mentioning the right of entry process or the debris removal process. I was concerned because we're...you know, we're looking at those issues. So, again, I would want to raise that...that concern for that approach.

COUNCILMEMBER PALTIN: And I guess to follow up on that concern, the first page of the bill has reference to HRS that has been suspended for us. So, can you unsuspend us so that we can pass your bill, or how does that work?

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MR. HOPPER: Well, we...we got advice from the Attorney General's Office on this. The suspension says things can happen on an emergency basis. But, it doesn't say that...that that provision is no longer effective for anything. So, it doesn't suspend the Council's ability to adopt ordinances, but it...it would allow certain activities to take place without that happening. So, again, I sort of went over at the beginning of the meeting why this wasn't something done within the framework of an emergency rule, and it's for several reasons. One is that this is most likely going to outlast some or all of the emergency proclamations as far as the timelines. Another is that...that this is...this is the...through best practices, how this is adopted in other communities. Again, we don't necessarily do the same thing as all other communities, but in...in the California for the wildfire response, this is adopted as an emergency ordinance in those places in a similar form. And so, that was sort of the...a parallel approach that we had looked at. And...and there were several other reasons. One is that a scheme like this as an emergency rule, I think, would be sort of...sort of awkward in that this is designed as an ordinance. But, you know, those...those were the...the concerns that we had for...as far as timing.

COUNCILMEMBER PALTIN: And...and to clarify, the emergency proclamation lasts until November 6th, you could collect those right of entries under the emergency rule proclamation up until November 6th, and we can give our communities that time before we pass the legislation. Because like you said, under the emergency proclamation, you can move emergency stuff forward. Right?

MR. HOPPER: I...I mean there's, to my knowledge, nothing in the proclamation specific to right of entry collection. I could be incorrect on that. But at this point, the right of entry collection is happening directly sort of through that State and Federal process. But there's...there's nothing in the Code sort of dictating the County's...that...that specific process. We have existing ordinances right now, Chapter 9.32 in the Building Code in place, to give the County some authority to...to deal with debris removal. But it's...it's not as specific as this...this type of ordinance would be. And...and this...this does things like talk about signature authority; and again, it...it goes through...I think Section 4. is important as far as sort of immediately determining how the debris removal process would happen for...for properties. And so, without that clarity, the concern is...and then the other question is, what would be different in the two? And if there's an extent that that can be incorporated, we could...could look at that. But I'm...I'm...that...that's the concern. And then passing one only for Upcountry, and having nothing in place for Lāhainā until potentially, what? Until November without any...anything in the Code? I...I did have a concern with...with that approach because we have to sort of piece together what we can do without the authority here.

CHAIR SUGIMURA: Are you done, Tamara? You are. Okay.

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COUNCILMEMBER PALTIN: Well, I had more, but I...I don't want to be a hog.

CHAIR SUGIMURA: . . .(laughing). . . Okay. So, it's 12:03, what do you guys want to do? We're into our lunch period. We're still not done discussing.

COUNCILMEMBER LEE: Have lunch.

CHAIR SUGIMURA: You want to have lunch? Are...are you okay? You want to ask your questions, Tamara? You want to ask a question before we go to lunch?

COUNCILMEMBER PALTIN: I guess, just to follow up with Mr. Hopper, it sounded like you already are doing the right of entry collection for Upcountry because you said all but one person was indicating that they wanted the government assistance; is that correct?

MR. HOPPER: You could check with Ms. Wade, but I mean I think they're being accepted, but not necessarily executed on the County side, and...and move forward with. So, that's the...that's what's happening, I believe.

COUNCILMEMBER PALTIN: And the executed and move forward with entails what?

MR. HOPPER: A County signature on the document verifying all of the property information to make sure the right owner has that, and...and certain other aspects. But I have not been directly there collecting them, but that's...that's my understanding. And we...we'd really want to have a very clear process set up for that to happen. And, of course, that would need to happen well before, at least in the case of Lāhainā, the work being done because that collection is going to take, oh, a...a very long period of time. And the...the Army Corps of Engineers won't be able to scope out their work until they have a good idea of the right of entry forms that they will...will have, and where they have them, and how many they have. So, those are my concerns, along with the six-month window that we're going to potentially have. And...and if one starts, does the other start, which is a new wrinkle that we sort of have here. But those are...those are some of the...the concerns.

