

Aloha Maui County Council members:

My name is Jeff Bagshaw, I am the Volunteer Coordinator, outreach and information staff for `Ahihi-Kina`u Natural Area Reserve - the third most visited outdoor site on Maui, and sadly home to the only reef in Hawaii that is not declining.

I urge the Maui County Council to take the lead in our state in banning the sale of toxic compounds used in personal care products marketed as sunscreens. I am sure that someone will suggest that "we" should not be hasty and that "we" should simply provide education and let the public make the choices for themselves. When someone speaks of educational outreach work, they are talking about me and the volunteers and staff I work with as the Volunteer Coordinator and Outreach/Information specialist for `Ahihi-Kina`u Natural Area Reserve. I want to paint you a picture of what that education effort means from someone on the front lines. I have been doing this type of work on Maui since 1988, first with Haleakala National Park for 28 years, and now with the state for the last 2.5 years.

`Ahihi Cove was tested three years ago for only Oxybenzone - the result was 868 parts per trillion. Our most recent test this summer put us at 1,084 ppt. Its lethal to corals at 62 parts per trillion. When we learned about this issue over 2 years ago, I began an aggressive education campaign at the reserve. First, I developed a hand-out to explain the issue. Many said it was too much to read, so I developed a "shopper's card" that simply lists the ingredients to NOT buy or use, most of the ingredients which are virtually identical to Oxybenzone, in an effort to help people find the right skin protection products. Since we began, we have distributed over 150,000 of these cards. One year ago, I completed a map for visitors that includes messages about sunscreens, and began distributing to dive shops, businesses, hotels and resorts in the entire south Maui area. I included the message on our new signage we are installing this month, and I developed a display that helps people understand that their "... its just me, just today, this really can't add up to much in the ocean..." attitude collectively contributes to roughly 70 gallons of sunscreen going into the ocean around the island of Maui each and every day.

In order to reach as many visitors as possible, myself and volunteers must greet visitors to the reserve in our main parking lot, during the busiest and sunniest hours between 8am and 1pm, when its often 90+ degrees. We have only moments to approach them, give them orientation advice and ask them to not use any sunscreen products, because the very first thing people quickly do is apply some kind of sun protection as soon as they hop out of the car. We are not romantically walking the beach and listening to the ocean - by then its too late. When they reach the reserve, they have left behind any areas 30 minutes prior where they could have bought zinc or titanium sun blocks or sun-shirts, and we cannot sell anything on state natural area reserve lands. Rarely do any of these people choose to go back and buy the right stuff. At most I can only give 50% of my time to this one issue - I have other duties. Imagine the dedication of a handful of volunteers who roam a parking lot two hours a week in 90 degree weather to do the same. I believe in the work we do, education on such issues is a vital component of conservation, but after two years, we are exhausted. At the very best we are reaching 20% of our daily visitors, on only 2% of Maui's coastline. Car counts and surveys show that the reserve is the 3rd most visited outdoor recreation site on Maui (behind Haleakala National Park and Iao State Park). An average of 1,200 people drive into our main parking lot each day, with a minimum of 700 going into Ahihi Bay and cove daily. Education is clearly not enough.

You will receive testimony threatening spiraling cases of skin cancer if these products are prohibited in any way. Yet even fair-skinned people in Hawaii avoided skin cancer before the

creation of these compounds. Zinc and titanium sunblocks have worked for generations, and they are working for me now. I have a history of skin cancer in my family, and I visit my dermatologist annually. She assures me I am protecting myself well with sun-clothing and mineral sunblocks. I can work in the sun, go in the ocean and not poison the reefs.

Please do not be swayed by industry lobbyists predicting doomsday health scenarios. Industry chemists may claim there is not enough data, but how can we gamble and wait years to gather more data? There are multiple studies against these compounds. If you are concerned about economic impacts, remember that all the major companies already sell mineral sunblock products. They need simply change their marketing lines. And don't forget the economic impacts to local fishermen who rely on their ocean catches to help feed their families. Economic impacts from dying reefs hit them just as it does to the tourism industry.

In Sept/Oct of 2015 we lost a heart-breaking 30-50% of our reefs in eight weeks due to ocean temperatures reaching 88 degrees. I have personally seen reef diversity and species density plunge at many major dive sites on Maui. While sunscreen products did not cause this crisis, they directly weakened reefs prior to the event. We may never know if reefs could have withstood the crisis better if this one human-induced factor, sunscreen products, could have been removed in advance.

We can't change climate problems overnight, but this is one thing we can change quickly, and we need to act quickly, before the next El Nino year. We must raise the health of our reefs so they may withstand other pressures. Skin cancer is a concern but there are alternatives that have worked for generations. This is for our future. Locations in Mexico, Australia, the Mediterranean and the Caribbean have already banned these products. Can't we we follow the examples of these "third-world" sites? Please be brave. I am when I speak with over 100 people each day on this issue, but I can't do it alone. Hawaii, perhaps Maui, must lead the nation in taking these products off the shelves and off our reefs.

Hawaii's coral reefs are the foundations of oceanic food chains here in the islands for hundreds of species. Our reefs have been the basis for the "refrigerator" for eons in Hawaiian culture, they help moderate wave sets and even enhance surfing sites. In modern times, they have become a vital draw for the tourism industry. But they are under threat from multiple sources: climate change which brings ocean acidification and excessive sea water temperatures, sedimentation from development run-off, land-based pollution from fertilizers and pesticides, over-fishing, and finally, toxic organic compounds found in cosmetic and sunscreen products.

Here is one more thing that only someone on the front lines like myself can give you, since I talk with so many visitors. Each and every day, at least once, I hear a visitor tell me they have been to Maui before, and they remember the reefs used to look much healthier. In some of these unsolicited conversations, they tell me its the only reason they came to Maui, and some say if this continues, they will not come back. My personal views are my own, not necessarily my agency's, but the work I do has informed me of the value, and the limits, of education.

More on how we arrived at the figure of 50-70 gallons of sunscreen going into Maui waters daily. Early on when we began the educational campaign it became clear people could not grasp how important all or our collective impacts are regarding these compounds. Parts per trillion or even comparisons of drops-per-swimming-pool volume are hard to visualize.

And every day at the reserve we hear (these are direct quotes):

"Its just me, its just today, I'll only use a little."

And occasionally: "My doctor told me that if I sunburn just once, I'll get skin cancer."

The latter usually comes from someone wearing the smallest bathing suit they could possibly buy, instead of sun-protective clothing. And finally: "Sunblock looks funny - I won't get a nice Hawaiian tan if I use the white stuff."

So I dusted off an old college text on environmental estimation. Its a way to realistically estimate the impact of something based on available data when its impractical to measure exactly.

\* So first, imagine that just 10 percent of the island's residents and visitors go into the ocean each day somewhere around Maui, either a Sunday afternoon or a Tuesday morning.

\*Now imagine that just one half of those people put on some brand of sunscreen, instead of sunblocks. Just one half since many tell us they don't wear any sunscreen at all.

\*Next, imagine that 1/2 of 10 percent put on just one 1/2 ounce of sunscreen - less the recommend use by most of these manufactures.

\*Given all that, this comes to approximately 50 gallons of sunscreen going into the ocean around Maui, one swimmer at a time, each day, everyday. Today.

\*Its reasonable (on land use, longevity in the environment)...

If a truck pulled up to the ocean somewhere on Maui, the tailgate was dropped and the driver rolled out a plastic, industrial barrel and began dumping gallons of goo into the water.... I'd like to think one of us would call the EPA, the MPD or someone to make it stop.

If these compounds really were dumped like that the EPA could take action, and the dumpers would be made to pay fines and reparations. But the manufacturers of these products, have no offices, employees, factories or anyone directly impacted by prohibiting sales here in the islands. They are dumping their toxins on our environment one ocean-goer at a time and it does not affect their lives as it does ours.

I fear at some point our County may face legal challenges to these proposed bills. Perhaps some creative bargaining can be done to hold these companies accountable for their deposition of these compounds in our waters for the decades since their creation.

I am sad to report that since I last testified, we have gotten back new results from our latest samples testing for these compounds in the reserve waters.

We now stand at 1,084 ppt. Oxibenzone and octinoxate, and again, these are toxic to corals at 64 ppt, our 17 times the lethal amount. Despite all our education efforts, the numbers have gone up, possibly because so has our visitation.

I'm proud to see that Maui County may once again lead the way in protecting our reefs and the fish we eat and I applaud your efforts.

Mahalo,

Jeff Bagshaw

Volunteer Coordinator, Information and Education Associate

`Ahihi-Kina`u Natural Area Reserve

(808)264-7891 work-cell

[jeff.w.bagshaw@hawaii.gov](mailto:jeff.w.bagshaw@hawaii.gov)

Thomas M Cook  
18 Poailani Place  
Kihei HI 96753  
870-2205

December 1, 2017

TESTIMONY ON AGENDA ITEM CC 17-482

Good day Council members my name is Tom Cook. I am giving testimony today as an individual and local Contractor.

I urge you to retain Dave Taylor as the Director of Maui County Water department. Attached to this testimony is a hand drawn organization chart done by Mr. Taylor when I met with him regarding the Mayor offering me the Deputy of DWS possession when Paul Myer retired in January.

Dave made this the night before we met at his office, so he could show me the various parts of the department and the various management task required to run the department.

I was impressed with his total grasp of the entire department which is extensive and multi-faceted. We discussed each aspect at least. He knows the department inside and out. He was very objective about my possibly taking the job. I determined I was not qualified for the job and my passion was to work on the implication of the MAPPS program and building permit improvement.

During his employment at DWS Dave has worked with his staff and developed detailed spreadsheets outlining the time and money required for different funding scenarios. I watched him on AKAKU give the council budget committee 3 options for funding. Basic fix things as they break, Middle keep the system working with some CIP upgrades, or follow the general plan goals and invest a significant amount of money over a period of years to replace old pipes, develop necessary source for future growth and build the storage reservoirs and tanks required for Maui's planned growth. This was linked to the water rates and fees the Council approval would fund.

This level of professional management has not existed in the Maui DWS before.

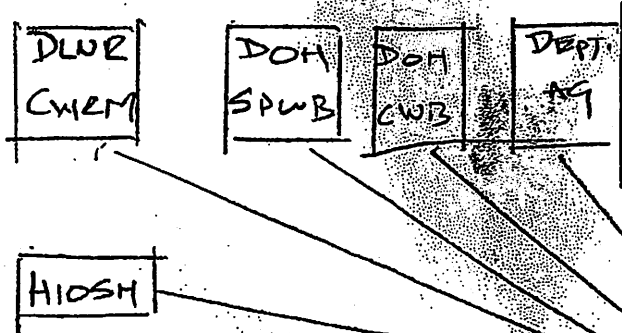
Please keep in mind the DWS used to be autonomous agency not subject to control by the Mayor or Council. It was structured that way to keep it from being political. It is our public utility and should be outside of political decision making.

The Mayor's removal of Mr. Taylor is political. This administration has one more year before our Community votes for a new Mayor. The new Mayor will have the option to retain Mr. Taylor as the Director of DWS or suggest a new one to the Council for approval. If a new director was nominated and approved, it would be a structured professional transition for the department. Not this administration's leave dictated by the Mayor that is not based on any wrongdoing other than not agreeing with the Mayor on water source purchase issue.

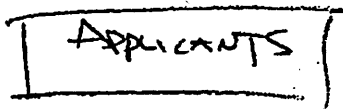
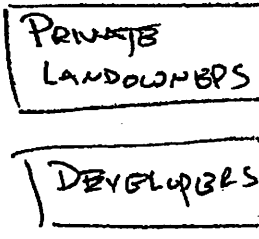
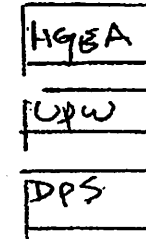
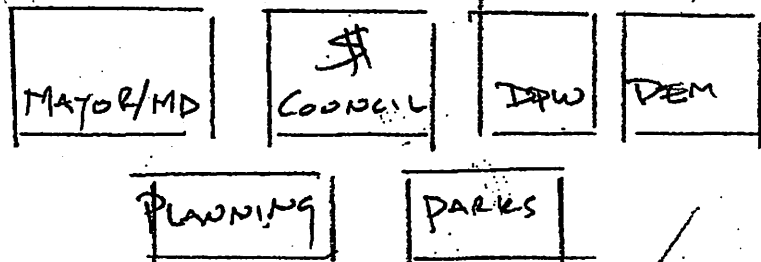
Thank you for the opportunity to give this testimony to you feel free to ask me for clarification of anything said.

Sincerely  
Tom Cook

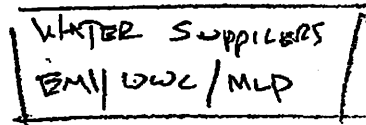
STATE REGULATORY AGENCIES



COUNTY AGENCIES



EMPLOYEE ISSUES

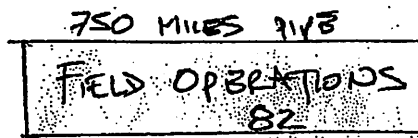
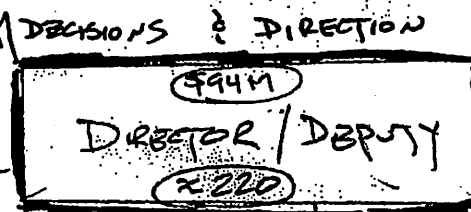


REQUESTS VS. ORDINANCES VS. DIVISION MEMBERS?

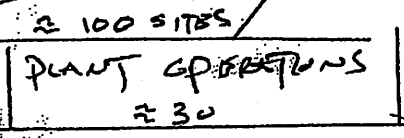
- TESTIMONY  
- COMMITTING TO EFFECTS

SIGNATURES  
TESTIMONY  
OWNERSHIP  
ACCOUNTABILITY

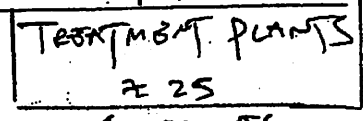
SCOPE VS. COST  
RESOURCES VS. PRIORITIES



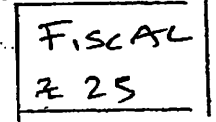
- PIPE REPAIRS
- TANK MAINTENANCE
- VEHICLE REPAIRS
- HEAVY EQUIPMENT
- LABORER SUPPORT



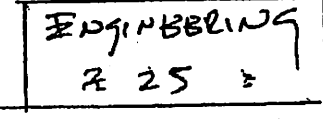
- LAB
- MECHANICS
- ELECTRICIANS
- ELECTRONICS
- BACKFLOW
- PUMPING OPS
- MAINTENANCE OF PUMP SITES
- OP/MAINTAIN GAC & DISINFECTION



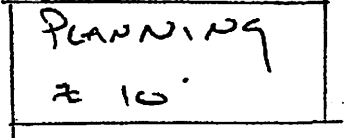
- OPERATE PLANTS
- MAINTAIN PLANTS
- SMALL CONSTRUCTION



- BILLING
- PURCHASING
- BUDGET PROJECTIONS & MONITORING
- ACCOUNTING
- AUDITS



- CIP ~ \$25-30M
- PLAN REVIEWS & APPROVALS
  - o SUBDIVISIONS
  - o BUILDING PERMITS
  - o SERVICE PERMITS
  - o ETC.
- DEVELOPMENT PERMITS
- SUPPORT TO OPS
- EASEMENTS



- WATER USE & DEVELOPMENT PLAN
- ENTITLEMENT REVIEWS
- WATERBESHED GRANTS
- CONSTRUCTION
- REGULATORY SUPPORT

PRIORITIES?  
HR DECISIONS?  
SCOPE VS. COST?

ALL DIVISIONS

PRIORITIES BETWEEN DIVISIONS?

EMERGENCY MGMT.

## County Clerk

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**From:** mark@everyactioncustom.com on behalf of MARK SHEEHAN  
<mark@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 2:02 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
dr MARK SHEEHAN  
588 E Kuiaha Rd Haiku, HI 96708-5436  
mark@marksheehan.com

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2017 NOV 29 PM 1:39  
OFFICE OF THE  
COUNTY CLERK

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letter and information opposing

2017 DEC -6 PM 2: 03

GC

Gutierrez, Carlos <cgutierrez@chpa.org>

Thu 11/30, 4:11 PM

Mike White; Robert Carroll; Stacy S. Crivello; Alike A. Atay; Elle Cochrai+5 more

OFFICE OF THE COUNTY CLERK

Reply all |

Inbox

CHPA Letter of Oppo...

164 KB

Oxybenzone Summar...

566 KB

C

255 KB

Show all 3 attachments (985 KB) Download all Save all to OneDrive - County of Maui Office of Council Services

Chairman White and members of the Maui County Council,

Please find the attached documents from the Consumer Healthcare Products Association expressing opposition to IEM 45 being considered by the full county council tomorrow.

Attached items include:

1. CHPA formal letter of opposition to IEM 45
2. Bulleted summary overview of oxybenzone benefits and relationship to coral reef
3. Listing of all products containing oxybenzone/octinoxate on the market today (beyond sunscreen)

**Carlos I. Gutiérrez**

Vice President, State & Local Government Affairs

Consumer Healthcare Products Association

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Washington, DC 20006

Phone: (202) 429-3521

chpa.org | KnowYourOTCs.org

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November 30, 2017

The Honorable Mike White  
Chair, Maui County Council  
Maui County Council  
200 South High St.  
Kalana O Maui Building, 8<sup>th</sup> Fl  
Wailuku, Hawai'i 96793

**RE: Opposition to IEM 45 - proposal banning sale and use of oxybenzone/octinoxate containing SPF sunscreens**

Dear Chairman White:

On behalf of the Consumer Healthcare Products Association (CHPA), a 135-year-old national trade association representing the leading manufacturers of over-the-counter (OTC) medicines and dietary supplements, I am writing to express opposition to IEM 45, the proposed ordinance prohibiting the sale and use of SPF sunscreen containing oxybenzone and octinoxate. While we applaud attempts to limit coral decline in Maui, we have strong reservations of attempting to do so by limiting access to ingredients (oxybenzone/octinoxate) which have proven benefits against deadly skin cancers. CHPA is staunchly opposed to this proposal and asks for a more thorough examination of the unintended consequences of this potential policy shift before moving forward.

**What Is Oxybenzone?**

Oxybenzone is a safe, and effective ingredient approved by the Food and Drug Administration (FDA) in 1978 and found in nearly 2000 personal care products on the market today including some of the most popular sunscreens, lip balms, and lotions designed to guard against sun damage. It is found in the overwhelming majority of the most popular sunscreens due to its ability to offer broad spectrum protection against both ultraviolet A (UVA) and ultraviolet B (UVB) rays that are the greatest contributors to skin cancer.

**Sunscreen Saves Lives**

Sunscreen quite literally saves lives. Every year there are more cases of skin cancer in the United States than the combined incidents of breast cancer, prostate cancer, lung cancer, and colon cancer combined. In fact, over the last 30 years, more people have experienced skin cancer than all other cancers combined.

Rather than limiting access to sunscreens, governments at all levels should instead be encouraging use of sunscreen by its residents. This is especially the case in Hawai'i where the ultraviolet index of its cities is consistently rated at 11 or above – the highest index rating on the scale and described as extreme UV radiation. The United States Environmental Protection Agency (EPA) suggests individuals in areas with extreme UV radiation “generously apply broad spectrum sun protection factor (SPF) 30+ sunscreen every 2 hours, even on cloudy days, and after swimming or sweating.”<sup>1</sup>

In order to get ultra-high SPF, oxybenzone is required to serve as a stabilizer for other sunscreen ingredients in sunscreen. Without it, high SPF may not be achieved. One out of five Americans will develop skin cancer in their lifetime, and one person dies of melanoma (the deadliest form of skin cancer) every hour. The vast majority of melanomas are caused by the sun, and a person's risk of melanoma

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<sup>1</sup> <https://www.epa.gov/sunsafety/uv-index-scale-0>

doubles if he or she has had more than five sunburns. When used as directed, sunscreens containing oxybenzone on the market today have proven to be very effective in protecting skin against the sun's harmful rays.

### **Studies Suggesting Oxybenzone Is Causing Coral Decline Is Flawed**

Earlier this fall, the Hawai'i House Committee on Oceans, Marine Resources and Hawaiian Affairs and the Committee on Energy and Environmental Protection held a joint information briefing to discuss research and recommendations on protecting Hawaii's coral reefs and nearshore ocean resources. Presentations to the joint committees were made by Dr. Kuulei Rodgers and Dr. Alan Fridelander of the University of Hawai'i Institute of Marine Biology, and the Hawai'i Department of Land and Natural Resources (DLNR) Division of Aquatic Resources. A representative from the United States National Oceanic and Atmospheric Administration (NOAA) also addressed the two committees.

The presenters of the information briefing acknowledged coral decline in Hawai'i. However, when they discussed the primary causes of coral bleaching and recommendations to stall coral decline, not once was sunscreen containing oxybenzone even mentioned. Instead, the scientists pointed to ocean water temperature, sediment from runoff, over fishing, and sewage as the primary causes of coral decline. Unless those factors are mitigated, it is unlikely coral will thrive. Terry Hughes, director of the Australian Research Council Centre of Excellence for Coral Reef Studies at James Cook University suggests that extrapolations asserting sunscreen is damaging the world's coral "are a bit of a stretch." He continues, "the conclusion from the media is sunscreen is killing the world's coral, and that's laughable."<sup>2</sup>

The benefits of oxybenzone containing sunscreen to residents seeking protection against the sun's harmful rays is well evidenced and documented. Oxybenzone's impact on coral in an ocean environment, on the other hand, are peripheral at best.

### **Proposal Violates State and Federal Law**

CHPA recently retained Honolulu based Bronster, Fujichaku, Robbins Attorneys at Law to examine the legality of the proposal being considered by Maui County. The firm found the two original proposals to run afoul of the law, specifically as it relates to preemption. Based on a review of the Hawai'i Revised Statutes and relevant case law, the proposed ordinance improperly intrudes on regulatory areas that are exclusively occupied by the State of Hawai'i.

Although the stated purpose of the proposed ordinance is the protection of coral and sea life within Maui County, Chapter 187A of the Hawai'i Revised Statutes vests sole regulatory authority related to marine life in the State and its DLNR. Haw. Rev. Stat. § 187A-2.

The proposed ordinance also interferes with the Department of Health's exclusive control to adopt rules governing the manufacture, sale, and use of drugs within the state. Haw. Rev. Stat. § 321-1(19). Based upon this authority, it is clear that the Maui County Council's proposed ordinance is preempted as it intrudes into areas fully occupied by the State of Hawai'i (See Richardson v. City and County of Honolulu, 76 Hawai'i 46, 61, 868 P.2d 1193, 1208 (1994)).

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<sup>2</sup> No, your sunscreen isn't killing the world's coral reefs. <http://mashable.com/2015/11/10/sunscreen-killing-coral-reefs/>.

Additionally, it is important to note that Section 751 of the Federal Food, Drug and Cosmetic Act (FDCA) further preempts any state or local ordinance that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with an OTC drug regulation. Oxybenzone is a generally recognized as safe and effective ingredient, with testing and labeling requirements provided under sunscreen regulations.

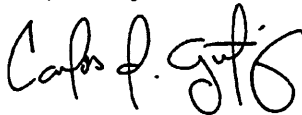
Therefore, the proposal being considered by the Council is out of compliance with both state and federal law and risks future litigation.

### **Conclusion**

No state or locality has taken the drastic action of banning the sale, use or application of oxybenzone containing sunscreens. Since there have been no studies published to date that scientifically prove any sunscreen active ingredient is a primary reason for coral reef decline – including research by Dr. Craig Downs - CHPA respectfully requests the Maui County Council oppose the proposal. A greater standard of evidence must be considered before such a valuable product to people's health be banned from use or sale.

Should you have any questions for CHPA, please contact me directly at 202.429.3521 or at [cgutierrez@chpa.org](mailto:cgutierrez@chpa.org).