COUNCILMEMBER PALTIN: And there is no date as to when alternative program rules and procedures will be released to the public?

MR. HOPPER: Currently, in the rules it says that a Department...a State or a County Department can adopt them, and it authorizes the County Department to adopt them by administrative rule, which will require a 30-day public hearing notice period. I understand there's a draft out, but...and...and to a large extent, it's going to mirror the Federal program because the...at least the degree is going to be the same. But there has to be things in place like, you know,

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processing...the Department processing those and reviewing those applications. And that's going to be the...the last of the deadlines, you know, that's going to be...there's going to be the Government program, and then the alternative program as far as a later deadline, and those both, I understand, have yet to be established. And the ordinance authorizes the departments to establish those deadlines. So, that's...those are things to as yet be...be determined. And I understand, it's difficult to say this is important to have in place, but not have all the answers to these things, but the...the having...that's why the ordinance is...is sort of drafted based on...on past practice in...in these situations is that it authorizes a framework, and with that framework, other aspects are filled in. But to have that framework in place early is, I think, the intent, and have those other things filled in, even if the Council by resolution would determine a deadline or something in the future. But anyway, that's...that's why the bill is how...how it is, and what the...what the sort of framework is.

COUNCILMEMBER PALTIN: Okay. I'll think on it over lunch.

CHAIR SUGIMURA: Okay. So...

COUNCILMEMBER LEE: Can I ask one last question?

CHAIR SUGIMURA: Oh, yes, Chair Lee.

COUNCILMEMBER LEE: For the panel, somebody on the panel, can...oh, how does the Federal Government view the Upcountry fire and the Lāhainā fire? Does the Federal Government see that as the same disaster?

MR. MCKEE: Yes. Yes.

COUNCILMEMBER LEE: Even though they're separate locations, and separate causes, and separate everything?

MR. MCKEE: So, the Federal Government, FEMA, makes a Federal Disaster Declaration, right, to the President, and that disaster declaration is titled the Maui Wildfires. It has a...a declaration number and everything, and that includes Lāhainā, Kula, Olinda, all of the fires that were started as a result of Hurricane Dora passing south of the islands. That is what FEMA determines. So, everything...all of the programs, all the assistance is underneath that Federal disaster, Maui Wildfires.

CHAIR SUGIMURA: Okay. So, Members, you want to come back at 1:30? It's 12:08. Is that all right? Okay, so this...we're going to recess this meeting and come back at 1:30. Thank you, everybody. . . .(gavel). . .

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RECESS: 12:09 p.m.
RECONVENE: 1:32 p.m.

CHAIR SUGIMURA: . . .*(gavel)*. . . Welcome back, everyone. It is now 1:32. So, thank you very much for being on time. And I'm going to continue this meeting. How would you like to proceed, Ms. Paltin? Fast. So --

COUNCILMEMBER LEE: Why don't you make your proposal?

CHAIR SUGIMURA: Oh, yeah. So, can you email everybody? Okay. We're now emailing a proposal that we're getting from Michael Hopper. Did it go? Did everybody get it?

MR. KRUEGER: Yes, Chair. We just emailed it...we just emailed it out from the BFED Committee.

CHAIR SUGIMURA: Okay. Everybody got it?

UNIDENTIFIED SPEAKER: The redline? I'm still waiting for it.

CHAIR SUGIMURA: Yes. So, basically...wait now, I don't have it yet.

MR. HOPPER: Chair?

CHAIR SUGIMURA: Yes.

MR. HOPPER: I...I'm not sure what you got. I...we did have a...a larger redline that had incorporated some more general changes. I also know there was a...there was potentially a more narrow change dealing with the deadline issue, and a definition of re-entry.

CHAIR SUGIMURA: Yes.

MR. HOPPER: So, those are a couple different things. So, I'm not sure if you want to consider the...the larger one with the larger redline, as well as discussing the...the deadline portion, or which you'd like to go over, but either one is okay with me.

CHAIR SUGIMURA: So, the larger one that you're talking about, is...is it nonsubstantive changes?

MR. HOPPER: Well --

CHAIR SUGIMURA: Is it like typos, or...not that there are many.

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MR. HOPPER: Well, the...the larger one, which I had provided a while ago, but I don't know if the Committee has seen, changes --

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. HOPPER: -- changes DEM to Designated Department, and has a definition of Designated Department which basically says the Department passed by the Mayor to administer that part of the...that section of the...of the ordinance. A couple other changes, which I do think are nonsubstantive, I...I deleted the definition of eligible roads or parcels. They were sort of carryovers from the new County ordinance, but actually aren't used.

CHAIR SUGIMURA: So, you know what?

MR. HOPPER: I did --

CHAIR SUGIMURA: That's what we're looking at. That's exactly --

MR. HOPPER: Okay.

CHAIR SUGIMURA: -- what we're looking at. So, thank you.

MR. HOPPER: So, many of these are nonsubstantive. The changes are in Section 1.I., added reference to wastewater collection and treatment facilities. That's informational, but I don't think it's substantive. The definition of Desig--...of Director has been stricken, and it's been changed to Designated Department. You can see that definition there that states Designated Department means, the Department or Departments of the County of Maui designated by the Mayor to administer the applicable sections of this ordinance or their designees. The Mayor may assign a different department or departments to administer each section of the ordinance. I struck the definitions of eligible roads and parcels because those aren't used. The definition of Government program under reference to United States Government, sort of more general than just the FEMA or Army Corps, even though those are still listed. I did, on page 4, add a definition of re-entry, which states, re-entry means the official authorization of access to properties within the burn zones. And then throughout, where it was previously Director of Environmental Management or Director in many places, that was changed to Designated Department throughout. There was reference in Section 4., at the bottom, to County Building Official instead of Director because in that case, it's essentially the Public Works Department to make that determination. Section 5., I sort of tweaked the discussion of the...the assignment language. I...I think I need to do a little more work on that. But essentially, that's Section A. I still need to tweak that a bit more. But that's basically to state, an assignment of benefits is not required, it's just duplication of benefits is prohibited. I do need to...to work on that language. I just added

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that change that was requested by FEMA. And then sort of the critical part that I think Member Paltin was discussing in Section 5.B., there...there's going to be added a statement. That 5.B. section states that the Designated Department can administer the collection of the right of entry, and establish a deadline established by the Department. So, the...this is for the Government program, right of entry has to be submitted by a deadline established by a Designated Department. There's language added there that states, such deadline must be at least one month after completion of re-entry for the Lāhainā Wildfire Disaster Area. It also states that the Designated Department may designate Staff to review and sign right of entry permits. And then Section D. there, we deleted reference to a private tree program that was a carryover from Butte (*phonetic*) that is not applicable here. Section 6., we put Designated Department, and put in some clarifying language there on the process for adopting the alternate program. It states that the Designated...it...it states that the Designated Department shall administer the alternate program consistent with the requirements reviewed and approved by applicable Federal, State, and County agencies. The Designated Department is authorized to adopt the requirements of the alternate program as administrative rules pursuant to Hawai'i Revised Statute, Chapter 91, to the extent required. And then multiple references to Designated Department were added. And then the other sort of critical part, Section 6.D. That section...this is for the deadline to enroll in the alternate program. It states, again, similar to the language for the Government program, such deadline must be at least one month after completion of re-entry for the Lāhainā...the...for the Lāhainā Wildfire Disaster Area. And then several other changes to Designated Department throughout. And that's...that's all the changes. So, the...the primary change in this version was to change DEM to Designated Department. Several other changes, which I do believe are...are essentially nonsubstantive, and then the language that...for...for the...basically giving...making sure the deadline for signing up for the Government or alternate program, which is established by the Designated Department, has to be at least one month after re-entry, and I understand that was...that was discussed. Member Sinenci has...says he doesn't see the changes. Hopefully, he has access to these. Obviously, it's...it's important. I'm not sure what was emailed, but hopefully, he has the most up to date redline and can go...and can go forward with that. Otherwise, I can go over those again.

CHAIR SUGIMURA: So, can you resend it to Member Sinenci?