Respectfully submitted,



Carlos I. Gutiérrez  
Vice President, State & Local Government Affairs  
Consumer Healthcare Products Association  
(202) 429-3521 [cgutierrez@chpa.org](mailto:cgutierrez@chpa.org)

cc: Members, Maui County Council

Attachments

## **Summary overview of science supporting benefits and safety of sunscreen products and oxybenzone**

- Banning sunscreens that contain specific sunscreen ingredients may adversely affect public health, with no expected benefits for coral health. Research over past two decades has shown that the most important way to save coral is to prevent warming events, over-fishing, and agricultural run-off in the Hawaiian marine environment.
- The limited lab studies done to date are insufficient to make factual conclusions about the safety and effectiveness of FDA-approved sunscreen ingredients and disrespect the importance and benefit of sunscreen products to public health.
- The study results presented to the County lacks a scientifically balanced perspective on the risk for the marine environment overall. The conclusions presented have been debunked numerous times in broadly acknowledged reputable scientific journals.
- The U.S. Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), the U.S. Surgeon General, the American Academy of Dermatology (AAD), the Skin Cancer Foundation and health care professionals worldwide emphasize that using sunscreens is a critical part of a safe sun regimen. ***This is based on outcomes from well-designed randomized clinical trials and long-term follow-up, which showed that regular use of sunscreen can prevent non-melanoma skin cancers and melanoma.***<sup>1,2,3,4,5,6,7</sup>
- According to the AAD, sunscreens help prevent sunburn and reduce the risk of developing cancer when using water-resistant sunscreens with an SPF greater than 30 that protect skin from both UVA and UVB rays (broad spectrum).<sup>8</sup>
- While a preventable form of cancer, skin cancer rates continue to be on the rise. This is not a surprise as CDC survey data show that few Americans effectively protect themselves from the sun. Only 37% of women and 16% of men regularly use sunscreen. **According to the CDC, 19.4 out of 100,000 people develop or die from melanoma of the skin each year in Hawaii.**<sup>9,10</sup>
- Oxybenzone is approved for use in over-the-counter sunscreens by the FDA, Health Canada, Australia, the European Union and several ASEAN countries because these health authorities have found it to be a safe and effective sunscreen ingredient that protects skin against the damaging effects of ultraviolet light.
- Oxybenzone is one of the few sunscreen ingredients available in the U.S. that provides broad-spectrum protection from both UVA and UVB rays.<sup>8</sup>

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<sup>1</sup> FDA - Tips to Stay Safe in the Sun: From Sunscreen to Sunglasses; Available at:

<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm049090.htm>

<sup>2</sup> CDC – Skin Cancer and Sun Safety; Available at [http://www.cdc.gov/cancer/skin/basic\\_info/sun-safety.htm](http://www.cdc.gov/cancer/skin/basic_info/sun-safety.htm)

<sup>3</sup> The Surgeon General's Call to Action to Prevent Skin Cancer – Fact Sheet; Available at:

<http://www.surgeongeneral.gov/library/calls/prevent-skin-cancer/fact-sheet.html>

<sup>4</sup> AAD – Sunscreens FAQ; Available at: <http://www.aad.org/media/stats/prevention-and-care/sunscreens-faqs>

<sup>5</sup> The Skin Cancer Foundation Guide to Sunscreens – Available at: <http://www.skincancer.org/prevention/sun-protection/sunscreen/the-skin-cancer-foundations-guide-to-sunscreens>

<sup>6</sup> Green A. et al. Reduced Melanoma After Regular Sunscreen Use: Randomized Trial Follow-Up. *Journal of Clinical Oncology*, 2011;29:257-263

<sup>7</sup> Ghiasvand R. et al. Sunscreen Use and Subsequent Melanoma Risk: A Population-Based Cohort Study. *Journal of Clinical Oncology*, 2016;34:3976-3983

<sup>8</sup> American Academy of Dermatology (AAD) – is sunscreen safe? Available at: <http://www.aad.org/public/spot-skin-cancer/learn-about-skin-cancer/prevent/is-sunscreen-safe>

<sup>9</sup> Hartman *MMWR* 2012; 15:317-322

<sup>10</sup> CDC - Skin Cancer – Skin Cancer Rates by State; Available at: <http://www.cdc.gov/cancer/skin/statistics/state.htm>

### What about coral reefs?

- The threat to the world's coral reefs is a serious concern. According to the U.S. National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Conservation Program, coral reefs are impacted by an increasing array of hazards – primarily from global climate change, ocean acidification, and unsustainable fishing practices.<sup>11</sup>
- There is no scientific evidence that under realistic conditions, sunscreen ingredients are a relevant source for coral bleaching. In fact:
  - Earlier this year Hawaiian researchers from the Hawai'i Institute of Marine Biology at the University of Hawai'i, Kane'ohe have shown that local conditions do not contribute to coral bleaching events<sup>12</sup>
  - The Australian government found that the majority of coral bleaching occurs where there is low to no human interaction and that coral is healthiest in tourist or high traffic areas.<sup>13</sup>
- Allegations linking oxybenzone and coral bleaching are based on a single study published in 2015 in the Archives of Environmental Contamination and Toxicology.
  - Numerous scientists have questioned the study's erroneous conclusions.
  - Even the author of the first study, Craig Downs, has been quoted as saying "My professional opinion is that agricultural run-off and sewage...are probably responsible for the historical collapse of coral reefs for the past 40 years."<sup>14</sup>
- The study results presented to the County lacks a scientifically balanced perspective on the risk for the marine environment overall. The conclusions presented have been debunked numerous times in broadly acknowledged reputable scientific journals.
- The research did not establish that oxybenzone exposure is adequate to cause bleaching. The data show that exposure concentrations fluctuate dramatically (> 10-fold) with the tides, unlike the chronic high concentrations reported in the lab study. Two of three highest oxybenzone concentrations, which occur at high tide, are less than the reported 8 hour experimental conditions.
- Forcing a switch to mineral sunscreen only sunscreen products could bring on unintended consequences. There is already a water quality criterion in place in Hawaii for Zn, because it is well established as an aquatic toxicant.<sup>15</sup> Shifting away from an effective ingredient prematurely can shift from one risk to another.

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<sup>11</sup> National Oceanic and Atmospheric Administration's (NOAA) - Coral Reef Conservation Program, Coral Threats; Available at: <https://coralreef.noaa.gov/issues/welcome.html>

<sup>12</sup> Rodgers et al. Patterns of bleaching and mortality following widespread warming events in 2014 and 2015 at the Hanauma Bay Nature Preserve, Hawai'i. PeerJ, 2017;5:e3355; DOI 10.7717/peerj.3355; available at [https://peerj.com/articles/3355/?utm\\_source=TrendMD&utm\\_campaign=PeerJ\\_TrendMD\\_0&utm\\_medium=TrendMD](https://peerj.com/articles/3355/?utm_source=TrendMD&utm_campaign=PeerJ_TrendMD_0&utm_medium=TrendMD)

<sup>13</sup> Johan David Martin, A Climate Services Perspective on Two Significant Climate and Weather Events in Australia, BoM, Docklands, Australia; Available at:

[http://ams.confex.com/ams/97Annual/videogateway.cgi/id/36418?recordingid=36418&uniqueid=Paper312862&entry\\_password=598657](http://ams.confex.com/ams/97Annual/videogateway.cgi/id/36418?recordingid=36418&uniqueid=Paper312862&entry_password=598657)

<sup>14</sup> [http://mashable.com/2015/11/10/sunscreen-killing-coral-reefs/#ipBcK2\\_sa5q7](http://mashable.com/2015/11/10/sunscreen-killing-coral-reefs/#ipBcK2_sa5q7)

<sup>15</sup> Anal Bioanal Chem (2010) 396:609–618 DOI 10.1007/s00216-009-3249-z

## Products Containing Oxybenzone/Octinoxate

<p>Nail polish</p> 	<p>BB Lotion</p> 	<p>Hair Spray</p> 	<p>Fragrance for Men</p> 	<p>Fragrance for Women</p> 
<p>Conditioner</p> 	<p>Shampoo</p> 	<p>Styling Gel</p> 	<p>Anti-Aging Cream</p> 	<p>Hair Dye</p> 
<p>Bronzer/Highlighter</p> 	<p>Facial Powder</p> 	<p>Scar Treatment</p> 	<p>Bath Oil</p> 	<p>After Shave</p> 
<p>Body Wash</p> 	<p>Lipstick</p> 	<p>Body/Baby Oil</p> 	<p>Foundation</p> 	<p>Sunless Tanner</p> 

Restrictions against oxybenzone/octinoxate extend far beyond just sunscreen.

The ingredients can be found in thousands of products such as pharmaceuticals, agriculture, plastic bags, printing inks, fertilizers, live stock meal, recycled paper, coatings and adhesives.

**A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND**

**GRANT CHUN  
A&B PROPERTIES  
ALEXANDER & BALDWIN, INC.**

**DECEMBER 1, 2017**

Chair White and Members of the Maui County Council:

I am Grant Chun, testifying on behalf of A&B Properties (A&B) on "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND." We respectfully oppose this bill.

The stated purpose of this bill is to declare a moratorium on the mining of Central Maui inland sand. We are concerned that there may be other unforeseen or unintended consequences and impacts of the proposed moratorium that would negatively impact the basic needs of Maui's working public—the provision of housing, infrastructure, and other public facilities, as well as the associated jobs and economic benefits of such activities.

We understand that this bill will prohibit the extraction and removal of Central Maui inland sand from the lot where such sand is located. We are concerned that this provision may negatively impact lawfully authorized Maui County grading and grubbing permits. While it is envisioned that sand derived from construction excavation or grading will usually be retained on-site for other uses when possible, certain construction projects may necessitate the movement of sand beyond the boundary of the lot from which the sand originates. This may especially be true for larger

construction projects situated on multiple lots. This restriction may significantly and negatively impact the construction of much needed workforce housing and other community or business facilities, located on sandy soils within Central Maui. In addition, State and County capital improvement projects such as roads and highways, community parks, schools, and other public facilities on lands where Central Maui inland sand is located may be impacted by the proposed moratorium. Additionally, secondary impacts to employment and economic and social development may also arise with the deferral of State/County capital improvement projects.

With inland sand prevalent at parcels of agricultural land in Central Maui, it is envisioned that the proposed moratorium may also negatively impact farming and other agricultural operations. Ground and soil preparation, essential activities prior to planting agricultural crops, may be impacted if the inland sand cannot be moved beyond the boundaries of its lot of origin. Thus, implementing diversified agricultural operations in Central Maui may be impeded should this bill be passed.

The moratorium may also affect the availability of sand on Maui for other beneficial uses. Golf course maintenance and beach replenishment and nourishment are common uses of inland sand here in Maui County which may be negatively impacted by lack of available sand on Maui due to the moratorium.

We understand that entities previously involved in sand mining in Maui County have agreed to suspend their sand mining operations. Thus, in lieu of the establishment of a moratorium on sand mining which may prompt unforeseen or unintended consequences, we respectfully recommend that deliberation and discussion instead focus on other regulatory options to amicably address this matter.



Based on the foregoing, we respectfully request that this bill not be passed by this Council. Thank you for the opportunity to testify.



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COUNTY CLERK

Via E-Mail

November 29, 2017

Honorable Mike White, Chair  
Honorable Robert Carroll, Vice-Chair,  
and Members of the County Council  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

**Comments Regarding Moratorium on Exporting Sand, the Maui Inland Sand Resource Quantification Study and Sand Mining Regulation; Proposed Bill Entitled "A Bill for an Ordinance Establishing a New Chapter 20.40, Maui County Code, Declaring a Moratorium on Sand Mining" (Item L. No. 17-167 on the Council's Agenda).**

**Friday, December 1, 2017, at 9:00 a.m. in the Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawaii 96793**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

For consideration before this Council, is a proposed bill, the purpose of which is to declare a moratorium on mining of Central Maui inland sand.

**Background.** LURF understands that this proposed bill was originally prompted by concerns relating to the excavation, movement and exportation of inland sand, allegedly without proper permits. Contentions also existed regarding the possible mishandling of ancient 'o'iwi encountered during the movement of inland sand.

This bill was initially proposed as a measure to amend the comprehensive zoning ordinance (Title 19, Maui County Code [MCC]) to establish a moratorium on the

exporting of sand off-island. Such a zoning measure would be procedurally subject to review by the County's three Planning Commissions, and final approval by this Council, as is proper for all land use-related matters. Decisions, however, were subsequently made by introducers to instead propose further adaptations of the bill as measures intended to protect the environment under Title 20, MCC - "Environmental Protection," reportedly so that the newly drafted versions of the ordinance could move quicker through the review process.

Even further revisions to the measure were subsequently made in response to legal and practical issues raised by stakeholders and the community, resulting in the current version of the proposed ordinance. LURF continues to believe, however, that many of the same fundamental concerns relating to the original measure have continued to be overlooked by proponents of the bill, and have still been left unaddressed in the present proposal.

**LURF's Position.** LURF is not in any way opposed to measures intended to protect Maui's environment and natural resources, or to efforts made to respect and preserve native Hawaiian cultural, archeological or burial sites. LURF must, however, strongly caution against efforts made to further special interests by disregarding and circumventing proper requirements and procedures applicable to the enactment of land use laws and ordinances, including moratoria, particularly in cases where the deprivation of constitutional and vested rights of private landowners may be at stake.

With respect to the subject bill proposing to declare a moratorium on mining Central Maui inland sand, LURF has continued to have both procedural and substantive concerns with the measure, and respectfully requests this Council's consideration of the following issues:

**A. Procedural Concerns**

- 1. This Moratorium Bill Should Have Been Properly Introduced as an Amendment to the Zoning Ordinance (Title 19, MCC), and not as an Environmental Protection Measure (Under Title 20, MCC).**

A moratorium is a local law that takes immediate effect to temporarily prohibit a particular activity or process, so the locality may study the potential effects of the activity and establish new, permanent regulations of that activity. There are different types of moratoria, review and passage of which are subject to different legal authority and criteria, depending on the balance of interests between the municipality and the other parties involved.

LURF believes the proposed moratorium on mining Central Maui inland sand, despite now being characterized and labeled as an environmental protection measure, is in fact, a **land use moratorium**, the proper authority for which is "**zoning**" and not the general "**police power**."

Due to its interplay with, and potential effect on existing zoning ordinance provisions,<sup>1</sup> as well as the proposed imposition of restrictions upon land use and landowners, the proposed bill involving the mining of sand must be considered a **land use moratorium** which must be appropriately vetted via the process in place for the establishment of zoning laws and regulations. Mere removal of language/terms including “excavating” and “stockpiling” which were used in prior drafts and replacement of the same with generic language such as “removing” herein does not in and of itself excuse this proposed measure from proper review pursuant to and consistent with zoning laws and processes.

After review of an earlier draft of the proposed ordinance, the County’s attorney itself had in fact commented that, “Mining (aka “resource extraction”) is generally governed within zoning codes across the country” and that “[c]larifying or strengthening the definition of ‘resource extraction’ in Chapter 19.04, MCC [the zoning ordinance], remains our recommendation...”<sup>2</sup> LURF therefore continues to contend that this proposal should be introduced as an amendment to the zoning ordinance (Title 19, MCC) instead of a measure intended to protect the environment under Title 20, MCC.

It is interesting to note that the drafters of this proposed Chapter 20.40, Title 20, MCC, have now deleted prior Section 20.40.070 from this iteration of the ordinance, which expressly acknowledged that administrative enforcement of the new Chapter clearly comes within the purview of Title 19, MCC – Zoning, specifically Section 19.530.030, relating to administrative enforcement. The deletion of said Section leaves the new Chapter void of enforcement rules or regulations unless such administrative rules are newly created and adopted by the director, which is particularly baffling since **expanded penalty provisions** for violations have been added to Section 20.40.040 of this draft. Moreover, this latest version of the bill now expressly states, in any case, that violations may be prosecuted administratively as **zoning violations pursuant to Section 19.530.030**. LURF also believes it makes no sense to provide for the creation and adoption of separate administrative rules to implement this new chapter, since the stated term of this moratorium ordinance has been effectively reduced to six months (unless the measure is subsequently reenacted).

Amendments to the zoning ordinance properly require review and consideration by the three County Planning Commissions prior to presentation to the full Council.<sup>3</sup> As will be discussed below, LURF believes comprehensive review of the proposed measure is especially vital and mandatory in this case due to the potential violation of landowners’ constitutional and vested rights as a result of the imposition of such moratorium.

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<sup>1</sup> See, e.g., definition of “resource extraction” contained in Section 19.04.040, MCC.

<sup>2</sup> See Memo dated September 13, 2017, from Richelle M. Thomson, Deputy Corporation Counsel, to Elle Cochran, Chair, Infrastructure and Environmental Management Committee.

<sup>3</sup> It should be noted that characterization of the proposed moratorium alternately as a “land use” bill rather than a “zoning” bill would still subject the measure to review by the three County Planning Commissions pursuant to Charter, County of Maui, Section 8-8.6, as is proper for the adoption of any land use ordinance.

**2. Imposition of Moratoria is Not Necessary and May Not be the Appropriate Mechanism to Resolve the Professed Issue Since Question Exists as to Whether the Proposed Moratorium is Legally Justified.**

**General Police Power Moratoria vs. Land Use Moratoria**

The enactment of temporary restrictions or moratoria on certain activity, including land use, has been held by courts throughout the country to be a valid exercise of local police power only where the restrictions are **reasonable and related to public health, safety or general welfare.**

General Police Power Moratoria

Introducers of this bill propose to have this Council believe that this measure is suitable for passage as a **general police power moratorium** (the authority for which is the county's general "police power" pursuant to other forms of county laws or ordinances [in this case, environmental protection/preservation of historical, cultural, archaeological and burial sites], and **not zoning**), which are introduced to address situations wherein **immediate health and safety problems** are at issue.<sup>4</sup>

In such case, to justify a municipality's attempt to impose a **police power moratorium to temporarily interfere with the beneficial use of private property**, courts have held that the municipality must establish that:

1. It is acting in response to a **dire necessity**;
2. Its action is reasonably calculated to **alleviate or prevent a crisis condition**; and
3. It is **presently taking steps to rectify the problem.**

As far as LURF is presently aware, proponents of this bill have not produced sufficient (if any) evidence to meet the **emergency/crisis elements** of the above three-prong test which is required to justify the passage of the subject moratorium as a **legitimate general police power moratorium based on threats to health and safety.**

LURF believes there is in fact **no urgency or immediate need for a moratorium** in this case since the entities which had previously been involved in mining Central Maui inland sand have agreed to suspend such sand mining operations.

Land Use Moratoria

With respect to **land use moratoria**, this Council should be aware that courts have held that interference with the use of private property must be scrutinized through hearing procedures as prescribed by **zoning laws**, and must contain the following key elements in order to be considered legally defensible:

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<sup>4</sup> The asserted purpose of the proposed bill is "...to conduct further analysis; establish regulations for mining inland sand to protect Maui's environment and limited natural resources and prevent the disturbance of Hawaiian historical, cultural, or archeological sites, and unmarked human burial sites."

1. a **reasonable time frame** as measured by the action to be accomplished during the term;
2. a **valid public purpose** justifying the moratorium;
3. address a situation where the **burden imposed by the moratorium is being shared substantially by the public at large**;
4. **strict adherence to the procedure for passage/adoption**; and
5. a **time certain when the moratorium will expire**.

No valid public purpose justifying a moratorium presently exists in this case since LURF understands the entities which had previously been involved in mining Central Maui inland sand have suspended their sand mining operations, so that no sand mining is currently being conducted. Imposition of the proposed moratorium would therefore be contrary to any public purpose and would only create negative impacts on the needs of the community.

Of significant concern in this instance is the requirement that the burden imposed by the moratorium be shared by the public at large, as opposed to being placed upon a minority of landowners, as it would in this case. LURF believes that when the cost of a benefit is placed entirely upon particular land owners rather than spread throughout the jurisdiction, serious consideration must be given to review and discretion of the moratorium to avoid unconstitutional confiscation of private property.

This point is particularly troubling now that the current draft ordinance specifically identifies lots and owners to which the moratorium will apply. LURF questions the process and methodology by which the affected areas and lots were determined, which is critical with respect to the imposition of any moratorium, particularly where the burden imposed is made to be shouldered by such a small sector of the public. And what may be so unique about "Central Maui inland sand" which justifies it being made the subject of this moratorium? Does "inland sand" exist anywhere outside of the designated area? If so, why isn't such Non-Central Maui inland sand, due only to its existence outside of the designated area, considered an equally important natural resource deserving of the same consideration as stated in the Purpose section (Section 20.40.010) of this bill?

LURF must also question the legitimacy and seriousness of the stated purposes of the proposed measure including the reported need to "preserve, and avoid the disturbance of Hawaiian historical, cultural, or archaeological sites and unmarked human burial sites," since such historical, cultural, archaeological and burial sites do not only exist in sand, and should more properly be protected by measures relevant to and inclusive of other sites and areas.

The County's Director of Planning has in fact responded to inquiries by the Infrastructure and Environmental Management (IEM) Committee regarding inland sand regulation and the monitoring and enforcement of resource extraction, reporting that the County's Cultural Resources Commission has not designated any archaeological, historical, cultural or burial preservation sites in Central Maui.<sup>5</sup> The Director's response

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<sup>5</sup> See correspondence dated June 30, 2017 from Mr. William Spence, Director, Department of Planning, to Mayor Alan M. Arakawa, For Transmittal to the IEM Committee.

also appeared to confirm that no exigency currently exists with respect to the number of permits processed or pending for resource extraction.

And, in the present case, it is arguable that a reasonable time frame within which the specified action is to be accomplished, as well as a definite term or expiration date of the proposed moratorium has been set. While the two-year term for the moratorium provided for in the last version of the proposed ordinance has now been shortened to six months, the stipulated time period still certainly appears random and even more unreasonable, especially since the necessary funding for the anticipated update to the Maui Inland Sand Resource Quantification Study (2006) has not yet even been made available, and review of said Study is required prior to the Council's subsequent drafting and passage of the ordinance permanently regulating the mining of Central Maui inland sand.

Reduction of the term of the proposed moratorium from two years to six months is therefore meaningless. The arbitrariness of the offered six-month repeal date is exacerbated by language in the draft ordinance allowing for reenactment of the moratorium ordinance by the Council should the stated action not be completed by that time. Therefore, as a legal matter, the measure could likely fail as a lawful land use moratorium since no "real" time certain has been designated within which the indicated action will be accomplished.

In view of these concerns, LURF believes the validity of the subject bill and the proposed moratorium as drafted, even when scrutinized utilizing processes as appropriately prescribed and authorized under zoning laws, would be questionable at best. The measure is simply unwarranted and unnecessary; would set bad precedent; and would likely be subject to legal challenge.

## **B. Substantive Concerns**

### **1. Constitutional Concerns – The "Takings" Issue.**

The law and the courts have established strict rules, both as to the procedural (as discussed above) and the substantive requisites of moratoria. The substantive rules are based upon and embody the general principle **that any enactment affecting private property rights must bear a substantial relation to the public health, safety, or general welfare.**

In the event a land use regulation operates to deprive the owner of beneficial economic use of the property, there exists an issue as to whether that owner may be entitled to monetary compensation under the Fifth and Fourteenth Amendments to the U.S. Constitution. And most significantly, as applied to the proposed moratorium, U.S. courts have recently even considered temporary land use controls such as moratoria, to amount to a deprivation of beneficial use in the property (i.e., a "taking"), potentially entitling landowners to compensation.<sup>6</sup>

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<sup>6</sup> See, e.g., *Agins v. Tiburon*, 24 Cal.3d 266 (Sup. Ct. of Calif., 1979), *aff'd on oth. grds.*, 447 U.S. 255 (1980).

Importantly, what is at stake here is the constitutional and vested rights of private property owners, large and small, which should not be improperly manipulated unless the County can prove a proportionality between the effects of the activity sought to be prohibited and the County's proposed uncompensated taking.<sup>7</sup> In the absence of such proof, the County may be subject to legal challenge and liability for "just compensation." Such litigation is foreseeable and could likely cost the County substantial sums to defend.

## **2. The Proposed Moratorium Fails to Clearly Define the Activity Affected and the Manner in Which it is Affected.**

Despite additional specification of the geographic area to which this revised version of the moratorium is intended to apply, the provisions of the proposed ordinance remain unclear and overly broad, and fail to provide clear direction with respect to the activity sought to be prohibited and the way in which such activity would be prohibited as is required for any lawful moratorium.

Definitions of key terms including "sand mining" continue to be reworked to the point of contradicting itself as well as the alleged true intent of the measure. "Sand mining" is now defined in this iteration of the bill as the extraction and removal of sand from a lot regardless of its original, natural location, so that in effect inland sand, even if placed on or transported onto any lot within the designated "Central Maui inland sand" area, cannot be moved outside that lot. LURF believes the vague and confusing definitions and provisions contained in this draft bill will lead to many enforcement issues.

For example, as a practical matter, will the origin of sand on the lots in the designated area/lots now need to be confirmed prior to movement outside any lot, or is all sand existing on the identified lots assumed to be inland sand? The moratorium could also unreasonably preclude any type of movement (not only movement from the original, natural location) of inland sand (originating from, or otherwise placed on a lot), including activity such as landscaping, grading and construction on contiguous/multiple lots. LURF is unable to understand how such regulations can be found to be consistent with, and further the purposes of the bill which are supposedly to protect Maui's environment and limited natural resources, and to prevent the disturbance of Hawaiian historical, cultural, and unmarked human burial sites.

Moreover, the subject moratorium is being proposed to be included into the MCC as a newly added Chapter (20.40) under Title 20. Despite inclusion of additional provisions, the new Chapter 20.40 is still sparsely drafted, containing language which provides minimal direction (contra to what is required to support moratoria), and potentially conflicts with existing ordinance provisions in other titles and chapters of the MCC, thereby easily lending itself to confusion and misinterpretation.

Without any attending provisions, there is a void of detail and direction in Chapter 20.40 required to support this type of overly stringent and unreasonable regulation which

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<sup>7</sup> At issue specifically, is the constitutionally protected private property rights of landowners as well as the vested rights of property owners and others who have heretofore lawfully complied with necessary statutory and regulatory requirements relating to resource extraction, zoning, and land use.



potentially violates landowners' constitutional and vested rights, and amounts to unlawful confiscation of their property. without legal justification.

### **3. The Proposed Moratorium Would Likely Cause Unintended Negative Consequences.**

**The local community may suffer hardships due to the imposition of the proposed measure.** The proposed moratorium and the inability of individuals or entities to extract or move sand in any amount, for any purpose, may cause hardships for residents, companies, schools, plant nurseries, farms, and other organizations which rely on such activity and/or inland sand for household, business, playground, construction, and agricultural use, as well as for other needs and programs or purposes, many of which serve the community.

Public use and enjoyment of parks, beaches and other recreational and community facilities may also be significantly affected due to the proposed moratorium.

**The proposed measure may create disincentive for construction and have other negative economic impact on Maui/the State of Hawaii.** At a time when the County and the State are attempting to encourage business expansion in, and attract business operations to Hawaii, the proposed measure would exacerbate inefficiency, increase construction costs, and create a disincentive, having a negative impact on construction and development. Increased construction costs will be passed on to home buyers and will thus increase the price of homes and worsen the affordable housing problem in Maui and the State.

### **4. Additional Exemptions and/or Variances Should be Considered by Drafters of the Measure to Avoid Unintended Hardships and Consequences.**

While exceptions to the proposed moratorium were included in previous iterations of the subject ordinance, such exceptions no longer exist in this proposed bill. As expressed in prior testimony, LURF believes that at the very least, exemptions to, or variances from the proposed moratorium should be established and included to allow, for example, activity which may benefit the public, and activity that when completely precluded by the measure, may result in unintended negative consequences (as discussed above), or severe hardship.

Moratoria laws also often contain mechanisms that allow automatic exception, or application for relief from the moratorium. While the current draft of the proposed ordinance does contain a provision allowing adjustment of, or other relief from the moratorium upon approval of a resolution by two-thirds of the members of the County Council, the criteria for qualification of such adjustments (particularly criteria 20.40.060(B) which requires that the proposed activity does not conflict with the purposes of this chapter) is ambiguous and overly broad to allow easy denial or preclusion of any exceptions. Moreover, as discussed above, it is LURF's position that there is no valid purpose for this moratoria ordinance in the first place.

## **Conclusion**

LURF respectfully cautions that any government proposal or action which may potentially divest members of the public of their rights and private property, must not be made heedlessly, particularly where the underlying bases used to justify such proposals are subjective and unsupported by hard facts and clear evidence, and when current and future consequences to public and private property owners could be economically destructive. To support the pursuit of what may be an unnecessary and unwarranted moratorium, passage of such ordinance must be clearly defensible, with measurable benefits resulting therefrom that would sufficiently outweigh potential detriment to private and public property owners, business operators, community members and other stakeholders.

What is troubling about the Council possibly taking arbitrary action is the poor example being set, and the bad precedent being laid, demonstrating the ease with which the county government may so easily elect to utilize its power and influence to overregulate private property without valid purpose or justification. The resulting real and greater danger is that such government overreaching may then be potentially interpreted and exploited by self-interest groups as precedent and support for further advancing improper efforts to regulate use of government and private property in their own favor.

Based on the procedural and substantive concerns articulated above, LURF believes it would be unreasonable for this Council to support this proposal as presently drafted without thorough review and analysis of currently available facts and information relating to the legality and appropriateness of the imposition of a moratorium for effectuating the alleged purposes of this bill<sup>8</sup>; legitimacy of the present need for a moratorium and the bill's true purpose; clearer articulation of the affected activity and contemplated regulation thereof; and further consideration of the potential unintended consequences of such a moratorium, and must therefore recommend **deferral of this proposed measure**.

Thank you for the opportunity to provide comments regarding this matter.

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<sup>8</sup> While LURF understands that the alleged purpose of the proposed moratorium is, in part, to allow the conducting of further analysis of the sand mining issue, including an update to the 2006 Maui Inland Sand Resource Quantification Study, sufficient facts and information, as well as valid need for the measure must nevertheless presently exist to legally support the imposition of a moratorium, particularly in this type of situation where the potential deprivation of constitutional and vested rights is at stake.

## County Clerk

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**From:** feinbergl002@everyactioncustom.com on behalf of Lucy Feinberg <feinbergl002@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 3:14 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

Please support the passage of this bill so that Maui can increase protections for our very fragile reef system which is part of our whole environment and supports all ocean life which supports life on the land.

Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much dimmer without thriving coral reef. Please see the Netflix film Chasing Coral if you haven't already and it will tell you why this is such a critical issue now more than ever.

Please show the community you care about Maui's future by voting yes on this landmark legislation. The community is counting on you to represent those of us who believe in protecting the environment.

Mahalo for your leadership!  
Sincerely, Lucy Feinberg Wailuku

Sincerely,  
Ms. Lucy Feinberg  
129 Hoowaiwai Loop Apt 2104 Wailuku, HI 96793-4122 feinbergl002@hawaii.rr.com

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2017 NOV 29 PM 1:39  
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COUNTY CLERK

Testimony on CC 17-484

This proposed legislation is terrible for the independence of council members. ~~to~~ Aides to council members have always been appointed by the individual council member and serve at their pleasure. It's not up to a "majority vote" to remove them by other council members.

If some council members don't like the selection of the assistants, vote out the council members at the end of their term. This appears to be an attempt to lessen the impact of the work of some of our council members and their work is very important to our community.

Lucy Steinberg

129 Hoowaiwai Ln 2104

Wailuku, HI 96793

264-0455

12-1-17 Testimony on CR 17-179 Sunscreen

Maui County needs to pass the ban on oxybenzone + octinoxate  
Both of these chemicals pose a serious risk to not only the  
CORAL reef but also to humans. Parts of Mexico already have  
this ban in place. The EU is working on legislation and also  
the State of HI

Lab studies from 2012 shows oxy. as a weak estrogen and it  
has strong anti androgenic effects. It shows a decrease  
in testosterone in Mex.

Octinoxate also shows hormone like activity

It affects the coral by being an endocrine disruptor among  
shrimps + clams in addition to harmful effects to coral.

There are alternatives to the use of these chemicals.

Take a stand to protect humans, ocean life including  
our incredible resource - the coral reefs. Don't wait  
any longer for more damage to occur.

Larry Feinberg

129 Hoo-wai-wei Ln #104

Wailuku, HI 96793

264 0455

Testimony by Tracy Stice, Realtor, Hawaii Life Real Estate Brokers  
[tracy@hawaiilife.com](mailto:tracy@hawaiilife.com) 470 Ulumalu Rd. Haiku, Hi. 96708 808-281-5411

I am opposed to the proposed changes under a bill for an ordinance to change chapter 3.48 of the Maui County Code .

Requiring a ten year dedication to obtain apartment zoning rather than Resort/Hotel zoning is a very bad idea. Collecting taxes that are actually due is a good idea.

Let me give you an example: Kihei Shores F102 a 2 bedroom , 2 bath unit is assessed at \$232,000 and is classified as an apartment. Annual taxes are \$1392. Kihei Shores A205 is identical with a slightly higher assessed value of \$239,000 , hotel /resort classification makes annual taxes of \$2118. Allowing for the slight difference in assessed values, a \$700 annual difference would be accurate.

What owner would go through the maze of paperwork, dedication, and issues this bill brings to the table to save \$700 a year ?

Owners will just opt out of renting long term and put their units in to short term rentals. This will further exacerbate the present long term rental deficit. What owner would go through this onerous process, potentially creating a future lien on title which has obvious consequences for future re-financing or sales, just to save a little money on their property taxes?

The burden placed on the director of finance to ensure compliance is going to require additional staff and resources , thus eating up part of the additional anticipated revenue, sort of like the recent move to collect \$3 per vehicle at the dump. They had to add staff to collect the \$3 and I am willing to bet that all of those funds get eaten up with new salaries, benefits and retirement for the new employees. There is nothing in the bill that takes away the requirement for 20,000 owners to still file their annual actual use statements.

If the council is looking at a good way to grow government larger, then this is a great bill.

An easier way to do this is to just have the owner produce a copy of a six month lease together with a signed affidavit to the tax office that the property

is presently used as a long term rental. This could be verified by copies of GET filings if necessary.

Giving this bill some more thought, there is a potential huge problem upon sale of the units. Essentially, each sale of a dedicated unit is going to require a "release of lien" by the county in order for a transfer to be processed.

This could be a very complicated process and could be very time consuming for the county to process, especially in years 6,7,8, and 9. Tax data could be purged or unavailable. Copies of leases to verify compliance will have to be held for 10 years as well as probably State GET and tax returns which is longer than the present statutory time limits for retention.

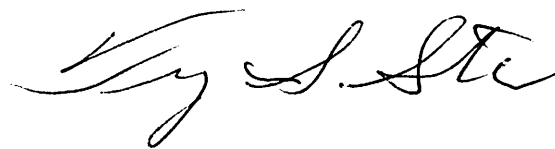
If an owner chose to transfer the ownership to a trust or entity, then what happens? How about refinancing to take advantage of lower rates? This will require a title update and the same lien clearance process will have to happen.

Imagine trying to get a tax release if you inherited the property and needed to sell it and did not have access to all the records. With an accrued 10% penalty, the charges could be huge.

Please don't move this bill forward until more careful thought is given to the bill. The bill as presently drafted is going to drive a lot of long term rentals in the apartment district in to short term rentals.

Sincerely,

Tracy Steven Stice

A handwritten signature in black ink, appearing to read "Tracy S. Stice". The signature is fluid and cursive, with the first name "Tracy" written in a larger, more prominent script than the last name "Stice".

## County Clerk

---

**From:** directoronlinemarketing@everyactioncustom.com on behalf of Claudia Castillo  
<directoronlinemarketing@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 10:18 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Miss Claudia Castillo  
438 Wainee St Apt B Lahaina, HI 96761-1108 directoronlinemarketing@gmail.com

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2017 NOV 29 PM 1:34  
OFFICE OF THE  
COUNTY CLERK



CC 17-482

My name is Curt Eaton. I am an engineer with the Water Department. I am here on my own will and on my own time. I do not have anything to gain being here. I just have the Dept's best interest in mind.

My testimony is in regards to the potential dismissal of Dave Taylor, the Director of Water Supply.

If Mr. Taylor is dismissed as director, I am concerned about the effect this has on the Department. As everyone knows, the water department is very controversial. Everything is an issue, from lack of water source, to undersized outdated infrastructure, to water meter lists, to meter fees and on.

What I have seen Director Taylor do is to educate staff, public, and governmental officials on the issues facing the water department and what is required to rectify those issues.

For example, the Upcountry Water Meter List. The solution to the water list is to develop new source and improve a portion of the infrastructure so that the water can be transmitted from the source to your faucet. The vocal very minority blocks every attempt to develop water source and at the same time complain that they cannot get a meter. It is a no win position.

Director Taylor recognized that a lot of the people on the water meter list did not need a full complement of fixture counts that a meter upgrade would provide, they just needed a few extra fixture counts so that they could expand their home or add an ohana. Director Taylor started a program allowing customers to purchase just the number of fixture counts they need. This frees up the remaining fixture units for someone else to use. I would call it fixture unit sharing. And it removes people from the meter list.

Director Taylor has also educated the community water demand verses supply. He has educated us on the true cost for the County to provide water. Director Taylor has made himself available to speak and to and educate various community associations and various stake holder groups.

Director Taylor has made himself available for the community planning efforts. He went to Molokai to explain the County water infrastructure issues. He suggested policies and implementation actions to address these challenges in the community plan. Recently, he participated in a public meeting regarding the West Maui Community Plan to help explain existing water infrastructure and the potential for infill development.

Director Taylor has also seen the need to create a surplus of funds so that the Department can finance its own improvements instead of getting loans. The Department is self-funded, it does not receive any financial supplement from taxes. To do this, money needs to be raised so that the department is proactive and not reactive. Being reactive is much more costly than being proactive.

But most important, the Department needs a director with knowledge and passion. Director Taylor has both of those. He does not make decisions affecting the Department and County based on emotion or politics. He is analytical. His decisions are based on what is best for the County. He is constantly going through our division helping us all do our jobs better. Which translates to better and more efficient service to the customers.

The Director of Water Supply is not a position that just anyone can have. My suggestion is that you vote to keep Director Taylor as director for the remainder of this term. Let the next administration determine if he should continue to be Director. The Department of Water Supply is a high profile department. The Department needs stability. With a little more than a year left, please to not play politics with the Department. Director Taylor's knowledge and experience is critical to keep the Department functioning and moving forward.



Executive Officers:

Beau Oshiro, C&S Wholesale- Chairperson  
Toby Taniguchi, KTA Superstores – Vice Chair  
Joe Carter, Coca Cola – Secretary/Treasurer  
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235  
Honolulu, HI 96813  
Fax : 808-791-0702  
Telephone : 808-533-1292

TO: COUNCIL OF THE COUNTY OF MAUI

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

DATE: December 1, 2017

TIME: 9 a.m.

PLACE: COUNCIL CHAMBER, 8<sup>TH</sup> Floor, 200 South High St., Wailuku, Hawaii

RE: NO. 17-179 FIRST READING OF A BILL ESTABLISHING A NEW CHAPTER 20.40 RELATING TO OXYBENZONE AND OCTINOXATE

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The HFIA proposes that since this bill would ban many products that are used to prevent skin cancer, that a higher standards of review should be conducted to ensure that taking this action would indeed improve outcomes for reefs. The State of Hawaii recently conducted an information review from top Hawaii scientist studying our reefs. The presenters discussed, increased water temperatures, run-off, sewage and overfishing. Not one of Hawaii's top reef scientists mentioned sunscreen as an issue.

We care about offering products individuals feel comfortable using on a daily basis to prevent skin cancer. This bill impacts federally approved and regulated healthcare products. If there is an abundance of peer-reviewed science to make a conclusion on this issue, then the federal government is the best entity to make that determination.

Thank you for the opportunity to testify.

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Emmanuel Lutheran Church and Schools

December 1, 2017

Honorable Michael White, Chairman  
Maui County Council  
Kalana O Maui Building  
200 South High Street – 7<sup>th</sup> Floor  
Wailuku, Hawaii 96793

*Subject: Request to remove subject property owner by Emmanuel Lutheran Church of Maui (ELC) and identified as TMK: (2) 3-5-02:011 from the list of subject properties shown on the proposed moratorium area map regarding the proposed ordinance establishing a new chapter 20.40, Maui County code, declaring a moratorium on sand mining of central Maui inland sand.*

Dear Chairman White:

I am submitting this letter to you on behalf of Emmanuel Lutheran Church of Maui (ELC) to request an exemption from the central Maui inland sand mining moratorium.

Emmanuel Lutheran Church and Schools just celebrated our 50<sup>th</sup> anniversary, during which time we have been serving the people of Maui through worship, ministry and quality, affordable, Christian education from pre-school through 8<sup>th</sup> grade.

In 2004, we purchased the subject property to develop our new Church and School campus, but after incurring more than \$1M of development costs (rezoning, civil and architectural plans, etc.), we were impeded by the economic recession. Last year, we entered into a purchase agreement with Waikapu Development Venture (WDV) to sell approximately half of our property for them to build a much-needed 100% affordable housing development. We have been diligently working with the State Planner and the LUC to allow us to divide this property, which will allow ELC to finally move forward with developing our new campus.

As part of our development, we completed an Archaeological Inventory Survey Report, which was approved by the State Historic Preservation Division. We are also preparing a Requirement for an Archaeological Monitoring Plan to submit to SHPD.

We are expecting approval from the LUC and State Planner in Q1 of 2018, at which point we will complete the sale of roughly half of the property to WDV.

I respectfully request that our property be exempted from this moratorium.

Please contact us with any questions at 808.214.3280.

Sincerely,



Michael Reiley  
President, Emmanuel Lutheran Church and Schools

214-3280

Sam Small

**ORDINANCE NO.** \_\_\_\_\_

**BILL NO.** \_\_\_\_ (2017)

AN AMENDMENT TO A PROPOSED BILL FOR AN ORDINANCE AMEND TITLE 2.08.050  
OF THE MAUI COUNTY CODE, PERTAINING TO LEGISLATIVE BRANCH ORGANIZATION BE  
IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

**SECTION I – PURPOSE & INTENT:**

The purpose and intent of this ordinance is to serve the public interest by insuring legislative staff personnel have professional or educational backgrounds in the areas the individual Council members have purview over as Committee Chairs. The amendment is consistent with Council's amendment to insure the appointed Directors have professional or educational backgrounds in the areas they administer on behalf of the citizens of Maui County.

This amendment to the proposed Bill will also promote efficiency and checks and balances in the Maui County Government by achieving the following objectives;

A. Provide for analysis of issues and concerns of citizens by and educated Council staff employee who can interpret existing ordinances to insure the Administration is acting in accordance with the stated language and intent.

B. \_\_\_\_\_

C. \_\_\_\_\_

AN AMENDMENT TO A PROPOSED BILL FOR AN ORDINANCE TO AMEND SECTION  
2.08.050, MAUI COUNTY CODE, PERTAINING TO LEGISLATIVE BRANCH ORGANIZATION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 2.08.050, Maul County Code, is amended by amending subsection A to read as follows:

"A. The council may provide for legislative personnel who are not members of the council services staff.

1. Council executive assistants shall serve under a council member, and shall have terms of employment that coincide with the term of the supervising council member unless sooner terminated by the council member having direct supervision.

2. Council aides shall serve under the council chair and shall have terms of employment that coincide with the term of the council chair unless sooner terminated by the Council chair."

3. Council member's staff shall include a part time or full time individual who has professional or educational background in their assigned Committee. Within 90 days of assignment of the chair of a Council Committee, Council Member shall submit to the Chair of the Council the qualifications of the staff member being retained for employment.

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO LEGALITY AND FORM:

---

LEGISLATIVE STAFF ATTORNEY

## County Clerk

---

**From:** gbees123@everyactioncustom.com on behalf of Gabriel Beeson-McArdle  
<gbees123@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 9:56 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Gabriel Beeson-McArdle  
925 N N Laalo Pl Lahaina, HI 96761-2144 gbees123@hotmail.com

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2017 NOV 29 PM 1:15  
OFFICE OF THE  
COUNTY CLERK

**Waiko Industrial Investment, LLC**

P.O. Box 220  
Kihei, Hawaii 96753

RECEIVED  
2017 DEC -4 AM 8:38  
OFFICE OF THE  
COUNTY CLERK

November 15, 2017

Mike White, Council Chair  
County Council  
County of Maui  
200 S. High Street  
Wailuku, Hawaii 96793

SUBJECT: MORATORIUM OF SAND MINING OF CENTRAL MAUI INLAND SAND  
TMK (2) 3-8-007:102

Dear Chair White:

Thank you for reaching out to Waiko Industrial Investment, LLC ("Waiko") regarding the above subject property and the impacts for the property on the Moratorium of Sand Mining. If passed, the Moratorium would have a significant adverse impact on the value of our property and the Waiko Light Industrial Project ("Project").

Waiko has been working on the Project since 2010 and is in its final stages of approval with the County of Maui. See the timeline below. The Project is approximately 31 acres consisting of 21 light industrial lots ranging in size of approximately ½ acre to 7.8 acres and 5 roadway lots.

July 2012	Maui Planning Commission approved the Final Environmental Assessment (EA)
August 2012	OEQC published the Final EA
July 2013	State Land Use Commission approved a District Boundary Amendment from Agricultural to Urban District
September 2014	Maui County Council ("Council") approved a Change in Zoning from Agricultural to M-1, Light Industrial
August 2016	Preliminary Subdivision approval was granted
February 2017	Construction Plans submitted

As you can see, Waiko has diligently been working through the entitlement process and has spent millions of dollars to bring this light industrial subdivision to fruition. We anticipate receiving

Mike White, Council Chair  
November 15, 2017  
Page 2

construction plan and final subdivision approval for the Project by the end of the year and plan to start construction with grading in early 2018.

The Sand Moratorium will essentially prohibit constructing the Project until the moratorium expires, thus delaying the Project by at least six months. This delay will cause economic loss to Waiko due to carrying costs, financing costs, delay claims from our contractor and, most importantly, the loss of potential buyers of property who are not willing to wait around an extra six months or longer if extended.

We understand the proposed definition of "sand mining" only applies when you extract and remove the sand from a lot. However, it is not feasible to keep all the sand on each lot when you are constructing a subdivision project with 26 separate lots. The proposed ordinance does allow for a waiver with 2/3rds approval by the Council. Based on our experience, processing a resolution through the County of Maui Administration and Council would take many months, probably as long as the moratorium itself.

Waiko reasonably relied on the discretionary approvals that it received from the State and County and invested substantial sums in the Project. Its right to proceed has vested. To have the permits stayed for at least six months would constitute a material change to the approvals and interfere with Waiko's vested rights. The stay would also effect a taking of property without compensation. In accordance with the requirements of the State and Federal Constitutions, Waiko should be exempted from any stay should this ordinance pass.

Based on the above, Waiko does not support the proposed moratorium and request that this bill not be passed by the Council. Please feel free to contact me at 874-5263 if you have any questions.

Sincerely,

WAIKO INDUSTRIAL INVESTMENT, LLC



Ryan Churchill  
Its Authorized Signatory

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2017 DEC -4 AM 8:38  
OFFICE OF THE  
COUNTY CLERK



**Waiko Industrial Investments, LLC**

P.O. Box 220  
Kihei, Hawaii 96753

November 30, 2017

Mike White, Council Chair  
County Council  
County of Maui  
200 S. High Street  
Wailuku, Hawaii 96793

SUBJECT: ITEM – CR-17-167 - MORATORIUM OF SAND MINING OF CENTRAL  
MAUI INLAND SAND; TMK (2) 3-8-007:102

Dear Chair White:

Waiko Industrial Investments, LLC (“Waiko”) would like to reiterate our opposition to the proposed moratorium for reasons outlined in our testimony submitted on November 15, 2017, see attached. The moratorium would have a significant adverse impact on the Waiko Light Industrial Project (“Project”).

As outlined in our previous testimony, Waiko has relied on the numerous discretionary approvals that it received since 2010, and has vested rights to proceed with the Project. We request that the Project’s area identified by TMK (2) 3-8-007:102 be excluded from this moratorium.

Waiko does not support the proposed moratorium and request that this bill not be passed by the Council or it be amended to exclude the Project’s area. Please feel free to contact me at 874-5263 if you have any questions.

Sincerely,

WAIKO INDUSTRIAL INVESTMENT, LLC



Ryan Churchill  
Its Authorized Signatory

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COUNTY CLERK

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

HB

Hannah Bernard <wild@everyactioncustom.com>



🔄 Reply all | ▾

Today, 8:56 AM

County Clerk ▾

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Hannah Bernard

180 Maoli Pl Paia, HI 96779-8130

wild@aloha.net

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COUNTY CLERK

## Testimony on Proposed Bill

HB Hannah Bernard <bernardhannah@icloud.com>  
Today, 9:09 AM  
County Clerk ✕

👍 🔄 Reply all | ▼

Aloha Chair and Council Members,

I am writing in representation of Hawai'i Wildlife Fund to strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and continue to show the world that Maui is the leader in protecting our ocean environment.

I have personally witnessed the drastic decline of our reefs over the last 26 years of diving and teaching about our reefs here. We must act now to reduce any further loss if it is in our power to do so.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

*Hannah*

Hannah Bernard

Executive Director

Hawai'i Wildlife Fund

P.O. Box 790637

Paia, HI 96779

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2017 NOV 30 PM 2:39  
OFFICE OF THE  
COUNTY CLERK

(808)280-8124

[wild@aloha.net](mailto:wild@aloha.net)

[www.wildhawaii.org](http://www.wildhawaii.org)





# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

## Testimony on CR 17-179

Re: Prohibiting the sale and use of SPF sunscreen  
Containing oxybenzone and octinoxate  
Friday, December 1, 2017

Dear Chair White, Vice Chair Carroll &  
Members of the County Council;

Aloha and Mahalo for the opportunity to provide testimony on this matter.

The Maui Chamber of Commerce believes in the triple bottom line of sustainability, which includes protecting our reefs and ocean resources. While we support protecting our environment, we also have many concerns with the current legislation being proposed to prohibit the sale and use of SPF sunscreen containing oxybenzone and octinoxate.

We are extremely concerned that legal ramifications could occur should this bill be passed. We agree with the concerns shared by Corporation Council on their memo and we want to be cautious of inciting lawsuits that the residents of our County will have to pay for. We feel the bill should at least be signed off for form and legality before being considered for passage. We do not want the County to be at risk for any negative unintended consequences from this bill.