MS. MONIZ: It's currently being uploaded, Chair.

CHAIR SUGIMURA: Oh, it's being uploaded in Granicus?

MS. MONIZ: Yes.

CHAIR SUGIMURA: Okay. Also then.

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MS. MONIZ: Thank you.

CHAIR SUGIMURA: Okay. Thank you, Mr. Hopper, and thank you, everybody, for working during your lunch. Okay. Anybody have any questions on that?

COUNCILMEMBER PALTIN: I just was trying to look at the redline version on the computer. And does it have that deadline part in the redline version, or would we have to take a motion to substitute what's posted with the redline version, vote on that, and then make an ASF amendment on that for the one month after re-entry?

CHAIR SUGIMURA: Can we make one big motion for all the suggestions?

MR. KRUEGER: Chair?

CHAIR SUGIMURA: Yes.

MR. KRUEGER: If the body wanted to incorporate these amendments, yes, the body would entertain a motion to...to recommend passage of first reading of the bill, of Bill 86 (2023), and then amend that motion through substitution of Mr. Hopper's redline version. But to Councilmember Paltin's question, I believe that the deadlines that she's talking about, Mr. Hopper highlighted them in Section 5.B., as well as in Section 6.D.

COUNCILMEMBER PALTIN: Okay. So, just one motion for substitution. No need to do an amendment?

CHAIR SUGIMURA: Yes.

MR. KRUEGER: If...if Mr. Hopper's changes cover what you'd like to propose for the bill.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Okay. Does everybody have it?

MR. HOPPER: Yeah, Chair?

CHAIR SUGIMURA: Oh, yes.

MR. HOPPER: Chair, while you discuss these, I could potentially look at that. One other amendment on the duplication of benefits language, I...I had drafted that, but I need to tweak that a bit. So, I could also have that revised language for you by...hopefully by the time you're ready to hopefully take action.

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CHAIR SUGIMURA: Okay.

MR. HOPPER: But I can go do that right now.

CHAIR SUGIMURA: Okay. Great.

COUNCILMEMBER PALTIN: Recess?

CHAIR SUGIMURA: Oh, okay. Recess? Okay, everybody can go get...

COUNCILMEMBER PALTIN: I mean unless...you and I were here for that part about the one month, but if we want to --

CHAIR SUGIMURA: Talk about it.

COUNCILMEMBER PALTIN: -- talk about it for the other Members, if...if they care, or if the public.

CHAIR SUGIMURA: Yeah. So, why don't we talk about it? Because I think that Mr. Hopper will finesse that one section, which would just make it better, yeah. So, go ahead, Tamara.

COUNCILMEMBER PALTIN: So, one of my main concerns is...or was that folks would have to make a decision on what program for Lāhainā when they haven't even had a chance to visit their property. I thought it would be unfair for them to have to decide that before they had an opportunity to visit their property. And knowing that today is the first entry...zone entry of 85 zones, and so it's not clear when that would be. So, the language that we had come up with is to be more...give more time rather than less, and it would say, such deadline must be at least one month after completion of re-entry for the Lāhainā Wildfire Disaster Area. And then it also defines what re-entry is, as he said. And so, that's for everybody; not just Lāhainā, but Lāhainā people will have...won't have to make any decision...they won't have a deadline until one month after the last person is able to visit their property.

CHAIR SUGIMURA: Very good. Anybody have questions? You know, I can't see Gabe or Shane. Oh, there's Shane. Shane, did you get the document? Oh, sorry, Member Sinenci. No, I think Gabe got it, but Member Sinenci, I guess, had not seen it.

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. I'm still waiting for it to upload in Granicus.

CHAIR SUGIMURA: Oh, can you email it to him?

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MR. KRUEGER: Mr. Sinenci...Councilmember Sinenci, apologies. We also emailed it to you directly.

COUNCILMEMBER SINENCI: Yeah, that was...I don't see any Rams--...I have that one. It doesn't have any Ramseyered.

CHAIR LEE: Redline.

COUNCILMEMBER SINENCI: The only thing that's in red is the Lāhainā...nothing's in red, actually.

MR. KRUEGER: Councilmember Sinenci, the changes are in tracked changes. So, in your Word, you may need to turn track changes on.