Further, while we are not experts on this issue, we feel more research needs to be done. Hawaii is currently the only state and we have found no other countries looking to address this issue with legislation so there is no existing model to look at and there is limited research. We care about reef health and exploring ways to help our reefs. However, it is our understanding that the main study by Dr. Downs stated that oxybenzone is detrimental to coral, but there is additional research that shows there are other, more significant factors that cause damage to coral. These factors include climate change, overfishing, and pollution (ag run off and sewage). In one article, Downs even agreed that ag run off and sewage are probably responsible for the collapse of coral reefs ([www.mashable.com/2015/11/10/sunscreen-killing-coral-reefs/#7YKuVbZrO5ah](http://www.mashable.com/2015/11/10/sunscreen-killing-coral-reefs/#7YKuVbZrO5ah)). Why are we focusing on the smallest factor contributing to reef damage and not trying to tackle the big issues? We have come before this Council with concerns in the past and wanted to see overall litter control to protect our ocean. We seem to want to be on the forefront of the fringe instead of on the forefront of more widespread, problematic issues like litter control.

Lastly, until we have more research, as an interim measure, we have heard about the idea of a resolution that would help educate people on the issue and encourages them to use other ocean-friendlier products while in the ocean and otherwise. That would be an easier way to address the issue locally. The founding of an educational program will still put the County at the forefront of the issue and set an international precedence. We commend those businesses and groups who are already educating visitors and residents on this issue and hope to see more with a resolution.

We ask that the Council defer this bill until more research is completed and in the meantime, create an educational program to encourage the public to choose ocean-friendlier products. We believe there is a big risk in passing this bill as written and there could be serious legal ramifications.

We appreciate the opportunity to testify on this matter.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



# MAUI

CHAMBER OF COMMERCE  
VOICE OF BUSINESS

Testimony on CR 17-167—IEM-33

Re: Moratorium on Sand Mining of Central Maui Inland Sand  
Friday, December 1, 2017

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OFFICE OF THE  
COUNTY CLERK

Dear Chair White, Vice Chair Carroll &  
Members of the County Council;

Aloha and Mahalo for the opportunity to provide testimony on this matter.

The Maui Chamber of Commerce opposes the current proposed ordinance to establish a moratorium on sand mining of Central Maui inland sand. We believe the protection of Maui sand is important and were deeply concerned (along with our members) about the exportation of Maui sand off island. We have always supported stopping the exportation of sand off island through this process, but this bill has strayed away from that original intent. The bill has gone from originally being focused on preventing off island exportation, to protecting cultural and burial sites, to now being more about preventing construction as mentioned during the last Council meeting. As we have testified before, if the intent of the bill was just to prevent the exportation of sand off island, then moving sand to different lots on Maui shouldn't be problem and we still feel that should be allowed.

Further, we have yet to see the justification for imposing a moratorium. We have testified numerous times that the Council should revisit the suggestion from Corporation Council to strengthen the definition of "resource extraction" instead of issuing a moratorium, that there is no longer an urgent need to halt sand exportation as the company has agreed to stop, and that the bill does not currently contain a clear purpose, plan, timeframe, and goals. We feel more work should be done to explain the reasoning for the moratorium, the goals and a realistic plan for achieving those goals and this should be included in the bill.

Finally, we understand the County is not required to notify property owners who are on the list of affected areas of the proposed moratorium. We also heard that some property owners were coming forward at the last County Council meeting to request being taken off the list as they had the necessary requirements. We feel that since property owners were not notified, they should be able to submit the required documents and be taken off the list completely. They should not have to request a waiver which includes a resolution approved by two-thirds vote.

Therefore, we ask that you please reconsider the moratorium, look at alternate ways to address resource extraction and update the Maui Inland Sand Resource Quantification Study, and allow for property owners to be removed from the list with required documentation.

We appreciate the opportunity to testify on this matter.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

## County Clerk

---

**From:** jillwirt@everyactioncustom.com on behalf of Jill Wirt <jillwirt@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 3:37 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. Jill Wirt  
1361 Makawao Ave Makawao, HI 96768-9505 jillwirt@gmail.com

RECEIVED  
2017 NOV 29 PM 1:40  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** codylangproductions@everyactioncustom.com on behalf of cody lang  
<codylangproductions@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 3:36 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. cody lang  
75 Kilakila Pl Makawao, HI 96768-8550  
codylangproductions@gmail.com

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2017 NOV 29 PM 1:40  
OFFICE OF THE  
COUNTY CLERK



Aloha

My name is Emily Johnson, thank you for this opportunity to testify in favor of Bill 17-179 - Prohibiting the sale and use of SPF sunscreen containing oxybenzone and octinoxate. Coral reef ecosystems are up against a lot right now - climate change and ocean acidification, marine debris, agricultural and sewage runoff and sedimentation, and of course - sunscreen pollution. As a small island community, we have the opportunity to enact change and get ahead of some of these problems. Working as a Marine Biologist on our waters, it's incredibly disheartening to see our tourists slather on vast quantities of sunscreen everyday. I watch the sunscreen sheen spread around Mo'okini crater, knowing what impact these toxins will have on both the adult and juvenile stages of coral. In Maui County, we are a direct reflection of what's ending up in our oceans. We can either be the leaders at the forefront of this potential epidemic, or we can say goodbye to our coral reefs and bare the consequences on our economy and our marine environment. Let's continue to lead the world by example with our progressive conservation campaigns.

malama kai and mahalo  
for this opportunity!  
-EMILY JOHNSON

🔄 Reply all | ▾ 🗑 Delete Junk | ▾ ⋮



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

MA Michael Aston <mikeaston003@everyactioncustom.com>

👍 🔄 Reply all | ▾

Today, 9:56 AM

County Clerk ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Michael Aston  
2219 S Kihei Rd Apt B416 Kihei, HI 96753-7255  
mikeaston003@yahoo.com

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2017 NOV 30 PM 3:54  
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COUNTY CLERK

## WAIKAPU DEVELOPMENT VENTURE, LLC

2145 WELLS STREET NO.303 • WAILUKU • HI • 96793  
 PHONE: (808) 357-1954 • EMAIL: bill@mauidrampton.com

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2017 NOV 29 PM 12:14

November 29, 2017

2017 NOV 30 AM 7:47

Honorable Michael White, Chairman  
 Maui County Council  
 Kalana O Maui Building  
 200 South High Street - 7<sup>th</sup> Floor  
 Wailuku, Hawaii 96793

OFFICE OF THE  
 COUNTY CLERK

OFFICE OF THE  
 COUNTY COUNCIL

 SCANNED

SUBJECT: REQUEST TO REMOVE SUBJECT PROPERTY OWNED BY *EMMANUEAL LUTHERAN CHURCH OF MAUI* (ELC) AND IDENTIFIED AS TAX MAP KEY: (2) 3-5-02:011 (25.263 AC.); FROM THE LIST OF SUBJECT PROPERTIES SHOWN ON THE PROPOSED *MORATORIUM AREA MAP* REGARDING THE *PROPOSED ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND.*

Dear Chairman White,

We are submitting this letter to you in order to respectfully request that the Maui County Council please consider removing the Subject Property owned by *Emmanuel Lutheran Church of Maui* (ELC) and identified by County of Maui as Tax Map Key: (2) 3-5-002: 011, from the list of Subject Properties that are identified on the proposed *Moratorium Area Map* exhibit and table and included as part of the above-referenced proposed Ordinance to establish a New Chapter 20.40, Maui County Code, which declares a Moratorium on Sand Mining in Central Maui.

As long time residents of Maui; as well as, that I was fortunate to serve for 8-years as a Member of the *Maui-Lanai Islands Burial Council*; I can assure you that we recognize and are sensitive to the rationale and basis of the Proposed Sand Mining Moratorium. We support the recent attention and discussions which seek to establish measures which could help to protect archaeological resources, including *iwi kupuna*, from possible adverse impacts. Yet, at same time, we feel that ELC's Subject Property is in unique situation, and that because of previous and extensive archaeological work already approved (which includes mitigative measures); as well as, our proposed 100% Affordable Housing Project on a portion of ELC's property; we want to present the followings reasons to support our request that the ELC Property be removed from the previously noted list. The primary reasons for our request include the following points:

A. 2004 State Historic Preservation Division (SHPD) Approval of an Archaeological Inventory Survey Report (AIS), as well as, Requirement for an Archaeological Monitoring Plan (AMP) for ELC Property - In 2004, the SHPD approved an AIS for a 50 Acre Subject Property; which included ELC's Property. The AIS, which included a substantial number of randomly placed excavation trenches, concluded that the Subject Property did not contain any significant archaeological sites or features, and did not contain any visible cultural or historical resources. This is also supported by fact that the Subject Property has undergone decades of extensive sugar cane cultivation; as well as subsequent small farms. However, as a precautionary and mitigative measure to protect possible inadvertent subsurface sites or features; SHPD has required, and ELC has agreed to; prior to any future ground-disturbing and/or sub-surface construction activities on the property; ELC shall prepare and submit to SHPD for review and approval an Archaeological Monitoring Plan (AMP). The AMP is being prepared and will be submitted to SHPD as required.

Honorable Michael White, Chairman  
Maui County Council  
Request to Remove ELC Property  
TMK: (2) 3-5-002:011  
November 28, 2017  
Page 2

B. EXISTING STATE AND COUNTY APPROVALS FOR ELC'S NEW SCHOOL CAMPUS AND CHURCH – In March 2007 the State Land Use Commission approved ELC's proposed plans for a New School Campus and New Church (SLUC Docket No. A07-773). Subsequently, the Maui County Council approved ELC's request for a Change in Zoning in August of 2009 for the aforementioned plans. As noted earlier, the SHPD was involved in the review and approval of ELC's plans; including the review and acceptance of an AIS as well as requiring the approval of an AMP before commencing with construction of new facilities.

C. PROPOSED 100% AFFORDABLE HOUSING PROJECT – Lastly, our company, *WAIKAPU DEVELOPMENT VENTURE, LLC* ("WDV"), was formed in the 1<sup>st</sup> quarter of 2017 with the stated vision and purpose of developing a *100% Affordable Single-Family Residential Housing Project* in Central Maui. Since then, WDV has been actively pursuing the development of approximately eighty (80) Workforce Residential Housing Units which will be situated on a portion of the above-referenced Subject Property currently owned by ELC. WDV has executed a *Real Estate Purchase and Sales Agreement (PSA)* with ELC for the purchase of approximately 12.50 Acres of their existing 25.263 Acre Subject Property. Further, our project team of professional consultants have completed an attractive Master Plan in support of our vision, as well as several models for a range of plans for the Affordable Housing units; as well as several detailed studies and reports in support of filing a *201-H Affordable Housing Application* with County of Maui. We anticipate filing this 201-H Application in early part of 2018.

Again, in light of the fact that an AIS for the ELC Subject Property has already been accepted by SHPD, which required the further filing and approval of an AMP; as well as that WDV anticipates filing a 201-H Application for an 100% Affordable Workforce Housing Project (comprised of 80 units); we are respectfully requesting that the County Council consider removing the above-referenced ELC Subject Property (which is formally identified as *Tax Map Key: (2) 3-5-002: 011*), from the list of Subject Properties that are identified on the proposed Moratorium Area Map exhibit and table and included as part of the above-referenced proposed Ordinance to establish a New Chapter 20.40, Maui County Code, which declares a Moratorium on Sand Mining in Central Maui. Removing the Subject Property from the proposed Moratorium Property list will not result in any adverse impacts to archaeological resources, including *iwi kupuna*.

Thank you for your time and consideration. If you have any questions, or if you require further clarification, please feel free to call me at (808) 357-1954.

Sincerely,  
WAIKAPU DEVELOPMENT VENTURE, LLC



William Frampton - Project Manager

CC: Vince Bagoyo - Member/Planning Consultant  
Peter Horovitz, Esq. - Member/Counsel

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Joseph Kohn MD <wao-unsubscribe@everyactioncustom.com>

Wed 11/22/2017 6:25 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

[www.WeAreOne.cc](http://www.WeAreOne.cc)

Sincerely,

Dr. Joseph Kohn MD

1268 W Hiahia Pl Wailuku, HI 96793-9762

[wao-unsubscribe@WeAreOne.cc](mailto:wao-unsubscribe@WeAreOne.cc)

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2017 NOV 28 AM 10: 54  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** Joseph Kohn <weareoneent@msn.com>  
**Sent:** Wednesday, November 29, 2017 8:27 AM  
**To:** County Clerk  
**Subject:** OPPOSE County Communication 17-484 "Legislative Branch Organization"

As a Maui County Resident and Community Leader I STRONGLY STAND IN OPPOSITION to Mike White's and Riki Hokama's attempt to become Dictators of Maui County with County Communication 17-484 "Legislative Branch Organization".

This power grab is not democracy.

Joseph Kohn MD  
Founder, We Are One, Inc. - WAO  
1268 W Hiahia Pl  
Wailuku, HI 96793-9762  
808-359-6605  
[Joseph@WeAreOne.cc](mailto:Joseph@WeAreOne.cc)  
[www.WeAreOne.cc](http://www.WeAreOne.cc)

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2017 NOV 29 PM 3:25  
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COUNTY CLERK

RE: ~~PEA-4(1)~~ 17-182

Good morning Maui County Council. My name is M.J. Partin. I'm owner of Maui Jo Coffee Co. and current Treasurer on the Board of Directors for Maui Search and Rescue.

I'm here in support of ~~PEA-4(1)~~ <sup>17-182</sup> and to encourage all of you to vote to approve for inclusion to the 2018 Maui Co. Legislative package a state bill relating to enforcement of the basic bill of rights for victims and witnesses. Also to encourage you to adopt it at the county level.

The judicial system is set up so that 10 guilty people may go free to prevent one innocent person from being incarcerated. I understand and appreciate this.

However, when a subject has been convicted, and a victim, victims, or victims family and friends have been mistreated, excluded, condemned, undermined, etc. When the victims are re victimized, that to is criminal.

J.D. Kim, the head of the Maui Co. Prosecutors office wrote comments pertaining to this issue at the request of the committee chair Yuki Lei K. Sugimura. J.D Kim states that "It would be irresponsible for the Department of Prosecutors to support such a bill." Later in his statement he say's "I personally cannot see the necessity nor the propriety of subjecting our Department employees to civil liability at the "whim" of a witness or victim who feels they have been treated unfairly by the criminal justice system."

I agree, there needs to be an end to frivolous law suits. However, when there is evidence of wrong doing, as in any criminal or civil case, then the final decision should be given to a jury of ones peers, a judge, or a mediator. When there isn't any evidence, there isn't a case, but when there is evidence of prosecutorial mishandling of evidence, information, etc. That person or group of people should be held liable.

J.D. Kim goes on to say that "As attorneys, our prosecutors are held to a higher standard than any other licensed attorney. WE have a duty to seek justice, we do not have "clients", we are considered part of the justice system and governed by an extra set of ethics."

With this in mind, the prosecutors office should have nothing to worry about and no reason to oppose ~~PEA-4(1)~~ 17-182

Confident that all of you are familiar with former Attorney General Janet Reno who stated while testifying behalf of victims right said "Prosecutors

know how to do the job and enforce the Constitution and when they don't, there should be remedies."

Truly hoping that no-one opposed to this bill ever finds out what its like to be a victim of a violent crime and then re victimized. I've witnessed this problem 1st hand and I'm telling you, you don't have to experience this yourself to know supporting ~~PEA 4(1)~~ is right thing to do.

17-182

Thank You again Maui Co. Council for you time and all of your efforts.



12/1/2017

**Written Testimony Pertaining to Agenda Item NO. 17-484. Maui County Council Bill: Amendment to Section 2.08.050, Maui County Code, Pertaining to Legislative Branch Organization**

Dear Maui County Council Members:

I strongly oppose the bill proposed by Maui County Council Chairman, Mike White. If the amendment to "Section 2.08.050, Maui County Code, pertaining to Legislative Branch Organization" is passed, a narrow majority of Maui County Council members can impose control over other the other Council members. This authority to fire anyone for any reason, and without any due process is a shameful, blatant threat to our democracy. It is a threat to our right to exercise free speech and the ability of council members and their staff to represent the public.

I also learned that, without any warning, Maui County Council Chairman, Mike White cut off access to the 7<sup>th</sup> floor, had doors locked, preventing access by 8th floor staff. Maui County Council Clerk, Danny Mateo has expressed great frustration over this. Alika Atay and his staff lost e mail and voice mail access to their Office of Council Services staff for the Water Resources Committee. Emails were being rerouted and not delivered to intended recipients. When Atay confronted the Council's IT specialist about the issue he was told to talk to Mike White. Three of Atay's water resources committee meetings have been cancelled without Atay's knowledge. Bardellini, who is Alika Atay's assistant reported that Mike White instructed Office of Economic Development department head Tina Rasmussen to stop communicating with him. On October 16, Mike White informed Atay that he needed to fire Bardellini.

Within the last year, there have been other examples in which Mike White has circumvented the democratic process. He acted to put an end to a bill he disliked by refusing to schedule it on the council's agenda. Without any notice or proper authority, he terminated the positions of three of the four senior staffers in the Maui County services office. These three senior staffers had impeccable reputations. I believe these acts committed by Mike White are impeachable offenses.

Thank you,

Ann Pitcaithley

Wailuku, HI

*pitcaith@gmail.com*

## County Clerk

---

**From:** HHT Committee  
**Sent:** Tuesday, November 28, 2017 3:19 PM  
**To:** County Clerk  
**Subject:** FW: NO. 17-178

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COUNTY CLERK

-----Original Message-----

From: kathryn snyder [mailto:kathrynsnyder1935@icloud.com]  
Sent: Tuesday, November 28, 2017 2:00 PM  
To: HHT Committee <HHT.Committee@mauicounty.us>  
Subject: NO. 17-178

I want to thank the County Council committee members for to voting yes on NO.17-178. I am a resident of FSA for the past 12 years and a resident of Maui for 22 years. I do not want to be homeless at the age of 83. I live on the same income as I did when I retired to Maui 22 years ago. Thank you again.

# Testimony against CC 17-484 from Dr. Joe Ritter

Joe Ritter <joeritter3@yahoo.com>

Thu 11/30/2017 4:09 PM

To: County Clerk <County.Clerk@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Trinetta K. Furtado <Trinette.Furtado@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>;

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2017 DEC - 6 PM 12: 49  
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**Testimony against CC 17-484 from  
Dr. Joe Ritter-Kihei Maui Hawaii 96753  
Voter and Taxpayer House District 11 Senate District 6,  
Vice Chair Democratic Party Precinct 11-2**

Esteemed council members:

If this type of bill was passed in US Senate, Democrats would have no staff, soon our system would disintegrate into pure fascism or dictatorship. Is this what you want for Maui? A yes vote means yes.

This bill put forward by Council Chair White would stifle whistle blowing and even worse stifle discussion and likely as intended stifle dissent against those who dare to differ with Council Chair. Such gross intimidation tactics are beneath his distinguished office. I am truly saddened disappointed to see tactics unworthy of this esteemed office. Further a yes vote will have set us up to pay for more lawsuits against the county simply to consolidate the council chairs power which is now being misused.

**Under Hawaii Revised Statutes 378-61, et seq.: Whistleblowers' Protection Act,**

An employee may not be discharged for a reason that violates a clear mandate of public policy. Specifically there are three general categories of activities that are protected and in particular here we are concerned with "performing an important public obligation" in working for staff of council members supporting staff needs.

**To be very clear this is the law:** Employees have the right to not suffer from any adverse employment action because they participated in an investigation, hearing or inquiry conducted by a government agency.

Our Council staff are freedom defenders who work for the common good by performing such an important public obligation. This bill put forward by Council Chair White would allow for a Council Member's Executive Assistants to be terminated by a vote of 5 other Council Members which would stifle such whistle blowing, an act which would **violate HRS 378-61.**

Such a dismissal without good cause would result in yet more paid leave and lawsuits against the county. If this happens the **codefendants in a lawsuit who have now been informed would include you council members** who supported this illegal action.

**In case Counsel Wong hasn't told you-**Hawaii law recognizes a common law statutory public policy exception to the at-will employment doctrine. This cowardly bill put forward by a power hungry council member undermines the Hawai'i whistleblowing statute. Also, several other Hawai'i statutes contain anti-retaliation provisions. Federal law provides workers with additional protections. Furthermore, a private contract or collective bargaining agreement may also protect employees from certain forms of retaliation. So what is with this intimidation tactic? Clearly its intent is Coercion.

This is a cowardly power play to suppress the voices of Council members who dare to speak out against the Chair. To all it is clear, this is a threat, and the intent is coercion. This is not leadership, this is dictatorship.

If passed, this will have a chilling effect on free speech and is destructive to democracy. This is wrong and immoral. It goes against the grain of democracy. It goes against decency. Only an enemy of democracy would propose such action.

Council members, I urge you not to be complicit in this illegal and immoral action.

If you have any doubts that such filing would be illegal, I urge you to read the law at the link below.

Dr. Joe Ritter

Tax payer, voting citizen, Maui County

[http://www.capitol.hawaii.gov/hrscurrent/Vol07\\_Ch0346-0398/HRS0378/HRS\\_0378-0061.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0061.htm)

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2017 DEC 12 PM 1:07

Testimony in support of a Sand Mining Moratorium from Dr. Joe Ritter

OFFICE OF THE COUNTY CLERK

JR Joe Ritter <joeritter3@yahoo.com>

Thu 11/30, 5:58 PM

County Clerk; Mike White; Robert Carroll; Stacy S. Crivello; Elle Cochra +6 more ✓

  Reply all | ✓

Inbox



Action Items



Testimony in support of a Sand Mining Moratorium

Esteemed Council Members:

I grew up on a farm, what was previously a small native American village. Near our creek was a burial site. I was amazed when some local yahoo racists defiled the grave with paint and stole items. But they were uneducated racist pigs who were taught to act that way.

So I was shocked to find out that here on Maui people are defiling graves daily, with impunity. This is not a back country isolated incident, nor is Maui a 3rd world country (I thought). Yet defiling graves is an accepted part of development on Maui. Well, accepted by developers, but not my be and not by Kanaka.

Just because I am of Euro descent, not Kanaka does not make me less outraged. I am a human and I take offense at this treatment of dead bodies. My voice is but one of many voters who will say the same.

How would you like to have your relatives bodies dug up?

We need a moratorium on Sand Mining.

You can stop profiteers from defiling graves.

It is a continuation of racist colonialism AND cultural genocide.

Moreover, it is immoral and disgusting. Leave the bodies in the graves.

Don't pass the buck to the state, work with the state and ALSO pass local legislation please.

Demand enforcement at local and state level. Please work to end this disgusting amoral practice.

Thank you,  
Dr. Joe Ritter Kihei

**We can't just pass the buck to state as below. We need a Real moratorium:**

COUNCILMEMBER SUGIMURA. transmitting a proposed resolution entitled "URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS".

## County Clerk

---

**From:** Tamara Paltin <tampaltin@gmail.com>  
**Sent:** Tuesday, November 28, 2017 7:46 PM  
**To:** PC Committee; County Clerk  
**Cc:** Kelly King; Yukilei Sugimura; Elle Cochran; Stacy S. Crivello; Donald S. Guzman; Riki Hokama; Mike White  
**Subject:** PC-5

Aloha Planning Committee Chair Kelly King and committee members,

I'm writing about my concerns about how the community plan advisory committee members are chosen. I do not like the political nature of how members of the community plan advisory committee are chosen, the council already has the final say on the community plan, I think the choosing of community plan advisory committee should be done within the community itself. There are other jurisdictions where community members run or are voted on to the community committee. I think it's important to include folks who have been attending the educational workshops the planning department has been putting on as well as folks who are involved in the community, youth and lifelong residents who will live and die here also need to be included. Once a community plan advisory committee member is chosen attendance and participation at meetings are very important, however things do come up and they may be unable to attend, members should be able to designate a proxy person if they are unable to attend. I also think that any possible conflicts of interest need to be shared and if there is a possibility of monetary gain those members should recuse themselves from those particular zoning/mapping issues. Mahalo for the opportunity to offer testimony on this matter, Tamara Paltin


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## Testimony for CR 17-178 (Front Street Apartments)

TC Tom Croly <tcroly@maui.net>  
Thu 11/30, 12:28 PM  
County Clerk

Reply all

Inbox

Front Street apts reg... 

1 MB

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Action Items

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2017 DEC -6 AM 11:02  
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Please accept this email and the attached Front Street Apartments housing agreement as my public testimony for the Council of Maui meeting of December 1 regarding Housing and Human concerns Committee report 17-178.

The information below is publicly available information that the people at the State administering the Hawaii Housing Finance and Community Development Corporation should both have, and fully understand. Yet, HHFDC waited 9 months before informing the County that Front Street Apartments would be changed to market rate housing unless a qualified buyer was found. And that agency continues to say that nothing can be done. And while I am not a lawyer, I will outline below exactly why I believe this to be false.

The part of IRS code that governs Low Income Housing tax Credits (LIHTC) is Section 42. A portion of this code shown below **underlined in bold** is the section of that tax code that the owners of Front Street apartments is citing to allow them to end the low income housing agreement after 15 years instead of after 51 years, as stated in the attached agreement:

**(D) Extended use period** For purposes of this paragraph, the term "extended use period" means the period—

**(i)** beginning on the 1st day in the compliance period on which such building is part of a qualified low-income



housing project, and

(ii) ending on the later of—

(I) the date specified by such agency in such agreement,  
or

(II) the date which is 15 years after the close of the  
compliance period.

**(E) Exceptions if foreclosure or if no buyer willing to  
maintain low-income status**

(i) In general The extended use period for any building  
shall terminate—

(I) on the date the building is acquired by foreclosure (or  
instrument in lieu of foreclosure) unless the Secretary  
determines that such acquisition is part of an  
arrangement with the taxpayer a purpose of which is to  
terminate such period, or

**(II) on the last day of the period specified in  
subparagraph (I) if the housing credit agency is  
unable to present during such period a qualified  
contract for the acquisition of the low-income  
portion of the building by any person who will  
continue to operate such portion as a qualified low-  
income building.**

**Subclause (II) shall not apply to the extent more stringent  
requirements are provided in the agreement or in State law.**

Except that it seems that no one has bothered to read the last sentence in  
this section shown in **bold** above, that states that the exception being cited  
as the "loophole" to end the extended period of the low income housing  
agreement does not apply if the "agreement", that is attached and the  
pertinent section shown below, provides for a more stringent extended use  
period or lacking such agreement is stated in State law.

**SECTION 5 – TERM OF AGREEMENT.**

(a) Except as hereinafter provided, this Agreement and the Section 42 Occupancy Restrictions specified herein shall commence with the first day in the Project period on which any building which is part of the Project is placed in service and shall end on the date which is thirty-six (36) years after the close of the initial 15-year compliance period, for a total of fifty-one (51) years ("Extended Use Period").

(b) Notwithstanding subsection (a) above, the Owner shall comply with the requirements of Section 42 of the Code relating to the Extended Use Period unless the Extended Use Period for this Project shall terminate through acquisition of the Project by foreclosure or instrument in lieu of foreclosure if in accordance with the regulations promulgated by the Code.

What this clearly says is that lacking a different extended use period than the standard 15 year period, that is always part of a section 42 agreement, then the owner may exercise the the exception shown in section E (II). But if a longer term (more stringent) exists in the agreement, and it does in this case, then this exception to the extended use period does not apply. Based on this agreement and IRS rules, this project must stay affordable for 51 years!

Beyond the terms of this agreement and the IRS rules cited above, this project received 201G benefits and County waivers of park fees based on representations made by the developer. I am sure there is a record of these representations in minutes of the land use committee meeting from 1999. So even if the owner states that they feel that they have met all the IRS requirements to maintain the tax credits granted by the Federal and State governments, they still have outstanding obligations to the County based on the representations made when granting the 201G exemptions and other County incentives. The Resolution from the County should be that the HHFDC uphold the attached affordable housing agreement irrespective of any IRS regulations.

Tom Croly  
11/30/2017

75



R-831 STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
AUG 19, 2002 11:00 AM  
Doc No(s) 2002-144948



/s/ CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES

20 1/1 21

*Dr*  
AFTER RECORDATION ( ) MAIL TO ( ) PICKUP BY: *Total No. of Pages: 20*  
CHUN, KERR, DODD, BEAMAN & WONG (ARB)  
745 Fort Street, 9th Floor  
Honolulu, Hawaii 96813  
Telephone No.: 528-8200

TMK No. (2) 4-5-3:13

**DECLARATION OF RESTRICTIVE COVENANTS  
FOR LOW-INCOME HOUSING CREDITS**

THIS DECLARATION OF RESTRICTIVE COVENANTS (this "Agreement"), dated as of AUG 09 2002, by 3900 CORP., a Maryland corporation, ("the Fee Owner") and FRONT STREET AFFORDABLE HOUSING PARTNERS, a Hawaii limited partnership, (the "Owner") is given as a condition precedent to the allocation of low-income housing credits by the HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, a public body and a body corporate and politic of the State of Hawaii, together with any successor to its rights, duties and obligations, (the "Corporation") pursuant to Chapter 201G, Hawaii Revised Statutes.

**WITNESSETH:**

WHEREAS, the Owner is or shall be the owner of a One Hundred Forty Two (142) unit rental housing development located on lands in Lahaina, Island and County of Maui, State of Hawaii, more particularly described in Exhibit A attached hereto and incorporated herein, known as or to be known as (the "Project"); and

WHEREAS, the Corporation has been designated as the housing credit agency for the State of Hawaii for the allocation of low-income housing credit dollars; and

WHEREAS, the Owner has represented to the Corporation in the Owner's Low-Income Housing Tax Credit Application dated January 28, 1999, as amended by For Actions dated June 18,

1999 and November 15, 2000 (the "Application") that the Owner shall construct 142 unit residential housing project in which Owner shall lease seventy-one (71) units in the Project to individuals or families whose income is 60% or less of the area median gross income (including adjustments for family size) and an additional seventy (70) of the units in the Project to individuals or families whose income is 50% or less of the area median gross income ("Low-Income Tenants") as determined in accordance with Section 42 of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, the Corporation has determined the Project would support an annual Federal Credit allocation in the amount of approximately \$1,200,000 and an annual State Credit allocation in the amount of approximately \$360,000 (collectively referred to as the "Credit"); and

WHEREAS, the Owner has represented to the Corporation in the Owner's Application that it will covenant to maintain the Section 42 rent and income restrictions for an additional 36 years beyond the minimum 15 year compliance period, through the year as set forth in Section 5 of this Agreement; and

WHEREAS, Section 42 of the Code requires that the Owner and the Corporation enter into an extended low-income housing commitment and, as a condition precedent to the allocation of the Credit that the Owner execute, deliver and record pursuant to state law this Agreement in order to create certain covenants running with the Project for the purpose of enforcing the requirements of Section 42 of the Code by regulating and restricting the use and occupancy and transfer of the Project as set forth herein; and

WHEREAS, the Fee Owner and the Owner, under this Agreement, intend, declare and covenant that the regulatory and restrictive covenants set forth herein governing the use, occupancy and transfer of the Project shall be and are covenants running with the Project for the term stated herein and binding upon all subsequent owners of the Project for such term, and are not merely personal covenants of the Owner.

NOW, THEREFORE, in consideration of the promises and covenants hereinafter set forth, and of other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner agrees as follows:

#### **SECTION 1 - DEFINITIONS.**

All words and phrases not otherwise defined in this Agreement shall have the same meanings defined in Section 42 of the Code and by the United States Department of the Treasury ("Treasury") or the United States Department of Housing and Urban Development ("HUD") regulations.

#### **SECTION 2 - RECORDING AND FILING; COVENANTS TO RUN WITH THE PROJECT.**

(a) Upon execution and delivery by the Owner, the Owner shall cause this Agreement and all amendments hereto to be recorded and filed in the Bureau of Conveyances of the State of

Hawaii and shall pay all fees and charges incurred in connection therewith. Upon recording, the Owner shall immediately transmit to the Corporation an executed original of the recorded Agreement.

(b) The Owner intends, declares and covenants, on behalf of itself and all future owners and operators of the Project during the term of this Agreement, that this Agreement and the covenants and restrictions set forth in this Agreement regulating and restricting the use, occupancy and transfer of the Project (i) shall be and are covenants running with the Project, encumbering the Project for the term of this Agreement, binding upon the Owner's successors in title and all subsequent owners and operators of the Project, (ii) are not merely personal covenants of the Owner, and (iii) shall bind the Owner (and the benefits shall inure to the Corporation and any past, present or prospective tenant of the Project) and its respective successors and assigns during the term of this Agreement. The Owner hereby agrees that any and all requirements of the laws of the State of Hawaii to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the Project shall be deemed to be satisfied in full, and that any requirements of privileges of estate are intended to be satisfied, or in the alternate, that an equitable servitude has been created to insure that these restrictions run with the Project. For the longer of the period this Credit is claimed or the term of this Agreement, each and every contract, deed or other instrument hereafter executed conveying the Project or portion thereof shall expressly provide that such conveyance is subject to this Agreement, provided, however, the covenants contained herein shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Project or portion thereof provides that such conveyance is subject to this Agreement.

### **SECTION 3 – REPRESENTATIONS, COVENANTS AND WARRANTIES OF THE OWNER.**

The Owner hereby represents, covenants and warrants as follows:

(a) The Owner (i) is a Limited Partnership duly organized under the laws of the State of Hawaii, and is qualified to transact business under the laws of the State of Hawaii, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) upon authorization of this Agreement by the Fee Owner will have the full legal right, power and authority to execute and deliver this Agreement.

(b) The execution and performance of this Agreement by the Owner, upon authorization of the Fee Owner, (i) will not violate or, as applicable, have not violated any provision of law, rule or regulation or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, have not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Owner is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Owner, will, at the time of execution and delivery of this Agreement, have good and marketable leasehold title to the premises effective the date of this Agreement (subject to any encumbrances created pursuant to this Agreement, any loan documents relating to the Project, the encumbrances listed in Exhibit A attached hereto or any other permitted encumbrances).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Owner, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect its financial condition.

(e) The Project constitutes a qualified low-income building or qualified low-income project, as applicable, as defined in Section 42 of the Code and applicable regulations.

(f) Each unit in the Project contains complete facilities for living, sleeping, eating, cooking and sanitation (unless the Project qualifies as a single-room occupancy project) which are to be used on other than a transient basis. Transient-based uses are prohibited. An exception is made for transitional housing for the homeless as defined in Section 42 of the Code.

(g) During the term of this Agreement, all units subject to the Credit shall be leased and rented or made available to members of the general public who qualify as Low-Income Tenants (or otherwise qualify for occupancy of the low-income units) under the applicable election specified in Section 42(g) of the Code. The Owner shall not refuse to lease to a holder of a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder.

(h) The Owner agrees to comply fully with the requirements of the Fair Housing Act as it may from time to time be amended.

(i) During the term of this Agreement, the Owner covenants, agrees and warrants that each low-income unit is and will remain suitable for occupancy.

(j) Subject to the requirements of Section 42 of the Code and this Agreement, the Owner may sell, transfer or exchange the entire Project at any time with the prior written consent of the Fee Owner, but the Owner shall notify in writing and obtain the agreement of any buyer or successor or other person acquiring the Project or any interest therein that such acquisition is subject to the requirements of this Agreement and to the requirements of Section 42 of the Code and applicable regulations. This provision shall not act to waive any other restriction on sale, transfer or exchange of the Project or any low-income portion of the Project. The Owner agrees that the Corporation may void any sale, transfer or exchange of the Project if the buyer or successor or other person fails to assume in writing the requirements of this Agreement and the requirements of Section 42 of the Code.

(k) The Owner agrees to notify the Corporation in writing at least thirty (30) days in advance of any sale, transfer or exchange of the Project, in whole or in part.

(l) The Owner shall not demolish any part of the Project or substantially subtract from any real or personal property of the Project except with the prior written consent of the Corporation, which shall not be unreasonably withheld, conditioned or delayed.

(m) Except for one (1) residential unit which is designated as the manager's unit, the Owner shall not permit the use of any of the 141 low income residential rental units for any purpose other than low-income rental housing during the term of this Agreement unless otherwise required by law.

(n) The Owner represents, warrants and agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Owner will use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of this Agreement.

(o) The Owner warrants that it has not and will not execute any other agreement with provisions contradictory to, or in opposition to, the provisions hereof, and that in any event, the requirements of this Agreement are paramount and controlling as to the rights and obligations herein set forth and supersede any other requirements in conflict herewith.

(p) The Owner shall establish or continue to maintain a replacement reserve fund by the allocation to such reserve fund in a safe, responsible and federally insured depository (FDIC) doing business in Hawaii with an office in the State as follows: (i) from the date the Project is put into service ("the Commencement Date") until the date five (5) years after the Commencement Date, the Reserve for Replacements shall be funded based on \$200 per apartment unit per year; (ii) from the date five (5) years from the Commencement Date until the date ten (10) years after the Commencement Date, the Replacements reserve shall be funded based on \$250 per apartment unit per year; (iii) with respect to each subsequent five (5) year period, the required funding shall be increased by \$50 per apartment unit per five-year period, provided that the Owner shall increase the minimum funding of the replacement reserve if necessary to ensure that such increase is necessary to comply with sound asset management principles.

(q) The Owner shall provide the Corporation with a written independent annual financial and compliance audit in addition to all other documentation that may be required under Section 42 of the Code. Such audit shall include an accounting of the replacement reserve and residual receipt accounts.

(r) The Owner agrees that the replacement reserves shall be under the control of the first mortgagee of the Project (presently the Hawaii Community Reinvestment Corporation, a Hawaii corporation), provided that upon release of the first mortgagee, the replacement reserve shall be

under the control of the Corporation for the benefit of the Project/Owner. Distributions from the replacement reserve account shall require the Corporation's written approval and shall be for the repair or replacement of capital items. The Owner shall also provide the Corporation with (a) prior written notification of the distribution of residual receipts, and (b) written confirmation of the actual distribution from the residual receipts account within thirty (30) days of distribution, which confirmation shall be in a form reasonably satisfactory to the Corporation and may include a copy of the approved distribution request, a canceled check or a wire transfer confirmation from the Owner's bank. The term "residual receipts" as used herein shall mean "Net Cash Flow" as defined in the Amended and Restated Agreement of Limited Partnership, dated November 23, 1999, by and among the Owner and the Owner's limited partners, and the determination and distribution of Net Cash Flow shall be pursuant to Article XI of said partnership agreement.

(s) The Owner agrees to and shall hold harmless, defend and indemnify the Corporation, its directors, employees, representatives, agents, successors, and assigns, from all litigation that may arise out of the Corporation's participation in the Project. All fees and costs incurred by the Corporation arising out of any litigation shall be paid by the Owner.

(t) The Owner shall comply with all other terms and conditions established by Section 42 of the Code as may be amended and applicable.

#### **SECTION 4 – INCOME RESTRICTIONS; RENTAL RESTRICTIONS.**

The Owner represents, warrants and covenants throughout the term of this Agreement and in order to satisfy the requirements of Section 42 of the Code ("Section 42 Occupancy Restrictions") and the Corporation that:

- (a) (1) One hundred forty-one (141) units ("the Low-Income Housing Units") on the Project shall be subject to the Section 42 Occupancy Restrictions.
- (2) Seventy (70) units of the Low-Income Housing Units in the Project shall be both rent-restricted and occupied by individuals whose income is 50% or less of area median gross income.
- (3) Seventy-one (71) units of the Low-Income Housing Units in the Project shall be both rent-restricted and occupied by individuals whose income is 60% or less of area median gross income.

(b) The determination of whether a tenant meets the low-income requirement shall be made by the Owner at least annually on the basis of the current income of such Low-Income Tenant.

(c) Rent level shall not exceed a fixed ratio relative to the maximum allowable rent levels of Section 42 of the Code over the term of this Agreement. The Owner may increase rents annually, without written approval from the Corporation as long as subsequent ratios do not exceed the



original ratio. For example, if the initial rent is \$565/unit/month and the maximum allowable rent under Section 42 of the Code is \$678/unit/month, then the Owner will be allowed to maintain a ratio of 0.8333 (\$565/\$678) with respect to future rent increases. If the maximum allowable rent under Section 42 of the Code increases to \$700/unit/month in subsequent years, then the Owner may increase rents up to \$583.31/unit/month (0.8333 multiplied by \$700). The Owner may request changes to the rent ratio in response to changes in extraordinary operating costs exceeding the change in the rent ratio. The Corporation will evaluate and approve such changes only if demonstrated evidence of increased operating costs is provided by the Owner.

#### **SECTION 5 – TERM OF AGREEMENT.**

(a) Except as hereinafter provided, this Agreement and the Section 42 Occupancy Restrictions specified herein shall commence with the first day in the Project period on which any building which is part of the Project is placed in service and shall end on the date which is thirty-six (36) years after the close of the initial 15-year compliance period, for a total of fifty-one (51) years (“Extended Use Period”).

(b) Notwithstanding subsection (a) above, the Owner shall comply with the requirements of Section 42 of the Code relating to the Extended Use Period unless the Extended Use Period for this Project shall terminate through acquisition of the Project by foreclosure or instrument in lieu of foreclosure if in accordance with the regulations promulgated by the Code.

#### **SECTION 6 – ENFORCEMENT OF SECTION 42 OCCUPANCY RESTRICTIONS.**

(a) The Owner covenants that it will not knowingly take or permit any action that would result in a violation of the requirements of Section 42 of the Code and applicable regulations of this Agreement. Moreover, the Owner covenants to take any lawful action (including amendment of this Agreement as may be necessary, in the opinion of the Corporation) to comply fully with Section 42 of the Code and with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed by the Treasury, or the Internal Revenue Service, or HUD from time to time pertaining to the Owner’s obligations under Section 42 of the Code and affecting the Project.

(b) The Owner acknowledges that the primary purpose for requiring compliance by the Owner with the restrictions provided in this Agreement is to assure compliance of the Project and the Owner with Section 42 of the Code and the applicable regulations. BY REASON THEREOF, AND IN CONSIDERATION FOR RECEIVING LOW-INCOME HOUSING CREDITS FOR THIS PROJECT, THE OWNER HEREBY AGREES AND CONSENTS THAT, FOR ANY BREACH OF THE PROVISIONS HEREOF, THE CORPORATION AND ANY INDIVIDUAL WHO MEETS THE INCOME LIMITATION APPLICABLE UNDER SECTION 42 (“THE BENEFICIARIES”) (WHETHER PROSPECTIVE, PRESENT OR FORMER OCCUPANT) SHALL BE ENTITLED, IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY LAW OR IN EQUITY, TO ENFORCE SPECIFIC PERFORMANCE BY THE OWNER OF THE OWNER’S

OBLIGATIONS UNDER THIS AGREEMENT IN A STATE COURT OF COMPETENT JURISDICTION. The Owner hereby further specifically acknowledges that the Beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder.

(c) The Owner hereby agrees that the representations and covenants set forth herein may be relied upon the Corporation and all persons interested in Project compliance under Section 42 of the Code and the applicable regulations.

(d) The Owner shall permit, during normal business hours and upon reasonable notice, any duly authorized representative of the Corporation, to inspect any books and records of the Owner regarding the Project with respect to the income and rents of Low-Income Tenants which pertain to compliance with the Section 42 Occupancy Restrictions specified in this Agreement.

(e) The Owner shall submit any other information, documents or certifications requested by the Corporation which the Corporation shall deem reasonably necessary to substantiate the owner's continuing compliance with the provisions of the Section 42 Occupancy Restrictions specified in this Agreement and will pay a reasonable fee to the Corporation for such monitoring activities performed by the Corporation.

#### SECTION 7 – MISCELLANEOUS.

(a) Severability. The invalidity of any clause, part or provision of this Agreement shall not affect the validity of the remaining portions thereof.

(b) Notices. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing.

To the Corporation:

Housing and Community Development Corporation of Hawaii  
677 Queen Street, Suite 300  
Honolulu, Hawaii 96813  
ATTN: Low-Income Housing Tax Credit Program

To the Owner:

Front Street Affordable Housing Partners  
3660 Waiālae Avenue, Suite 418  
Honolulu, HI 96816

ATTN: William J. Dornbush

The Corporation and the Owner may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

(c) Amendment. The Owner agrees that it will take all actions necessary to effect amendment of this Agreement as may be necessary to comply with Section 42 of the Code, any and all applicable rules, regulations, policies, procedures, rulings or other official statements pertaining to the Credit.

(d) Subordination of Agreement. This Agreement and the restrictions hereunder are subordinate to the loan and loan documents, if any, on the Project except insofar as Section 42 of the Code requires otherwise.

(e) Governing Law. This Agreement shall be governed by the laws of the State of Hawaii and, where applicable, the laws of the United States of America.

(f) Survival of Obligations. The obligations of the Fee Owner and the Owner as set forth herein and in the Application shall survive the allocation of the Credit and shall not be deemed to terminate or merge with the awarding of the allocation.

(g) Counterparts. This Agreement may be simultaneously executed in counterparts. Each counterpart so executed shall be deemed to be an original, and all together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized representatives, as of the day and year first written above.

APPROVED AS TO FORM:

HOUSING AND COMMUNITY DEVELOPMENT  
CORPORATION OF HAWAII

  
\_\_\_\_\_  
Deputy Attorney General

By:  (SEAL)  
\_\_\_\_\_  
Sharyn L. Miyashiro  
Its Executive Director

("the Corporation")

FRONT STREET AFFORDABLE HOUSING  
PARTNERS, a Hawaii limited partnership

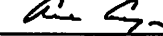
By Lahaina Homes, LLC, a Hawaii limited  
liability company  
Its General Partner

By 

William J. Donibush  
Its: Member

("the Owner")

3900, CORP., a Maryland Corporation

By: 

Name: ALVIN AWAYA

Its: VICE PRESIDENT

("the Fee Owner")

STATE OF HAWAII )  
 )  
CITY AND COUNTY OF HONOLULU ) SS.

On this \_\_\_\_ day of August 9, 2002, before me appeared Sharyn L. Miyashiro, personally known to me who being by me fully sworn, did say that she is the Executive Director of the HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, a public body and a body corporate and politic, and that the seal affixed to the foregoing instrument is the corporate seal of said HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII and that said instrument was signed and sealed in behalf of the HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII by authority of its BOARD OF DIRECTORS, and the said Sharyn L. Miyashiro acknowledged said instrument to be the free act and deed of the HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.



Notary Public, State of Hawaii

Print Name: Lisa C. Wend

My commission expires: 7-12-2003

6

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 8<sup>th</sup> day of JULY, 2002, before me personally appeared WILLIAM J. DORNBUSH, to me personally known, who, being by me duly sworn or affirmed, did say to that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

JAYNA S. TAMBALO  
Notary Public, State of Hawaii  
Print Name: Jayna S. Tambalo  
My commission expires: January 30, 2004

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

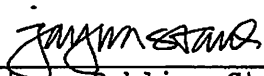
On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

\_\_\_\_\_  
Notary Public, State of Hawaii  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 15th day of JULY, 2002,  
before me appeared ALVIN AWAYA, to me personally known, who, being  
by me duly sworn, did say that he is the Vice President of 3900  
CORP., and that the seal affixed to the foregoing instrument is the  
corporate seal of said corporation, and that said instrument was  
signed and sealed in behalf of said corporation by authority of its  
Board of Directors, and the said ALVIN AWAYA acknowledged said  
instrument to be the free act and deed of said corporation.

L.S.