COUNCILMEMBER SINENCI: Okay. Got it. All right. Thank you.

CHAIR SUGIMURA: On Granicus. Okay. All right. Anybody have any questions on it? Okay.

MR. HOPPER: Chair, I can add my clarification --

CHAIR SUGIMURA: Okay. Okay.

MR. HOPPER: -- as...as well for that section. Section 5.A., the only additional change needed is to strike the word "assign" in the second sentence, and change that to "provide." An assignment is sort of a specific legal thing, and FEMA just wanted, I think, us to be clear. Federal law doesn't require assignment per se of benefits...of insurance benefits, but it does require that if the Federal Government performs the debris removal work, and the homeowner receives insurance proceeds for debris removal work that was done by the Government, it has to provide those proceeds to the Government because it was work done by the Government. And so, that's what this sort of language is clarifying. The...the law doesn't require an assignment specifically, but it requires that that be provided. So, basically, Section 5.A. with the current redline, we would just strike "assign" and change that to "provide" would be the...the change there. And then the only other thing is that I think...I think...I don't want to speak for them, but I think OCS may have reviewed the Section 1., and may have some...we have some updates to emergency proclamation information because it's...I mean it may even change before first or second reading, who knows. But there's some information about the...the declarations and proclamations that may need to be changed prior to adoption, just to have that update.

CHAIR SUGIMURA: Okay. Okay. Any other questions for Mr. Hopper? Chair Lee.

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COUNCILMEMBER LEE: So, which one of you has experience with providing the insurance company proceeds? I think the word assign is correct, but, you know, I don't want to mince words.

CHAIR SUGIMURA: Mr. Hopper, so did that request come from FEMA? Assign and replace with provide?

MR. HOPPER: Yeah. I think...and...and we changed that in the right of entry. They...they don't necessarily say we can't have an assignment done, but it was just the statement that Federal law requires an assignment. They said technically it doesn't require an assignment, it just prohibits duplication of benefits. So, that's...that's sort of a subtle change that they wanted. And so, the...the collection of proceeds and avoid...avoiding duplication of benefits is definitely though something that the County is going to have to work most likely with a contractor on...on facilitating because it's not a typical part of a right of entry process here. So, that's certainly correct, that that work...and then, you know, Ms. Wade and...and perhaps the...the resource people can sort of speak to that. But, it's definitely going to be one of the...the things done as part of this process, that we're going to need to get some...some assistance with, I think.

COUNCILMEMBER LEE: My question is, what if the insurance company provide...well, gives the proceeds for debris removal to the Government?

CHAIR SUGIMURA: Mr. Hopper?

COUNCILMEMBER LEE: And then...then the property owner would still need to do that as well? I don't think so. That's duplication. That's the reason why --

MR. HOPPER: Oh.

COUNCILMEMBER LEE: -- the word assign is there.

MR. HOPPER: Yeah, and...and I think the County will be requesting assignment, but again...I mean that...if they give it to the Government directly as authorized by the homeowner, then that's, I think, what's anticipated by the right...right of entry agreements. The...the language here...again, this language is just a statement of...of the law, and the requirements of how that's done is going to be through the right of entry form process, which requires information...insurance information be provided, and the process the County is going to have to set up for...for that type of...of program. And it has been done before, as I understand it, but it's...it's a challenge. And so, I think the County most likely will be looking for some contractor help with that process.

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COUNCILMEMBER LEE: Thank you, Mr. Hopper. But I was just trying to get clarification on the word "assign," and I think that word "assign" is correct. But if you feel it's interchangeable with the word "provide," that's fine with me. Thank you.

CHAIR SUGIMURA: Okay. Very good. Anything else, Mr. Hopper? I think you've covered it all.

MR. HOPPER: I...I can certainly ask...answer questions as to why, you know, these...the...these changes were made. Some of them were just noticing things after it was transmitted, and...and, you know, the...the other changes were, I think, explained to you by Member Paltin. But, if there is any questions on...on the redline version or the...or the...the version that the Committee already has, I can certainly answer them, and I imagine your resource people are available as well.

CHAIR SUGIMURA: Okay, Members, we're all good? Let me get out of this so I can see all of you. That's okay. Never mind. I'll just look over there. So, Members...okay. So, Member Paltin.

COUNCILMEMBER PALTIN: Can I make the motion to substitute?

CHAIR SUGIMURA: Yes. James?

MR. KRUEGER: Chair, the body currently doesn't have any motion to pass the Bill, so there's no main motion on --

CHAIR SUGIMURA: Oh, okay.

MR. KRUEGER: -- on the floor yet.

CHAIR SUGIMURA: Okay, make the main motion, and then...you're gonna --

COUNCILMEMBER PALTIN: You make the main motion?

VICE-CHAIR KAMA: I move.

CHAIR SUGIMURA: Okay, you move to pass Bill 86?

VICE-CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: All right, now with amendments.

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COUNCILMEMBER PALTIN: I move to substitute the redline version for Bill 86.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Okay, moved by Member Paltin, second by Chair Lee on the substitution. Okay, any more discussion, Members? I think it's been pretty clear. Thank you very much, everybody who worked on this. All right. Shall we vote? Do you want to say anything before we vote, Ms. Paltin?

COUNCILMEMBER PALTIN: I just want to clarify that nobody will be forced to make any decision until one month after the last person is able to re-enter their property. Although if people want to sign up with the Government program, which is free and that you don't have to coordinate all the different entities that goes into clearing a property correctly, safely, and for the environment, the Government program is the way to go, and it's free, and if you want to sign up for it before you visit your property, that's allowed; if you want to sign up for it right after you visit your property, that's allowed; but there won't be any deadline until one month--for everybody--until one month after the last person is allowed to re-enter their property. So, no one's being coerced into doing something until they at least have a chance to visit their property and reflect on what they want to do. In the Government program, they can also specify sensitive areas and, you know, if you have a rock wall that's still standing, and you want it to continue standing, you can specify those things, and let them know like where your septic and cesspool is, and if you have like an exceptional tree, and so on and so forth.

CHAIR SUGIMURA: Thank you. So, OCS has asked for us to take a 15-minute recess so that we can do the things we need to do. So, 2:15 is okay, or 2:10? 2:10, okay. This is...yes, Chair Lee?

COUNCILMEMBER LEE: I think we can excuse the panel, right?

CHAIR SUGIMURA: Oh. Why they...yeah, they're so invested in the discussion, right? They got to be here for the victory. Yeah. I know they all have work to do, so I appreciate it. So, we're going to recess, and we'll come back at 2:10. . . .*(gavel)*. . .

RECESS: 1:56 p.m.
RECONVENE: 2:12 p.m.

CHAIR SUGIMURA: . . .*(gavel)*. . . Welcome back, everyone, to the Budget, Finance, Economic Development Committee. I hope all of you are fine and ready to go. So, James, why don't you recap where we are, and then we'll call for the vote?

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MR. KRUEGER: Yes, Chair. So, the main motion on the floor, which is to recommend passage on first reading of Bill 86 (2023), that was made by Councilmember Kama, seconded by Council Chair Lee. And before the Committee right now is a motion to substitute with the redline version that Mr. Hopper distributed to the Committee; that was made by Councilmember Paltin, and seconded by Council Chair Lee.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: And I just wanted to clarify, if everybody's okay with that motion, also included a change to page 6, Section 5.A., second sentence, to replace "assign" with "provide." So it would read, "As required by Federal law, owners will be required to provide any insurance proceeds for debris or hazard tree removal to the Government to avoid duplication of benefits," if everyone is okay with that --

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER PALTIN: -- as a friendly amendment to my motion to substitute.

CHAIR SUGIMURA: Okay. Anybody have any questions regarding that? I think Mr. Hopper explained it pretty well. Okay, very good. All right. So, we'll take a vote on the substitution. All in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Aye. I guess we have seven "ayes." Chair Lee, you said "aye," yeah? Okay, seven "ayes," one excused...oh, two excused, Keani, as well as Tom Cook, right? So, two excused. So, seven "ayes," motion passes.

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VOTE: **AYES:** **Chair Sugimura, Vice-Chair Kama, and Councilmembers Johnson, Lee, Paltin, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Cook and**
 Rawlins-Fernandez.