  
\_\_\_\_\_  
Notary Public, State of Hawaii  
Jayna S. Tambalo  
\_\_\_\_\_  
Print or type Name of Notary

My commission expires: **January 30, 2004**

## EXHIBIT A

Unrecorded ground lease dated January 28, 1999, executed by 3900 Corp., a Maryland corporation, as lessor and Millenium Pacific Investments, LLC, a Hawaii limited liability company, as lessee, with a term of sixty-seven (67) years and six (6) months commencing on January 1, 1999 and ending on June 30, 2066, a memorandum of which is dated June 27, 2000, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2000-089030. Said unrecorded ground lease was assigned to Front Street Affordable Housing Partners, a Hawaii limited partnership, by unrecorded Assignment, Assumption and Consent of Ground Lease dated as of September 1, 1999 and unrecorded Consent to Assignment of Lease by Landlord dated as of June 15, 2000, as set forth in Memorandum of Ground Lease dated June 27, 2000, recorded in said Bureau as Document No. 2000-089030. Said unrecorded ground lease was amended by instrument dated December 21, 2000, recorded in said Bureau as Document No. 2001-016343 with consent thereto pursuant to Lender's Consent to Amendment of Ground Lease dated February 1, 2001, recorded in said Bureau as Document No. 2001-016344; and by that certain Second Amendment to Lease dated October 31, 2001, recorded in said Bureau as Document No. 2001-176366. Said ground lease, as amended, demising the premises described as follows:

All of that certain parcel of land being all of Royal Patent 2567, Land Commission Award 7715, Apana 3 to Lota Kamehameha (Deed: Lota Kamehameha to Kenui) and Royal Patent 3535, Land Commission Award 502, Apana 1 to Pupuka, also being portions of Land Patent 8400, Land Commission Award 10605, Apana 4, Mahele 1 to Iona Piikoi; Land Patent 8664, Part 3 to Pioneer Mill Co., Ltd., Mahele Award 63, Apana 1 to N. Namauu, Royal Patent 1860, Land Commission Award 6061, Apana 2 to Hanemo; Royal Patent 1203, Land Commission Award 486, Apana 1 to W. Ku; Land Patent 8246, Land Commission Award 3425-B, Apana 3 to Alu; Royal Patent 3535, Land Commission Award 502, Apana 2 to Pupuka; Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha (Deed: Lota Kamehameha to Kenui), Royal Patent 3581, Land Commission Award 11086, Apana 3 to J.H. Kaiheekai and Royal Patent 5596, Land Commission Award 6498, Apana 2 to Kokio, being LOT ONE (1), Front Street Apartments, the same being a portion of the consolidation of Parcel 13 and Lots 2, 3, 4 and 5 of the Kenui Street Lots Subdivision and the resubdivision of said consolidation into said Lot 1 and (Road Widening) Lots 2 and 3, situated at Lahaina, Island and County of Maui, State of Hawaii, and thus bounded and more particularly described as per survey of Bruce R. Lee, Licensed Professional Land Surveyor with Newcomer-Lee Land Surveyors, Inc., dated June 1, 2001, as follows:

Beginning at a 3/4-inch pipe the southwesterly corner of this parcel of land, on the northwesterly boundary of Parcel 12 of Tax Map Key: (2) 4-5-003, said point also being the southwest corner of Lot 2 (Front and Kenui Streets widening lot) of said Front Street Apartments subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA", being:



5,770.45 feet South  
5,331.08 feet West

and running by azimuths measured clockwise from true South:

1. 144°            40'        00"            246.48 feet along said Lot 2 (Front and Kenui Streets widening lot) of the Front Street Apartments subdivision and along the remainders of said Land Patent 8400, Land Commission Award 10605, Apana 4, Mahele 1 to Iona Piikoi, said Land Patent 8664, Part 3 to Pioneer Mill Co., Ltd. and said Mahele Award 63, Apana 1 to N. Namauu to a 3/4-inch pipe;
  
2. 150°            53'        00"            73.61 feet along said Lot 2 (Front and Kenui Streets widening lot) of the Front Street Apartments subdivision and along the remainders of said Mahele Award 63, Apana 1 to N. Namauu and said Royal Patent 1860, Land Commission Award 6061, Apana 2, to Hanemo to a 3/4-inch pipe;

Thence along said Lot 2 (Front and Kenui Streets widening lot) of the Front Street Apartments subdivision and along the remainders of said Royal Patent 1860, Land Commission Award 6061, Apana 2 to Hanemo, on the arc of a curve to the right, concave southeasterly with a radius of 30.00 feet, the chord azimuth and distance being:

3. 196°            46'        30"            43.08 feet to a 3/4-inch pipe;
  
4. 242°            40'        00"            513.33 feet along said Lot 2 (Front and Kenui Streets widening lot) of the Front Street Apartments subdivision and along the remainders of said Royal Patent 1860, Land Commission Award 6061, Apana 2 to Hanemo and said Royal Patent 1203, Land Commission Award 486, Apana 1 to W. Ku to a 3/4-inch pipe on the southeasterly boundary of said Kenui Street;
  
5. 340°            15'        00"            4.72 feet along said southeasterly boundary of Kenui Street and along the remainder of said Royal Patent 1203, Land Commission Award 486, Apana 1 to W. Ku to a 3/4-inch pipe;

6. 242°            40'        00"            37.35 feet along same to a 3/4-inch pipe at the west corner of Lot 1 of the Kenui Street Lots;

Thence along said Lot 1 of the Kenui Street Lots and along the remainder of said Royal Patent 1203, Land Commission Award 486, Apana 1 to W. Ku, on the arc of a curve to the left, concave southeasterly with a radius of 15.00 feet, the chord azimuth and distance being:

7. 21°            27'        30"            19.76 feet to a 3/4-inch pipe;

8. 340°           15'        00"            95.68 feet along said Lot 1 of the Kenui Street Lots and along the remainder of said Royal Patent 1203, Land Commission Award 486, Apana 1 to W. Ku to a 3/4-inch pipe;

9. 250°           15'        00"            103.15 feet along same to a 3/4-inch pipe;

10. 133°           45'        00"            133.36 feet along same to a 3/4-inch pipe at the southerly corner of Lot 3 (Kenui and Wainee Streets widening lot) of said Front Street Apartments subdivision;

11. 242°           40'        00"            254.78 feet along said Lot 3 (Kenui and Wainee Streets widening lot) of said Front Street Apartments subdivision and along the remainder of said Land Patent 8246, Land Commission Award 3425-B, Apana 2 to Alu to a 3/4-inch pipe;

Thence along same and along the remainder of said Royal Patent 3535, Land Commission Award 502, Apana 2 to Pupuka, on the arc of a curve to the right, concave southwesterly with a radius of 30.00 feet, the chord azimuth and distance being:

12. 285°           38'        45"            40.90 feet to a 3/4-inch pipe;

13. 328°           37'        30"            226.06 feet along said Lot 3 (Kenui and Wainee Streets widening lot) of the Front Street Apartments subdivision and along the remainders of Royal Patent 3535, Land Commission Award 502, Apana 2 to Pupuka and said Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha (Deed: Lota Kamehameha to Kenui) to a 3/4-inch pipe on the northwesterly boundary of Lot 1

(unknown subdivision name) being a portion of Parcel 16 of said Tax Map Key: (2) 4-5-003;

Thence along said Kenui Street and along the remainder of said Land Patent 8246, Land Commission Award 3425-B, Apana 3 to Alu, on the arc of a curve to the right, concave southwesterly with a radius of 20.00 feet, the chord azimuth and distance being:

- |          |     |     |        |   |
|----------|-----|-----|--------|---|
| 14. 62°  | 46' | 00" | 64.92  | feet along said Lot 1 (unknown subdivision name) being a portion of Parcel 16 of said Tax Map Key: (2) 4-5-003 and along the remainder of said Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha (Deed: Lota Kamehameha to Kenui) to a found 1/2-inch pipe;   |
| 15. 321° | 30' | 00" | 136.78 | feet along same to a found 3/4-inch pipe set in concrete on the northwesterly boundary of Lot A of the Kainehe Subdivision;   |
| 16. 55°  | 09' | 45" | 392.82 | feet along said Lot A of the Kainehe Subdivision and along the remainders of said Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha (Deed: Lota Kamehameha to Kenui) and said Royal Patent 3581, Land Commission Award 11086, Apana 3 to J.H. Kaiheekai to a found 1/2-inch pipe on the northeasterly boundary of said Royal Patent 5596, Land Commission Award 6498, Apana 2 to Kokio; |
| 17. 36°  | 45' | 00" | 19.32  | feet along Parcel 11 of said Tax Map Key: (2) 4-5-003 and along the remainder of said Royal Patent 5596, Land Commission Award 6498, Apana 2 to Kokio to a found 3/4-inch pipe;   |
| 18. 14°  | 17' | 00" | 20.30  | feet along same to a found 1/2-inch pipe on the northwesterly boundary of Royal Patent 1175, Land Commission Award 6499 to Nakoelua;  |

- 19. 65°            29'        00"            293.32 feet along said Parcel 11 of said Tax Map Key: (2) 4-5-003 and said Royal Patent 1175, Land Commission Award 6499 to Nakoelua to a found 1/2-inch pipe at the east corner of said Parcel 12 of Tax Map Key (2) 4-5-003;
- 20. 141°           41'        00"            100.00 feet along said Parcel 12 of Tax Map Key: (2) 4-5-003 and along the remainders of said Royal Patent 5596, Land Commission Award 6498, Apana 2 to Kokio and said Land Patent 8400, Land Commission Award 10605, Apana 4, Mahele 1 to Iona Piikoi to a 3/4-inch pipe;
- 21. 63°            16'        00"            101.85 feet along said Parcel 12 of Tax Map Key: (2) 4-5-003 and along the remainder of said Land Patent 8400, Land Commission Award 10605, Apana 4, Mahele 1 to Iona Piikoi to the point of beginning and containing an area of 8.198 acres, more or less.

Being all the premises conveyed to 3900 CORP., a Maryland corporation, by the following:

- By Deed dated March 11, 1993 and recorded as Regular System Document No. 93-045810 of Official Records, from Amfac, Inc., a Hawaii corporation;
- By Deed dated March 12, 1992 and recorded as Regular System Document No. 92-037884 of Official Records, from Kenui Hui, a Hawaii limited partnership; and
- By Quitclaim Deed dated November 22, 2000 and recorded as Regular System Document No. 2000-176100 of Official Records, from Kenui Hui, a Hawaii limited partnership.

SUBJECT, HOWEVER, to the following:

- 1. Title to all mineral and metallic mines reserved to the State of Hawaii.
- 2. Reservation contained in that certain DEED from PIONEER MILL COMPANY, LIMITED to AMFAC, INC., dated October 11, 1967, recorded in the Regular System in Book 5830 at Page 236 of Official Records, to-wit:

Reserving and excepting to the Grantor, its successors and assigns forever, as appurtenant to the lands of the Grantor located in the District of Lahaina now owned and used or hereafter acquired and used by the Grantor in its sugar plantation operations, the perpetual right and easement over and upon the

granted premises to discharge, emit, diffuse and inflict noise, smoke, soot, dust, lights, noxious vapors, odors and other minor nuisances of every description, created by and resulting from the operations of the Grantor in burning sugar cane and bagasse, milling, generating power, trucking, hauling and other activities incidental to the operation of a sugar plantation.

3. EASEMENT E-1 in favor of MAUI ELECTRIC COMPANY as shown on survey of Warren S. Unemori dated June 20, 1991, for electrical purposes along the westerly corner of Lot 2.

4. A GRANT OF EASEMENT for electrical and incidental purposes, dated June 20, 1991, and recorded in said Bureau as Document No. 91-116316, in Favor of MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII INC.

5. Terms and provisions of that certain SECTION VII(C) AGREEMENT FOR WEST MAUI AREAS made by and between KENUI HUI, a Hawaii limited partnership, and the DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI, dated May 5, 1989, recorded in the Regular System in Book 23293 at Page 329 of Official Records.

6. A GRANT OF EASEMENT for utility and incidental purposes, dated November 2, 1990, and recorded as Regular System Document No. 90-184210, in favor of MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII INC.

7. ACKNOWLEDGEMENT made by KENUI HUI dated November 14, 1990, recorded as Regular System Document No. 91-046672.

8. Burial Marker located near the Southwest corner, as shown on survey map prepared by Bruce R. Lee, Licensed Professional Land Surveyor, Certificate No. 5983-LS, with Newcomer-Lee Land Surveyor, Inc., dated December 16, 1999.

9. A GRANT OF EASEMENT for electrical and incidental purposes, dated June 25, 2001 and recorded as Regular System Document No. 2001-112762, in favor of MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII INC.

10. Restriction of access along Front Street, Wainee Street and a portion of Kenui Street as shown on Consolidation and Resubdivision map prepared by Bruce R. Lee, Licensed Professional Land Surveyor with Newcomer-Lee Land Surveyors, Inc., dated October 25, 1999, revised November 5, 1999, December 17, 1999, July 6, 2000 and February 15, 2001.

11. First Mortgage, Security Agreement and Financing Statement dated November 8, 2001, by Front Street Affordable Housing Partners, a Hawaii limited partnership, as Mortgagor, for the benefit of Hawaii Community Reinvestment Corporation, a Hawaii non-profit corporation, as Mortgagee, recorded as Document No. 2001-176367.

12. Assignment of Leases and Rents dated November 8, 2001, by Front Street Affordable Housing Partners, a Hawaii limited partnership, as Assignor, to Hawaii Community

Reinvestment Corporation, a Hawaii non-profit corporation, as Assignee, recorded as Document No. 2001-176373.

13. Assignment of Note, Mortgage and Other Documents dated November 8, 2001, by Front Street Affordable Housing Partners, a Hawaii limited partnership, as Assignor, to Hawaii Community Reinvestment Corporation, a Hawaii non-profit corporation, as Assignee, recorded as Document No. 2001-176374.

14. UCC Financing Statement regarding fixtures recorded as Document No. 2001-176369, reflecting Front Street Affordable Housing Partners, a Hawaii limited partnership, as Debtor, and Hawaii Community Reinvestment Corporation, a Hawaii non-profit corporation, as Secured Party, as assigned to First Hawaiian Bank, a Hawaii corporation, by Financing Statement Amendment recorded as Document No. 2001-176370.

15. UCC Financing Statement regarding personal property recorded as Document No. 2001-176371, reflecting Front Street Affordable Housing Partners, a Hawaii limited partnership, as Debtor, and Hawaii Community Reinvestment Corporation, a Hawaii non-profit corporation, as Secured Party, as assigned to First Hawaiian Bank, a Hawaii corporation, by Financing Statement Amendment recorded as Document No. 2001-176372.

16. UCC Financing Statement recorded as Document No. 2001-176375, reflecting Hawaii Community Reinvestment Corporation, a Hawaii non-profit corporation, as Debtor, and First Hawaiian Bank, a Hawaii corporation, as Secured Party.

November 30th, 2017

Maui County Council  
Honorable members of the County Council

Subject: **Moratorium on Sand Mining, IEM-33**

Aloha Council Members:

Protecting cultural and managing natural resources is an important function of our government. But the bill's present language allows excavation without archaeological oversight so that cultural remnants and sacred burials remain at risk. Moreover, the bill creates an incentive to build seawalls that destroy beaches and could facilitate dumping boulders on Maui's eroding shore's because no temporary sand-bag options exist as a result of the bill.

### **Burials**

I respect and empathize with those who feel their ancestors were disturbed. As Councilmember Carroll indicated; SHPD, OHA, and the Burial Council already have laws and rules to protect burial sites and cultural finds. Council does not need to recreate these laws, but should help improve enforcement of them by funding, deputizing and expanding the role of County Inspectors, such as those in the field during ground altering activities.

Several archaeological reserves are established in the Waiko moratorium area where sand mining and aggregate stockpiling occurs. This would suggest that the existing laws and rules worked before. Of note, the burial discovered at Mama's Fish House (a.k.a. Papa Jules) beach on the north shore was protected by sand bags filled with Maui Inland Dune Sand at SHPDs recommendation.



### **Excavation without BMPs**

As Public Works Director David Goode noted, ***the current bill will not stop, eliminate, or prevent land excavation, and thus risks continued disturbance of ancestral burials.*** The bill could result in more disturbances and encounters because smaller firms and landowners could mine sand without approvals to meet increased demand for sand. A private landowner could still excavate 1500 tons of sand without a permit, especially on Hawaiian Home Lands. Nothing in the bill changes or addresses the lack of enforcement or procedural flaws which led to the aforementioned cultural concerns.

### Types of Sand

The mapping of inland sand dunes was prudent and well-done. However, the maps do not include Jaucus and Beach types of sands recognized by the U.S. Geologic Service that are present on the island. Sand is more suitably characterized after extraction.

### Moratorium's Purpose

*The Mayor did not request a moratorium on sand mining* (CC17-214). Instead he specifically requested that Council *prevent its export offshore* so that this valuable, limited resource could be conserved and properly managed for use on the Island of Maui. Similarly, the 2006 Inland Sand Quantification Study *did not* say that Maui is running out of sand. The study found that Maui is covering up most of the readily accessible, easily and cheaply obtainable inland sand with development such as housing, roads, shopping centers, schools and parks. Any revisions of the study would merely reflect development patterns in Central Maui unless core sampling was involved.

Public Works Director David Goode clearly indicated that obtaining results from *a new study would take more than a year*. I was part of the 2006 study and I recall it taking longer than a year to contract, conduct field studies, write, peer-review, and submit to agencies. While a cursory study might be written in 3 months, it would be very difficult to procure a study in that limited time given procurement rules and if a defensible, informative study is desired. Also, Mr. Goode noted that NO funds are allocated or available and proposals would have to be developed, bidders solicited and evaluated, research conducted, field work, and a scientifically defensible study conducted, results peer-reviewed, and a report delivered that adheres to government standards. It is extremely unrealistic to think that it can be done in 3 months.

### Unintended Consequences

If the bill passes, clean beach quality sand will not be excavated or marketed by a regulated company. Instead sand will come from under regulated sources such as personal property or family farms. This appears to already be happening!

Small excavators do not have the money to pay \$30,000-\$80,000 for an archaeological inventory study or have monitoring. The fines likely to be incurred are also not much of a deterrent. Sand prices appear more than doubled now that commercially sourced sand is not available. Since the bill does not inhibit excavation, and an archaeologist is not likely to be onsite, the chance of mishandling burials and cultural artifacts is higher than a regulated company or firm.

As stated by the Planning Department at IEM meetings, retaining an exception for beach nourishment and a separate exception for dune restoration are critical, especially since they are not the same thing. The bill will prevent the use of sand-filled bags as a temporary protection measure during erosion events because **ONLY** Maui Inland Dune Sand can be used on our beaches. Instead, the bill will facilitate more seawalls and rock pile revetments using cane field boulders. In Hawaii, oceanfront landowners have a **legally defensible basis** to armor the shoreline if there are not alternatives to protect



their buildings, resorts and houses from coastal hazards. They can do this through temporary, removable alternatives such as sandbags or beach restoration, or they can build more permanent seawalls and rock pile revetments. **If there is no sand; seawalls rock piles and armoring will proliferate!**

Beach nourishment and dune restoration are two different things. But both have been used as soft measures to respond to coastal erosion. It has greatly improved recreation and quality at numerous places on Maui. This includes Mama's Fish House Beach, Kuau and Paia Bay's, Stables Road and Spreklesville, Kanaha Beach Park, Charley Young's Beach, Kamaole I and III Beach Parks, Napili Bay, and northern Kahana Bay, among other locations.

Seawalls and revetments often destroy sandy beaches leading to the proliferation of armoring along down drift properties. Shore armoring inhibits access for traditional fishing folks, recreation such as surfing and paddling, and degrades the natural beauty of a sandy beach ecosystem. High wave refraction from seawalls leads to more turbid, choppy waters with more algae growth and diminished reef quality.

When the Planning Commission evaluates a request to build a seawall or shoreline armoring, the applicant must evaluate alternatives and prove hardship. One alternative to hardening the shoreline with seawalls, revetments and rock piles is to 'soften' the shoreline with Inland Sand. This sand can be placed on the beach (nourishment or replenishment), placed in retaining structures (natural fiber bags), or pushed / piled up against exposed embankments to prevent dirt and red clay from polluting the ocean. If Inland Sand is not available, a 'soft' approach would not be a viable alternative and the landowner is *entitled, by law*, to protect their legally habitable structure with shore armoring. The Commission will have little option but to approve new seawall requests.

Seawalls and revetments often destroy sandy beaches leading to the proliferation of armoring along down drift properties. Shore armoring inhibits access for traditional fishing folks, recreation such as surfing and paddling, and degrades the natural beauty of a sandy beach ecosystem. High wave refraction from seawalls leads to more turbid, choppy waters with more algae growth and diminished reef quality.

Excavating sand from offshore has had very limited success in Hawaii. However, offshore sand is often too deep to retrieve, too polluted to place on beaches where people will be laying and swimming, or located too far offshore to return it to its source practically. In Hawaii, *only* Waikiki has successfully implemented a large-scale offshore beach restoration project, although there are hopes for such efforts locally.

Managed retreat, where buildings are relocated inland has been successful in Maui, mostly on large scale resort or individual home redevelopment. But it is not a practical alternative for most of the older condominiums that are on small lots located next to eroding beaches. These locations will armor their shoreline, legally or otherwise, before they relocate and the County cannot make them move unless the County is willing to buy out the entire property.

**A moratorium without exceptions for beach nourishment, restoration and other government-approved soft erosion responses would result in more seawalls that block public access and harm beaches. Please allow exceptions to the sand mining moratorium for legally permitted, government-approved beach nourishment, beach & dune restoration, and soft shore protection actions.**

Thank you for taking up this somewhat challenging, emotionally difficult, but critically important matter. The results of your discussions will significantly and substantially effect oceanfront landowners and the public's shoreline access. I do not diminish the harm caused by recent extraction activities in Maui Lani, however a moratorium (as written) would have unforeseen negative consequences and does not do enough to truly help protect cultural resources and burials island wide.

Thank you for the consideration of my testimony.

Mahalo nui loa!



Thorne Abbott

808 344 1595

November 28, 2017

Aloha

My name is Alithea MM Adachi and I live in Kaunakakai, Molokai. It has been brought to my attention regarding a bill for an ordinance to amend Section 2.08.050, Maui County code, pertaining to Legislative Branch Organization

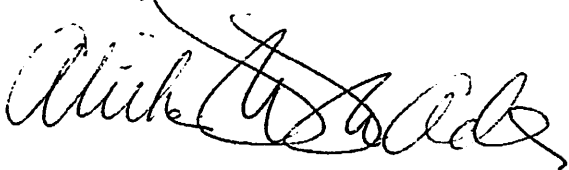
I am strongly in opposition against this amendment, Section 2.08.050.

I believe we who voted our council members to their positions, did so with **confidence** that they would wisely choose their staff, such as Executive Assistants/Council Aides and be able to supervise as needed. I believe the council member should be responsible for the people they place under their supervision. Termination should continue to be the responsibility of the council member who the staff works under and **NOT** be put to a vote by council.

I see this amendment as a means of intimidation by council members, other than his/her supervising council member and possible power play. I see no need for this amendment. Should there be a problem regarding a staff member, it should be taken up with his/her supervising council member. I believe the Council Member who supervises the individual is responsible and has the duty to handle any situation that may arise accordingly. It is the Council Member who knows his/her staff and would know how to handle things with keeping in mind the best interest of all involved.

Again I would like to make it known that I strongly oppose this amendment, Section 2.08.050!

Mahalo,



Alithea MM Adachi

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COUNTY CLERK

## County Clerk

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**From:** ahialily@everyactioncustom.com on behalf of Lily Ahia  
<ahialily@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 12:02 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms Lily Ahia  
35 Maka Hou Loop Wailuku, HI 96793-3510 ahialily@gmail.com

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2017 NOV 29 PM 1:11  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** aidana@everyactioncustom.com on behalf of aidan akamine  
<aidana@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 12:27 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
hi aidan akamine  
98 -1430 Koahehe St Apt C Pearl City, HI 96782-2441 aidana@hawaii.edu

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OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** yalarab@everyactioncustom.com on behalf of Yasamin Alarab  
<yalarab@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 8:59 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Yasamin Alarab  
235 Halenani Dr Wailuku, HI 96793-2404  
yalarab@aol.com

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## County Clerk

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**From:** daniellesallen21@everyactioncustom.com on behalf of Danielle Allen  
<daniellesallen21@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 1:06 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. Danielle Allen  
43 Waiapo St Kihei, HI 96753-7355  
daniellesallen21@gmail.com

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Reply all | Delete Junk | ...



# Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

EA Edwin Alvarado <mauiedwin@everyactioncustom.com>

Reply all |

Today, 9:47 AM  
County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr Edwin Alvarado  
2854 Kamaile St Wailuku, HI 96793-5466  
mauiedwin@me.com

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**Association of Hawaiian Civic Clubs**  
Founded 1959 Honolulu, Hawai'i

November 4, 2017

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2017 NOV 17 PM 3:27

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Aloha,

The Association of Hawaiian Civic Clubs has advocated the voices of the Native Hawaiian community since Prince Jonah Kuhio Kalaniana'ole founded the organization's movement in 1918. It is comprised of 63 clubs located throughout Hawai'i and the United States, and nearly 4,000 members.

The Association of Hawaiian Civic Clubs just adjourned its 58<sup>th</sup> Annual Convention in Seattle, Washington, and 368 participants convened to consider and deliberate on issues that affect the Native Hawaiian community like education, natural and cultural resource management, economic development, healthcare, housing, and government consultation. Through the course of the convention, the delegates from each club adopted 58 of resolutions that express positions on various issues, urge action, or honor the work of many who have contributed significantly to our community.

Enclosed you will find a resolution, or series of resolutions, adopted during our convention with the recommendation to notify you. We ask that you consider the content of the resolution.

Should you have further questions, please feel free to contact us:

The Association of Hawaiian Civic Clubs  
P.O. Box 1135  
Honolulu, HI 96807

Mahalo nui loa,

Annela C. Amaral  
President

[acamaral@yahoo.com](mailto:acamaral@yahoo.com)  
[www.aohcc.org](http://www.aohcc.org)

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

No. 2017 – 31

### **URGING THE MAUI COUNTY COUNCIL TO PROHIBIT RESOURCE EXTRACTION OF SAND FROM THE PU‘U ONE SAND DUNES**

WHEREAS, sand mining or beach sand mining is a practice that is used to extract sand, mainly through an open pit, however, sand is also mined from beaches, inland dunes and dredged from ocean beds and river beds.