MOTION CARRIED.

ACTION: **APPROVE amendment to main motion**

CHAIR SUGIMURA: Main motion. Anybody else would like to say a few words? Oh, well, this is the substitution, right? So, now we're on the main motion. Okay, all in favor of the main motion, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Okay, that's seven "ayes," two excused, Member Cook and Member Keani Rawlins-Fernandez. So, excused. Motion passes.

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VOTE: **AYES:** **Chair Sugimura, Vice-Chair Kama, and Councilmembers Johnson, Lee, Paltin, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Cook and Rawlins-Fernandez.**

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 86 (2023), CD1, by C.R.

CHAIR SUGIMURA: So, I want to thank all of you for working on this. I actually thought...I actually reserved two days...two full days to work on this, trying to get it possibly passed in case we needed it. So, now you have a day off tomorrow before we go to your meeting. Do you want to say anything about your meeting on Wednesday, Member U‘u-Hodgins?

COUNCILMEMBER U‘U-HODGINS: Sure. Yeah, why not, since you’re giving us this opportunity. We are having a meeting at the Westin on Wednesday at 9:00 to discuss the recovery and resiliency of Lāhainā and its upcoming endeavors of what we need to do as a...as a community to move forward. Thank you, Chair.

CHAIR SUGIMURA: Is it their main ballroom, or what?

COUNCILMEMBER U‘U-HODGINS: Yeah, the Honoapi‘ilani one, I think.

CHAIR SUGIMURA: Okay, very good. I appreciate that. And Members, I...every day, right, the disaster is all around us, so appreciate everybody working not only when you're in the Chambers, but what...when you are out there in the community, and I’m sure there’s a lot of questions. I want to thank our resources. You all are awesome. Thank you very much. The whole...really, the whole nation has come to help us, and we...we really appreciate the experience and expertise that you...that you are bringing with the different wildfire disasters that have happened in your community, and the job that you have to do. Jordan Molina, thank you very much for being here. He’s a brand new dad, everybody. Yeah, so we’re like in the midst of all of this, he’s also being the super dad, and thank you very much. I’m so happy for you. He has two

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boys. I'm sure you're going to have a lot of fun with them as they grow up and...so, I want to...I also want to thank all the communities who are, you know, working, and if anybody had gotten to attend--I want to thank the Mayor, Mayor Bissen, for having the meeting in...in West Maui at the Civic Center, as well as last night...or yesterday at the Maui Arts and Cultural Center, and information was provided by all the different agencies and departments that are involved with this whole endeavor that we're going through. And I want to say that when he opened his speech yesterday, he's...he looked at us, we're sitting in the audience, and he said, you know, Council, I will continue...or I promise to be working with you more closely. So, I saw him in the elevator when we walked in, and I said, oh, thank you very much, we...we look forward to that too, as we work on this disaster. I want to thank my Kula community for working with me as we walk forward together. And Tamara, do you want to say anything to your community?

COUNCILMEMBER PALTIN: Yeah, we're...we're happy to have you on Wednesday. We're looking forward, and we'll be there in the after work hours, even if there's a pause in testimony.

CHAIR SUGIMURA: Okay. When does the meeting end? What does that mean?

COUNCILMEMBER PALTIN: 10:00 p.m.

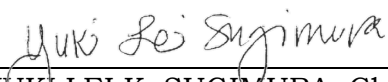
CHAIR SUGIMURA: 10:00 p.m. Okay.

COUNCILMEMBER U'U-HODGINS: Yeah. We have the ballroom until 10:00 p.m. So, we'll stay as long as required.

CHAIR SUGIMURA: Okay. All right. Members, thank you very much, Erin and team. This meeting is now adjourned. . . .(gavel). . .

ADJOURN: 2:18 p.m.

APPROVED:



YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

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CERTIFICATIONS

I, Daniel Schoenbeck, hereby certify that pages 1 through 32 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 October 2023, in Kula, Hawai'i



Daniel Schoenbeck

I, Terianne Arreola, hereby certify that pages 32 through 69 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 October 2023, in Wailuku, Hawai'i.



Terianne Arreola