WHEREAS, sand is often used in manufacturing as an abrasive, for example, and it is used to make concrete; and

WHEREAS, millions of tons of sand from Central Maui dunes have been mined and shipped off the island since the mid-1980’s; and

WHEREAS, the Central Maui Sand Dunes stretching from Kahului Harbor to Waikapū is also known as the Pu‘u One Sand Dunes; and

WHEREAS, Maui chief Kahekili met the invading warriors of chief Kalani‘ōpu‘u of Hawai‘i at the sandhills of Kama‘oma‘o...between Wailuku and Waikapū and this 1776 Battle of Kakanilua (Ahulau Ka Pi‘ipi‘i i Kakanilua) occurred near the sand dunes of Waikapū killing 800 warriors; and

WHEREAS, the Wailuku-Kahului Community Plan has determined the Pu‘u One Sand Dune Formation as a cultural resource and wahi pana; and

WHEREAS, a 2006 study of the Pu‘u One Dunes, informed Maui County that current mining/shipping rates stated the resource would be depleted by 2011; and

WHEREAS, shared ownership interests connected to Maui Lani developer Bill Mills, excavation company Honolulu Construction & Draying Co. (HC&D), the sand barge Quinault, Pohaku Paa and Ameron (dba HC&D) sold \$30 million worth of cement in just one year alone to the Honolulu rail project; and

WHEREAS, according to the Maui County Planning Director, Maui Lani and HC&D have properly been issued grading permits, but because the excavation and exportation of high quality sand for making concrete and other purposes meets the definition of “resource extraction”; and

WHEREAS, resource extraction may require either a special use permit or a conditional

use permit, neither of which are currently held by Maui Lani or its partners; and

WHEREAS, the county had issued notice to Maui Lani to pause and apply for more permits; and

WHEREAS, a lawsuit brought by Mālama Kakanilua was filed in Environmental Court on August 2, 2017, to halt activity at the Maui Lani site saying the mining disrupts Hawaiian burials, violates county grading permits, and county zoning laws (Civil no. 17-1-03113); and

WHEREAS, the Maui Lani Partners Archaeological Monitoring Plan that has been approved by the State Historic Preservation Division (SHPD) provides “all grading activities will be monitored full time...[n]o sand will be excavated directly out of the ground and loaded into trucks” and the protocol requires “[o]ne archaeological monitor per piece of ground disturbing equipment”; and

WHEREAS, in 2016, Maui Lani reported at least three inadvertent discoveries of burials to the SHPD; and

WHEREAS, six temporary burial sites reported to SHPD by Maui Lani were considered “extremely culturally sensitive”; and

WHEREAS, Office of Hawaiian Affairs (OHA) is calling for all grading to stop immediately to give county and state regulators time to sort out zoning, permits and iwi preservation practices; and

WHEREAS, in April 2017, Maui Mayor Alan Arakawa called for a sand export moratorium.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58<sup>th</sup> Annual Convention in Seattle, Washington, in the malama of ‘Ikuwā and the rising of Māhealani, this 4<sup>th</sup> day of November 2017, urging the Maui County Council to prohibit the resource extraction of sand from the Pu‘u One Sand Dunes; and

BE IT FURTHER RESOLVED, that the Honolulu City Council prohibit the importation of sand from the Central Maui Sand Dunes for the Honolulu Rail Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Maui-Lāna‘i Burial Council, Mālama Kakanilua, Maui County Council Chair, City and County of Honolulu Council Chair, Honolulu Authority for Rapid Transportation Executive Director, as well as the Governor of the State of Hawai‘i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4<sup>th</sup> day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.

*Annelle C. Amaral*  
Annelle C. Amaral, President

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

LA LISA L Anderson <lemuria@everyactioncustom.com>

👍 🔄 Reply all | ▾

Yesterday, 5:29 PM  
County Clerk ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. LISA L Anderson  
PO Box 367 Paauilo, HI 96776-0367  
lemuria@bigisle.com

RECEIVED  
2017 NOV 30 AM 9:04  
OFFICE OF THE  
COUNTY CLERK

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2017 DEC -6 AM 11: 57

CC 17-484

TA

Trisha Anderson <emeraldmind@gmail.com>

Thu 11/30, 12:44 PM

County Clerk; Mike White ✕

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COUNTY CLERK  
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Action Items



Testimony for 11/30/17 Legislative Branch Organization Amendment 17-484

Good Morning County Council Members,

Regarding Council Member Mike White's proposal for changes to the Legislative Branch Organization Amendment, please accept this emailed testimony in OPPOSITION. As a community member and voter, I feel this bill clearly displays an overreach of power, seeks to curtail voters voices and squelch alternative solutions to our old, old problems.

That does not serve our community. And in this upcoming election year, such a attempt to silence productive representatives of the people or undermine the good work that is now being done by our new council members, is an act of desperation by the members who are seeing so much more ingenuity, innovation, and creativity by the minority council members.

Again, I am in fervent opposition to the proposed changes to the Legislative Branch Organization for hearing on Friday November 30, 2017.

Patricia Anderson

Wailuku Resident

--

Way Free....Living Serene and Green in 2017

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## County Clerk

---

**From:** tash@everyactioncustom.com on behalf of Tash Anderson  
<tash@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 1:24 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Tash Anderson  
748 Hoawa St Honolulu, HI 96826-4291  
tash@hawaii.edu

RECEIVED  
2017 NOV 29 PM 3:29  
OFFICE OF THE  
COUNTY CLERK

I support Bill 17-179

Marluy Andrade <marluy.andrade@gmail.com>

Thu 11/30/2017 2:04 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2017 DEC -6 PM 12: 07

OFFICE OF THE  
COUNTY CLERK

Aloha,

I am writing in support of Bill 17-179, "Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate."

These chemicals have been scientifically proven to harm and kill coral reefs. There's no need for oxybenzone and octinoxate sunscreen products. Alternative products provide broad spectrum sun protection without harming our coral reefs.

Thank you for supporting this bill.

MARLUY ANDRADE  
77 N HOLOKAI RD  
HAIKU, HI 96708  
marluy.andrade@gmail.com



I support Bill 17-179

RECEIVED

2017 DEC -6 PM 12: 41

Christine Andrews <candrews@hawaii.edu>

Thu 11/30/2017 2:27 PM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha,

I am writing in support of Bill 17-179, "Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate."

These chemicals have been scientifically linked as stressors to coral reefs. Alternative products provide broad spectrum sun protection without harming our coral reefs. I know I use them.

I implore you to do the right thing and support this bill. Mahalo!

Christine Andrews  
2726 Kaliialani Circle  
[candrews@hawaii.rr.com](mailto:candrews@hawaii.rr.com) Christine C Andrews  
Business & Technology Program  
UH Maui College

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Nathan Andrews <porthios05@everyactioncustom.com>

Sat 11/25/2017 7:57 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Mr. Nathan Andrews

111 Kahului Beach Rd Apt B108 Kahului, HI 96732-1218

porthios05@yahoo.com

RECEIVED  
2017 NOV 28 AM 10: 53  
OFFICE OF THE  
COUNTY CLERK

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Unfair legislative branch organization amendment

2017 DEC 12 PM 1:06

MA

Maren Anka <maren.anka@gmail.com>

Thu 11/30, 7:25 PM

County Clerk

OFFICE OF THE  
COUNTY CLERK

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As a Maui community member who votes and deeply cares about equity, I strongly oppose Mike White's suppressive "Legislative Branch Organization" amendment.

It's unfair to other elected officials and appears to be anti-democratic in nature.

Thank you for your time and consideration.

- Maren

Sent from my iPhone  
Typed on the go!

## County Clerk

---

**From:** bemermaui@everyactioncustom.com on behalf of Marsha Arak  
<bemermaui@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 6:22 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership! Thank you for doing the right thing for the environment and future generations, Mahalo, Marsha Arak

Sincerely,  
Ms Marsha Arak  
94 Keleawe St Makawao, HI 96768-8956  
bemermaui@gmail.com

RECEIVED  
2017 NOV 29 PM 1:08  
OFFICE OF THE  
COUNTY CLERK

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

RECEIVED  
2017 NOV 22 PM 2:36  
OFFICE OF THE  
COUNTY CLERK

Lingli Arakaki <heyililian@everyactioncustom.com>

Wed 11/22/2017 2:17 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Ms Lingli Arakaki

1509 Naalae Rd Kula, HI 96790-7750

heyililian@gmail.com

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

MA Margaret Arbo <armargar9@everyactioncustom.com>

Reply all |

Today, 7:53 AM

County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Margaret Arbo  
1664 A Kahaone Pl. Kihei, HI 96753-8035  
armargar9@aol.com

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2017 NOV 30 PM 2:39  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** braddahkine1234@everyactioncustom.com on behalf of Spencer Archuleta  
<braddahkine1234@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 3:06 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Spencer Archuleta  
2382 Puu Mala Pl Kihei, HI 96753-7146  
braddahkine1234@gmail.com

RECEIVED  
2017 NOV 29 PM 1:13  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** arnonerevell@everyactioncustom.com on behalf of Michael Arnone  
<arnonerevell@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 11:08 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Michael Arnone  
2695 S Kihei Rd Kihei, HI 96753-8678  
arnonerevell@aol.com

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2017 NOV 29 PM 1:10  
OFFICE OF THE  
COUNTY CLERK



## County Clerk

---

**From:** thejadeprincess10@everyactioncustom.com on behalf of REbecca Austin  
<thejadeprincess10@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 2:10 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
REbecca Austin  
365 Hale Kai St Kihei, HI 96753-7006  
thejadeprincess10@gmail.com

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COUNTY CLERK

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X

Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

2017 DEC 6 AM 11:57  
OFFICE OF THE COUNTY CLERK

CA Courtney Avichouser <makenaandhunter@everyactioncustom.com>

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Thu 11/30, 12:35 PM  
County Clerk

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Courtney Avichouser  
480 Kenolio Rd Apt 27-102 Kihei, HI 96753-7547  
makenaandhunter@aol.com

## County Clerk

---

**From:** snv@everyactioncustom.com on behalf of S Bailey <snv@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 8:29 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. S Bailey  
MINER PI Makawao, HI 96768  
snv@hawaiiantel.net

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2017 NOV 29 PM 1:34  
OFFICE OF THE  
COUNTY CLERK

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

BB Brian Gareth Baird <freebirdbaird63@everyactioncustom.com>

Reply all |

Today, 9:05 AM

County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Brian Gareth Baird  
68 -059 Waialua Beach Rd Waialua, HI 96791-8327  
freebirdbaird63@gmail.com

RECEIVED  
2017 NOV 30 PM 2:39  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** jcbaldwin@everyactioncustom.com on behalf of Joseph Baldwin  
<jcbaldwin@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 10:51 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem. The natural environment is a huge part of my life, culture, and my happiness. However we must also vote yes because it is our job as we live on the beautiful and flourishing island of Maui.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Dr. Joseph Baldwin  
38 E Waipuilani Rd Kihei, HI 96753-5283 jcbaldwin@college.harvard.edu

RECEIVED  
2017 NOV 29 PM 1:10  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** davidbal4@everyactioncustom.com on behalf of David Balfour <davidbal4@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 10:08 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. David Balfour  
400 Central Park W New York, NY 10025-5880 davidbal4@gmail.com

RECEIVED  
2017 NOV 29 PM 1:09  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** dbarber@everyactioncustom.com on behalf of Dylan Barber  
<dbarber@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 1:07 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Dylan Barber  
59 Aliilani Pl Kihei, HI 96753-9015  
dbarber@kiheicharter.org

RECEIVED  
2017 NOV 29 PM 1:12  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** Jtbarclay@everyactioncustom.com on behalf of Jerry Barclay  
<Jtbarclay@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 8:05 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Jerry Barclay  
453 A Hoala Dr Kihei, HI 96753-9411  
Jtbarclay@hotmail.com

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2017 NOV 29 PM 1:44  
OFFICE OF THE  
COUNTY CLERK



Reply all | Delete | Junk | ...



## Matters that matter

DB

Dennis Barger <surfnshred@hotmail.com>

Yesterday, 7:04 PM

County Clerk



Reply all |

Inbox

Ban oxybenzone sunscreens.  
Don't permit sand mining if it goes off island.

Sent from my iPhone

RECEIVED  
2017 NOV 30 AM 9:55  
OFFICE OF THE  
COUNTY CLERK

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Barbara Barry <begoniabarry@everyactioncustom.com>

Fri 11/24/2017 2:19 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I have sat through several council Meeting debating this important legislation. I have listened to the scientists telling us why our reefs are dead and dying. What is the problem here? Why the delay to enact this ban on usage and sales of these endocrine disruptors. These chemicals would not even be allowed for human use if they were introduced today. Human health, Reef Health is what this bill will protect.

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!  
Protect the Reef! Protect the Culture that relies on a healthy ecosystem. Protect tourism!  
Mahalo,

Sincerely,  
Ms Barbara Barry  
1220 W Kuiaha Rd Haiku, HI 96708-5520  
begoniabarry@gmail.com

RECEIVED  
2017 NOV 28 AM 10: 53  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** Barbara Barry <begoniabarry@gmail.com>  
**Sent:** Tuesday, November 28, 2017 8:44 PM  
**To:** County Clerk  
**Subject:** Mike White's and Riki Hokama's attempt to become Dictators of Maui County with County Communication 17-484 "Legislative Branch Organization".

To Council Chair and Maui County Council members.

This power grabbing County Communication 17-484, Legislative Branch organization is one of the most bogus pieces of legislation brought before this Council in some time.

This should be filed immediately without further discussion and NOT referred to any Committee.

This shows the desperation that Mike White, Riki Hokama and Patrick Wong are feeling to disregard the will of the people by playing games with our Democracy.

Locking staffers off the 7th floor of the County Building that ask questions that make you squirm is NO reason for you to get high and mighty and try to act like GOD and attempt to pass Legislation like this giving yourself authority to fire someone who gets in your way for NO reason. Locking fire exits, blocking access to staffers who work for all County Council Members, canceling card keys, blocking access to voicemails and emails, legal and legislative advice, obstructing their ability to do their work for the County of Maui is Not acceptable behavior.

This is showing your sheer desperation and any Council Member that goes along with this B.S. will be targeted for replacement in the next election. You are creating hostility in the workplace!

Transparency, honesty, integrity and a will to serve the people are not qualities of anyone who has anything to do with allowing one bit of discussion on this NAZI like move. This means you, Yuki Lee Sigimura. You do not work for Mike White or Alan Arakawa. You work for the people.

Mike White, Riki Hokama and Patrick Wong should all be issuing public apologies for their blatant disregard for the high offices they hold especially since they are paid very high salaries and intentionally fail to show up for meetings that they are required to be at. Riki Hokama sleeps through many Council Meetings at the taxpayers expense. This behavior does not even sink to the lowest of the low for big bullies. You are all put on notice. Your antics will not be allowed.

**"Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive"**

You work for the People of Maui County. Try and remember that! We are watching your every move.

Ms. Barbara Barry  
Ha'iku, HI

RECEIVED  
2017 NOV 29 PM 1:14  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** IEM Committee  
**Sent:** Wednesday, November 29, 2017 8:24 AM  
**To:** County Clerk  
**Subject:** FW: Oxybenzone and Octinoxate Sunscreen sale and use Ban in Maui County

**From:** Barbara Barry [mailto:begoniabarry@gmail.com]  
**Sent:** Tuesday, November 28, 2017 11:44 PM  
**To:** IEM Committee <IEM.Committee@mauicounty.us>  
**Subject:** Oxybenzone and Octinoxate Sunscreen sale and use Ban in Maui County

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Aloha Chair and County Council Members,

When Consumers Healthcare Products Association, a lobbying group for the cosmetic industry hires Marge Bronster to write a legal opinion regarding Maui County enacting a ban of reef killing sunscreens, you know they are getting desperate. I sat through the very enlightening testimony as did some of you a few weeks ago of Joe DiNardo and Craig Downs. Please stop wasting our precious resource. Tourists can be trained and they have lots of other options that won't kill our reef or endanger their health. Please see article below if you cannot remember the science.

By the way, CHPA has as part of their legislative agenda to oppose any ban on the Reef killing and human health endangering chemicals. Looks like we have their attention. This has been attempted for nearly 10 years now. The Chemical/Cosmetic Companies do not get to dictate how we care for our reefs! They could care less about our ocean's health, or human health for that matter! No more stalling!

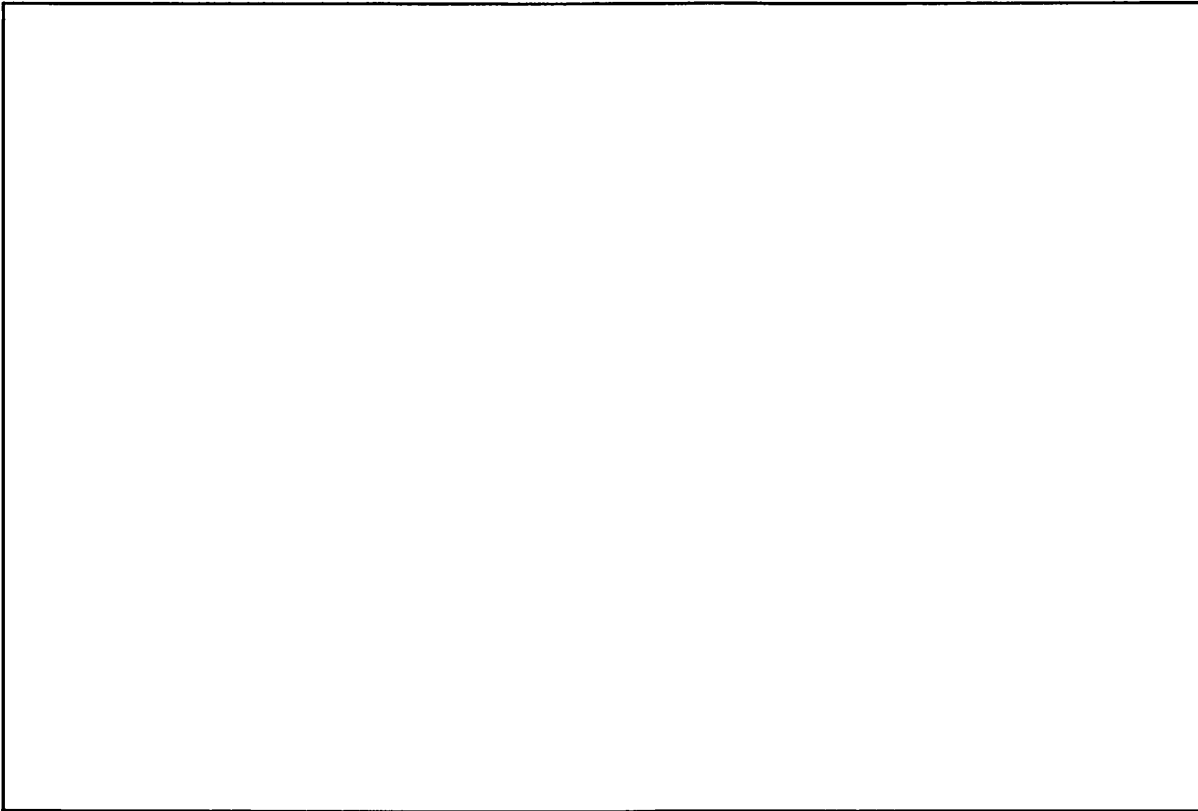
## Effort to ban some sunscreen chemicals advance

NOV 14, 2017

COLLEEN UECHI

Staff Writer

[cuechi@mauinews.com](mailto:cuechi@mauinews.com)



Retired scientist and toxicologist Joe DiNardo discusses misconceptions surrounding sunscreen use and why he thinks a ban on certain products would be effective. The Maui News COLLEEN UECHI photo

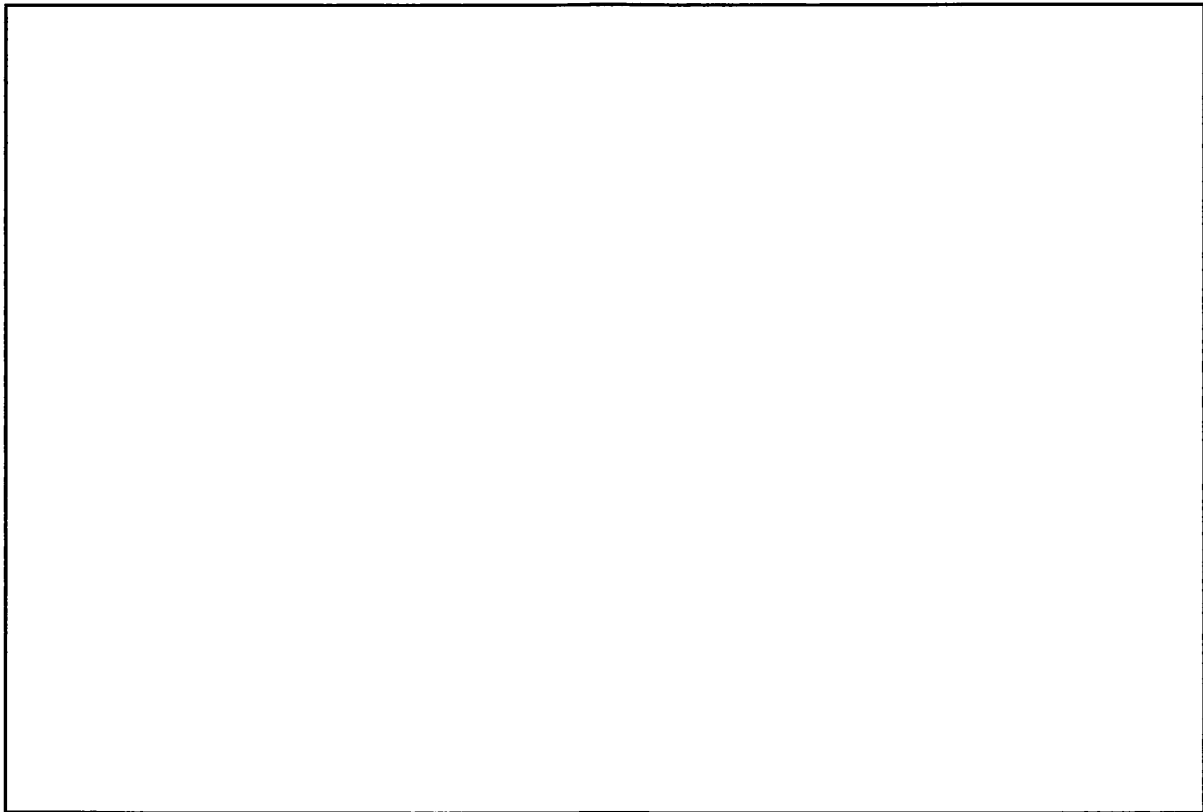
**WAILUKU — Sunscreen containing certain chemicals could be banned in Maui County after a bill to eliminate the potentially harmful products was recommended for approval by a Maui County Council committee Monday.**

The bill, which is headed for the full council, would prohibit the sale and use of sunscreen carrying oxybenzone and octinoxate, ingredients that have grown controversial over the past few years.

*“I think it’s really about time,”* council Vice Chairman Bob Carroll said. *“It’s something that we need to have done and the sooner we do have this in effect, it gives our ocean and our fish and our limu a chance to recover and prosper.”*

During the recent state legislative session, Ewa Beach Sen. Will Espero introduced a measure that would have banned products with the same chemicals. However, Senate Bill 1150 stalled in conference committee.

If passed, Maui County’s ban would be the first in the country, said Joe DiNardo, a retired scientist and toxicologist from Virginia who gave a presentation to the Infrastructure and Environmental Management Committee on Monday.



Downs

Oxybenzone and octinoxate can be found in a range of materials, from plastic bottles to printing inks, and are popular in the manufacture of sunscreen.

*“They are broad-spectrum UV absorbents,”* said Craig Downs, a Kapalua native who’s now the executive director of the nonprofit Haereticus Environmental Laboratory in Virginia. *“That’s really important to help prevent sunburns. So they do play a critical role. . . . But they’re not the only two chemicals that can be used in a product to protect you from sunburns.”*

Supporters of a ban believe it would help protect coral reefs; opponents contend that the ingredients are safe for use, pointing out that oxybenzone has been approved by the Food and Drug Administration. But that was back in 1978, when the bar for testing sunscreens was lower, DiNardo said.

Downs said that the two chemicals can lower the resiliency of coral reefs to bleaching. They can affect the development and endocrine systems of fish. And, the risk of spreading the chemicals in the ocean is not only when sunscreen-wearing swimmers are in the water, but also when they go home and use the shower or the toilet.

Samples of swimming and snorkeling spots around Maui have found growing levels of oxybenzone and octinoxate in the water, Downs said. Oxybenzone is toxic to corals at 62 to 280 parts per trillion. Three locations in South Maui had levels ranging from 340 to 1,096 ppt. Seven West Maui locations ranged from 125 to 4,252 ppt, which was at Black Rock in Kaanapali.

Octinoxate, meanwhile, is toxic at 105 to 220 ppt. The same seven locations in West Maui ranged from 69 to 967, while the three South Maui spots ranged from 33 to 1,516 ppt.

While many factors can cause coral bleaching, including warmer ocean temperatures, Downs said sunscreens can also play a role. Corals exposed to oxybenzone and octinoxate in both the ocean and the lab have shown signs of bleaching, even in temperatures *“nowhere near”* the typical bleaching threshold of 88 degrees Fahrenheit, Downs said.

Sunscreen can also help prevent sunburn and decrease the risk of skin cancer, but *“the bottom line is sunscreens do not prevent skin cancer,”* said DiNardo, adding that scientists view protective clothing and staying out of the sun as the key.

*“Sunscreens are important,”* DiNardo said. *“We still need to use them. But they are not the end-all and be-all to anything associated with skin cancer.”*

The eight testifiers Monday mostly voiced support for the ban. Residents whose families fish and farm talked about the noticeable decline of reefs and the concern that sunscreen could also find its way into freshwater ponds and taro patches. Testifiers

believed beachgoers would be open to making the change, as well as businesses wanting to earn a reputation as environmentally friendly.

*“Unlike banning smoking where people are addicted to smoking . . . there’s no stress involved in switching to a healthier product,”* said Susan Varsames, creator of Mama Kuleana sunscreen, which uses zinc oxide. *“There’s no financial burden. . . . This is a really easy learning curve for people because it’s a win-win.”*

Rob Parsons, county environmental coordinator, said that Mayor Alan Arakawa hasn’t expressed a position for or against, but said that the mayor is concerned about the challenge of enforcing such a ban. However, Parsons agreed with other testifiers who said installing a ban, like putting up a speed limit sign, could help deter the use of harmful sunscreens.

Council members were supportive of the bill, though they were concerned about the measure being legally sound. Deputy Corporation Counsel Richelle Thompson said that the bill could open the door to challenges based on the federal Commerce Clause, which protects interstate commerce. She also thought the county should first consult with the state Department of Land and Natural Resources, which has jurisdiction over nearshore waters. Unlike the county’s recent ban on polystyrene, a ban on certain sunscreens could cross county and state lines.

Council Member Yuki Lei Sugimura said that the county already has a hard time enforcing rules and thought the council should hear from state and county departments before passing a new law. However, Council Member and Committee Chairwoman Elle Cochran pushed for a vote, saying the scientific evidence was solid and the bill was *“defensible.”*

*Yuki Lee Sugimura is NOT a Scientist. Marge Bronster is NOT a Scientist. Stop wasting time. Our reefs are dying! Do your job and protect our Natural resources. It's your economic and moral responsibility.*

*Mahalo nui,  
Barbara Barry  
Ha'iku*



## County Clerk

---

**From:** Alex Beers <alex.beers@gmail.com>  
**Sent:** Wednesday, November 29, 2017 7:44 AM  
**To:** County Clerk  
**Subject:** County Communication 17-484 Legislative Branch Organization

Dear sir,

I would like to voice my strong opposition to this. I would like to ask that this NOT be referred to committee and that it be filled immediately without any further discussion of any sort.

Thank you,  
Alex Beers

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COUNTY CLERK

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# Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

CB Clifford Benjamin <blukrsna13@everyactioncustom.com>

Reply all |

Today, 7:49 AM  
County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Clifford Benjamin  
1687 Haiku Rd Haiku, HI 96708-5614  
blukrsna13@gmail.com

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Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

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2017 DEC -6 AM 11: 58

AB

Afton Bennett <aftonb83@everyactioncustom.com>

Thu 11/30, 1:37 PM

County Clerk

OFFICE OF THE  
COUNTY CLERK  
Reply all

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Afton Bennett

5940 21st St N # E-12 Saint Petersburg, FL 33714-4760

aftonb83@yahoo.com

Reply all | Delete Junk | ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

JB joan berman <jsbmaui@everyactioncustom.com> Today, 7:12 AM  
County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
joan berman  
10825 Kula Hwy Kula, HI 96790-7462  
jsbmaui@gmail.com

RECEIVED  
2017 NOV 30 PM 2:39  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** dberry@everyactioncustom.com on behalf of Douglas Berry  
<dberry@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:48 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Douglas Berry  
679 Kaapuni Pl Kihei, HI 96753-9222  
dberry@shaw.ca

RECEIVED  
2017 NOV 29 PM 1:36  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** bestb002@everyactioncustom.com on behalf of Bill Best <bestb002@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 7:52 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Bill Best  
280 Hauoli St Wailuku, HI 96793-9553  
bestb002@hawaii.rr.com

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2017 NOV 29 PM 3: 25  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** bestb002@everyactioncustom.com on behalf of Bobbie Best <bestb002@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 6:53 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Bobbie Best  
280 Hauoli St Wailuku, HI 96793-9553  
bestb002@hawaii.rr.com

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2017 NOV 29 PM 3:24  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** Sbetch8185@everyactioncustom.com on behalf of Sarah Betcher <Sbetch8185@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 7:56 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Sarah Betcher  
140 Uwapo Rd Apt 53-104 Kihei, HI 96753-7434 Sbetch8185@gmail.com

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2017 NOV 29 PM 3:25  
OFFICE OF THE  
COUNTY CLERK



Reply all | Delete | Junk | ...

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Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

2017 DEC -6 PM 12: 41

OFFICE OF THE COUNTY CLERK

CB Chris Bettis <clb63@everyactioncustom.com>  
Thu 11/30, 3:57 PM  
County Clerk

Reply all |

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Chris Bettis  
6 Alania Pl Kihei, HI 96753-7305  
clb63@hawaii.rr.com

## County Clerk

---

**From:** mandireanne@everyactioncustom.com on behalf of Amanda Bierbaum  
<mandireanne@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 2:57 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Amanda Bierbaum  
26 Kualono Pl Kula, HI 96790-8043  
mandireanne@gmail.com

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2017 NOV 29 PM 3:31  
OFFICE OF THE  
COUNTY CLERK

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X

2017 DEC -6 PM 12: 41

# CR17-167: Sand Mining Ordinance

OFFICE OF THE  
COUNTY CLERK

HB Heidi Bigelow <Heidi@westmauiland.com>  
Thu 11/30, 4:00 PM  
Mike White; County Clerk

Reply all |

Inbox

CR17-167 sand minin...

160 KB

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Chairman White,

In regards to item CR17-167, Sand Mining Moratorium on the Council's agenda, please find attached written testimony for an exception request for TMK (2) 3-5-002:020, owned by Waiale Road 201 LLC containing an area 10.365 Acres. I am unable to appear in person tomorrow.

Mahalo,

Heidi Bigelow

Heidi Bigelow  
West Maui Land Company, Inc.  
305 East Wakea Ave., Suite 100  
Kahului, HI 96732  
ph (808) 877-4202  
fx (808) 877-9409

# WAIALE ROAD 201 LLC

RECEIVED

305 E. Wakea Ave., Suite 100  
Kahului, HI 96732

Phone: (808) 877-4202  
Fax: (808) 877-9409

2017 DEC -6 PM 12: 41

Date: November 30, 2017  
To: Mike White, Chairman  
From: Heidi Bigelow, on behalf of Waiale Road 201 LLC

OFFICE OF THE  
COUNTY CLERK

**SUBJECT:** CR 17 - 167 Sand Mining Moratorium, New Chapter 20.40  
Request for Exemption or Removal of Parcel from Moratorium Area Map  
TMK (2) 3-5-002:020 (formerly portion (2) 3-5-002:012 and 001)  
Owner: Waiale Road 201 LLC  
Area: 10.365 Acres

Aloha Chairman White,

I am the Project Manager for Waiale Elua Subdivision, workforce housing project located on TMK (2) 3-5-002:020 and am requesting that the subject parcel be exempted or removed from the Sand Mining Moratorium's Map and parcel list.

#### WAIALE ELUA SUBDIVISION OVERVIEW:

- A 100% workforce housing project
- Approved by County Resolution 16-81 on June 3, 2016
- 70 single family homes on lots ranging in size between 3,900 SF to 5,000 SF

#### PROJECT STATUS:

- Construction plans are being reviewed by agencies.
- Archeological Inventory Survey was approved, and no sites were found. Archeological Monitoring Plan ('AMP') is under review by the State Historic Preservation Department. AMP includes monitoring during earthwork.

#### ESTIMATED CONSTRUCTION TIMELINE:

Jan 2017 - March 2018:	Subdivision and Construction Plan Processing, & Approvals
March 2018 - Sept. 2018:	Subdivision Infrastructure, Roads, Utilities
June 2018 - Sept. 2019:	Home Construction

#### CONCERNS:

The ordinance is unclear whether or not this project, with an adopted Resolution (but with pending construction plans) would be exempt under: "Activities conducted pursuant to a valid permit issued prior to the effective date of the proposed ordinance." If the project site is listed within the Moratorium Area Map, the review/approval process for our construction plans is unclear, and may be delayed. Therefore, we are requesting that the parcel TMK (2) 3-5-002:020 is removed from the properties under the Moratorium Area Map.

11/30/2017

CR 17 - 167 Sand Mining Moratorium, New Chapter 20.40

Request for Exemption or Removal of Parcel from Moratorium Area Map

TMK (2) 3-5-002:020 (formerly portion (2) 3-5-002:012 and 001)

Owner: Waiale Road 201 LLC

Area: 10.365 Acres

There is no intent to mine sand from the Project site and the Project is currently is an 'import job', where fill material will be brought it. However, construction plans are not final, and if it turned into an 'export job', where materials had to be removed from the project site, the proposed ordinance would significantly delay if Council approval to export material was required. When building homes, sometimes the material beneath the foundation needs to be over-excavated, removed and replaced with suitable structural material. This is not anticipated, but is an unknown at this point.

Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Bigelow". The signature is written in a cursive style with a large loop at the end.

Heidi Bigelow  
Project Manager

**County Clerk**

---

**From:** aukai.tutu@everyactioncustom.com on behalf of Evelyn B Billington  
<aukai.tutu@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 1:51 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

Please, please help to protect the inhabitants of Maui's reefs, all the corals and other marine animals, by passing this bill. For over 20 years I have watched our reefs gradually deteriorate and die due in large part to the damage caused by the killing pollution of oxybenzone and octinoxate based SPF sunscreens. If Maui County could take the lead on this critical issue, we could demonstrate to the rest of the State how essential it is to not only the health of our oceans but also the health of our economy.

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Dr. Evelyn B Billington  
150 Hauoli St Wailuku, HI 96793-9529  
aukai.tutu@gmail.com

RECEIVED  
2017 NOV 29 PM 1:12  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete | Junk | ...

RECEIVED X

Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

2017 DEC 6 PM 12:41

OFFICE OF THE COUNTY CLERK

AB Autumn Blum <autumn@everyactioncustom.com>  
Thu 11/30, 3:45 PM  
County Clerk

Reply all |

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Autumn Blum  
PO Box 907 Wauchula, FL 33873-0907  
autumn@stream2sea.com

Reply all | Delete Junk | ...



# Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Christel and John Blumer-Buell <blubu@everyactioncustom.com>

Reply all |

Today, 8:52 AM

County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Christel and John Blumer-Buell  
SR111 HANA Hwy Hana, HI 96713  
blubu@hawaii.rr.com

RECEIVED  
2017 NOV 30 PM 2:39  
OFFICE OF THE  
COUNTY CLERK



## County Clerk

---

**From:** Bodhi Be <bodhi@doorwayintolight.org>  
**Sent:** Tuesday, November 28, 2017 1:12 PM  
**To:** County Clerk  
**Subject:** County Communication 17-484 "Legislative Branch Organization".

Aloha

County Communication 17-484 "Legislative Branch Organization".

This is offensive to us as a people who believe that our government officials are working for all the people of this land, and that the minority voice must always be included and respected.

I cannot believe this would even be considered.

Respectfully  
Reverend Bodhi Be

Executive Director / Doorway Into Light

RECEIVED  
2017 NOV 29 PM 1:12  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** saljobst@everyactioncustom.com on behalf of Sallyjane Bodnar  
<saljobst@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 3:02 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms Sallyjane Bodnar  
Nhonokala Rd Haiku, HI 96708  
saljobst@otmail.com

RECEIVED  
2017 NOV 29 PM 1:39  
OFFICE OF THE  
COUNTY CLERK

Cc17-484

SJ

Sal /Jobst <saljobst@hotmail.com>

Thu 11/30, 11:52 AM

County Clerk

Reply all |

Dear Maui County Council members:

As a resident of Maui and voter in every election since I was first eligible, I am writing to express my dismay about the proposed law that would allow a majority of council members to fire the staff of councilmembers without due process.

These are my reasons:

1. This action will wind up in court and will cost the taxpayers money.
2. This action will intimidate staff persons and council members from doing what they were elected to do, which is to represent their constituents to the best of their ability.
3. This action makes a mockery of "representative" democracy and allows a few people to run the county government while stifling dissent, or even discussion, about issues that have sizable, though technically minority support.
4. My revulsion of some council members have reached new heights. I have been a "middle of the road" voter for most of my life but I will vote against anyone who votes for this measure even if I agree on other issues.

Please do not allow this idea to go into committee.

Mahalo for the opportunity to express my disagreement. Will that be the next action, to Eli inmate citizen expression of opinion?

Sincerely,  
Sallyjane Bodnar

Sent from my iPad

RECEIVED  
2017 DEC -4 AM 8:39  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** cleerlite@everyactioncustom.com on behalf of susan bohannon  
<cleerlite@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 1:48 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
susan bohannon  
3650 Piikea Pl Makawao, HI 96768-9556  
cleerlite@yahoo.com

RECEIVED  
2017 NOV 29 PM 3:30  
OFFICE OF THE  
COUNTY CLERK

Please Support Bill 17-179 Prohibiting the Sale and Use of SPF  
Sunscreens Containing Oxybenzone and Octinoxate

RECEIVED  
2017 DEC 12 PM 1:06

Ted Bohlen <tbohl8@everyactioncustom.com>

OFFICE OF THE  
COUNTY CLERK

Thu 11/30/2017 6:33 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals kill reefs and we must do everything we can to protect these fragile ecosystems. Our tourist and recreational economy depends on healthy reefs, without which our beaches and shoreline will be destroyed, and our way of life altered irrevocably! I've snorkeled on Maui repeatedly and visited Maui Ocean Center, and care deeply about preserving Maui's excellent coral reefs.

We can't stop global warming and ocean acidification alone in Hawai'i, but we do need to help the reefs survive and give them time to adapt by eliminating local insults like toxic sunscreens, sewage and polluted runoff

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Mr. Ted Bohlen

1942 Judd Hillside Rd Honolulu, HI 96822-2004

tbohl8@yahoo.com

Reply all | Delete Junk | ...



# Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

RB Ryan Bollhorst <opihipirate@everyactioncustom.com>

Reply all |

Today, 9:37 AM  
County Clerk

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ryan Bollhorst  
2260 Piihola Rd Makawao, HI 96768-7232  
opihipirate@gmail.com

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2017 NOV 30 PM 3:54  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk | ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

LB

Lindsey Bolton <lindsey@everyactioncustom.com>



Reply all |

Yesterday, 3:57 PM

County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Lindsey Bolton

51 8th St Cayucos, CA 93430-1217

[lindsey@allgoodproducts.com](mailto:lindsey@allgoodproducts.com)

RECEIVED  
2017 NOV 30 AM 8:43  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** margebonar@everyactioncustom.com on behalf of Marjorie Bonar  
<margebonar@everyactioncustom.com>  
**Sent:** Sunday, November 26, 2017 6:10 PM  
**To:** County Clerk  
**Subject:** Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Dear Maui County Clerk Maui County Council,

Eliminating oxybenzone and its related compounds is the most effective thing we can do to protect our reefs and also to protect our children from the harm that it does to humans.

With scientific corroboration, why would we wait a day longer ?

Marjorie Bonar

Sincerely,

Mrs Marjorie Bonar

400 Aulii Dr Makawao, HI 96768-8214

margebonar@gmail.com

RECEIVED  
2017 NOV 29 PM 3: 24  
OFFICE OF THE  
COUNTY CLERK



## County Clerk

---

**From:** s.bonneson@everyactioncustom.com on behalf of Sarah Bonneson  
<s.bonneson@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 6:56 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Miss Sarah Bonneson  
676 Imihale St Kihei, HI 96753-6056  
s.bonneson@hotmail.com

RECEIVED  
2017 NOV 29 PM 1:14  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** weldman47@everyactioncustom.com on behalf of Douglas Bonney <weldman47@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 7:43 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Douglas Bonney  
191 N Kihei Rd Apt 608 Kihei, HI 96753-8813 weldman47@yahoo.com

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2017 NOV 29 PM 1:08  
OFFICE OF THE  
COUNTY CLERK

Reply all | ▾ Delete Junk | ▾ ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

RB Remy Boprey <raboprey@everyactioncustom.com>  Reply all | ▾  
Thu 11/30, 11:05 AM  
County Clerk ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Remy Boprey  
134 Wahie Ln Apt 208 Lahaina, HI 96761-1634  
raboprey@gmail.com

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2017 DEC -4 AM 8:38  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk | ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

DB Daniel Boren <dannyboren@everyactioncustom.com>

Reply all |

Yesterday, 4:50 PM  
County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr Daniel Boren  
2445 Waipua St Paia, HI 96779-9749  
dannyboren@gmail.com

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2017 NOV 30 AM 9:04  
OFFICE OF THE  
COUNTY CLERK

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

SB

Sharyl Boren <sharyl@everyactioncustom.com>

Yesterday, 7:54 PM

County Clerk



Reply all |

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Sharyl Boren

2445 Waipua St Paia, HI 96779-9749

sharyl@zipline.com

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2017 NOV 30 AM 9:54  
OFFICE OF THE  
COUNTY CLERK

Reply all | ▾ Delete Junk | ▾ ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

WB William Boteler <[bbot20008@everyactioncustom.com](mailto:bbot20008@everyactioncustom.com)>

👍 Reply all | ▾

Today, 5:06 AM

County Clerk ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Mr. William Boteler

3216 Birchtree Ln Silver Spring, MD 20906-3040

[bbot20008@yahoo.com](mailto:bbot20008@yahoo.com)

RECEIVED  
2017 NOV 30 AM 10: 59  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** claminhighwater@everyactioncustom.com on behalf of Sue Brittendall  
<claminhighwater@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 12:28 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. Sue Brittendall  
PO Box 331342 Kahului, HI 96733-1342  
claminhighwater@hotmail.com

RECEIVED  
2017 NOV 29 PM 1:07  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk | ...



## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

MB Maryann Broyles <hananaia@everyactioncustom.com>

Reply all |

Yesterday, 4:48 PM  
County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Maryann Broyles  
58 -5536 Waipio Valley Rd Honokaa, HI 96727  
hananaia@gmail.com

RECEIVED  
2017 NOV 30 AM 9:04  
OFFICE OF THE  
COUNTY CLERK



# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Courtney Bruch <lotuslover@everyactioncustom.com>

Thu 11/23/2017 2:20 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Miss Courtney Bruch

1416 Kamehameiki Rd Kula, HI 96790-8467

lotuslover@hotmail.com

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2017 NOV 28 AM 10: 53  
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COUNTY CLERK

Opposing to CC 17-484

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2017 DEC -6 PM 12: 40

courtney bruch <courtneybruch808@gmail.com>

Thu 11/30/2017 2:51 PM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Trinetta K. Furtado <Trinette.Furtado@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>;

Dear Maui County Council Members~

I am writing today to let you know that as a constituent I am extremely concerned about Council Communication 17-484. This legislation is a subversion of democracy, and helps the corrupt maintain their corruption. Members' staff are an extension of the ELECTED member, and should not be threatened by a majority vote of the council. This would essentially prohibit members' staff from safely and effectively conducting business on behalf of the member. I respectfully demand that you move to have this item FILED permanently. The public is paying attention and is sick of business as usual at the expense of the taxpayers, with no benefit.

We are counting on you to do the right thing and this motion is clearly outrageous and ridiculous.

Mahalo,  
Courtney Bruch  
808-283-6837  
Kula

## County Clerk

---

**From:** ggb7676@everyactioncustom.com on behalf of George Burnette <ggb7676@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:26 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. George Burnette  
27 Pohina St Unit 1404 Wailuku, HI 96793-3542 ggb7676@gmail.com

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2017 NOV 29 PM 1:35  
OFFICE OF THE  
COUNTY CLERK

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Jayne Bush <mauimusic36@everyactioncustom.com>

Thu 11/23/2017 8:07 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

The time is now! There is no more time to save Maui's reefs!  
Act Now Please ! Speak for us!

Sincerely,  
Ms Jayne Bush  
1015 Ukiu Rd Apt C Makawao, HI 96768-7414  
mauimusic36@yahoo.com

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COUNTY CLERK

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

PB Patricia Buskirk <[pbuskirk@everyactioncustom.com](mailto:pbuskirk@everyactioncustom.com)>

👍 ↻ Reply all | ▾

Yesterday, 10:18 PM

County Clerk ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Patricia Buskirk  
2640 Dole St Apt E252 Honolulu, HI 96822-2334  
[pbuskirk@hawaii.edu](mailto:pbuskirk@hawaii.edu)

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2017 NOV 30 AM 10:59  
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COUNTY CLERK

## County Clerk

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**From:** Nicole Busto <mauinutritionaltherapy@gmail.com>  
**Sent:** Tuesday, November 28, 2017 11:02 PM  
**To:** County Clerk  
**Subject:** County Communication 17-484 "Legislative Branch Organization"

To Whom it May Concern,

NO! This is insanity!!!

Mike White is a bully and is CORRUPT!!! This should NOT be allowed!!!!

I do NOT support Mike White or Riki Hokama!!!!  
They are CORRUPT CORPORATE PUPPETS!!!!

Maui Nutritional Therapy  
Nicole Busto NTP, CGP  
808-463-7783

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2017 NOV 29 PM 1:15  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** hbustokeyes@everyactioncustom.com on behalf of Hope Busto-Keyes  
<hbustokeyes@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 11:35 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui.

Although this one action is not the total solution to protecting our reefs, these chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mrs. Hope Busto-Keyes  
116 Kumulaau Ohia Loop Wailuku, HI 96793-2133 hbustokeyes@gmail.com

RECEIVED  
2017 NOV 29 PM 1:11  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** suebyrne@everyactioncustom.com on behalf of Susan Byrne  
<suebyrne@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:28 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms Susan Byrne  
2141 Awihi Pl Apt 5 Kihei, HI 96753-8719 suebyrne@hawaiiintel.net

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2017 NOV 29 PM 1:35  
OFFICE OF THE  
COUNTY CLERK



# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Tova Callender <tovacalle@everyactioncustom.com>

Wed 11/22/2017 3:17 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Ms. Tova Callender

55 Konale Pl Kihei, HI 96753-9000

tovacalle@hotmail.com

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2017 NOV 22 PM 3: 18  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** mauimiranda@everyactioncustom.com on behalf of Miranda Camp  
<mauimiranda@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 1:06 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem. I have personally watched the decline of our reef ecosystem over the years and I know there are several factors, but we know this is one of them, so any effort to save our corals is so crucial for our economy and the health of our ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Miranda Camp  
628 Mililani Pl Kihei, HI 96753-6301  
mauimiranda@gmail.com

RECEIVED  
2017 NOV 29 PM 3: 29  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** jeremycanche@everyactioncustom.com on behalf of Jeremy Canche  
<jeremycanche@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 11:09 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
JC Jeremy Canche  
140 UWAPO Rd 35-102 Kihei, HI 69753  
jeremycanche@gmail.com

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2017 NOV 29 PM 1:10  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** rob\_cantwell@everyactioncustom.com on behalf of Rob Cantwell  
<rob\_cantwell@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 1:10 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
mr. Rob Cantwell  
KAUPAKALUA Rd Haiku, HI 96708  
rob\_cantwell@yahoo.com

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2017 NOV 29 PM 1:37  
OFFICE OF THE  
COUNTY CLERK

County Clerk

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**From:** carol carolan <carolanncarolan@yahoo.com>  
**Sent:** Tuesday, November 28, 2017 10:17 AM  
**To:** County Clerk  
**Subject:** Bill 91

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2017 NOV 29 PM 1:09

OFFICE OF THE  
COUNTY CLERK

Dear Councilmembers:

Please vote "no" on Bill 91. Other than unfairly taxing those who have done the right thing and follow the law, what is its purpose?

First, a forceful attempt was made to lump short term vacation rentals (STRs) with hotels so they could be taxed at the hotel/resort property tax rate. When it was shown that STRs have little in common with hotels, a new approach was adopted ... lump STRs with condominiums that allow short term rentals who are *already* paying the hotel/resort property tax rate! This, essentially, is a back door entry into charging STRs the higher tax rate.

STRs *are not* condos:

A condo has the *right* to rent short term, instilled by zoning.

STRs have to go through a lengthy, expensive permit process.

STRs pay an annual fee; condos do not.

Condos have many units sharing a property to bring the individual unit's share of tax down to a more reasonable level.

Condos can build a short term rental business that can be sold with their unit.

STR permits are not transferable and cannot be sold along with the property.

STRs are denied the ability to build and sell a rental business.

Short term rentals are restricted to a lower occupancy than condos or hotels.

Condos can offer a variety of amenities to their guests not allowed by STRs.

Condos do not need the \$1,000,000 liability policy naming the County of Maui as an additional insured as is required by a short term rental home. This, alone, can be an expense of \$1400 to \$2200 per year.

STRs *are not* hotels:

STRs are *restricted to one* income stream which is *housing*.

STRs have no restaurants, galleries, gift shops, clothing stores, bars, pool activities, beach activities, classes, concierge, room service, beach equipment rentals, etc., all of which generate income.

STRs cannot host weddings or parties.

STRs are restricted to a low occupancy.

While STRs have little in common with hotels or condominiums, they *are similar* to long term rentals. Simply put, STRs provide housing and nothing else.

By passing Bill 91, you will take individuals who are already paying 25% more in property taxes than their neighbors, and increase their tax burden to 60% more! This will essentially put many STR owners out of business. Is this the purpose of Bill 91? Even though it is now clear that permitted STRs are an *asset* to the island, is it still believed they take away housing from local families or are disruptive to neighborhoods? If this IS your belief, please take the time and make the effort to review the facts of the matter. This simply is not true. The vast majority of STRs would never be offered for long term housing and would remain vacant, denying the county and state additional tax dollars. Affordable housing is a red hot problem for Maui, but it is not caused by STRs. As far as neighborhood disruptions are concerned, it is my belief that there have been minimal (if any) complaints of this nature against STR permit holders.

STRs also employ a host of individuals to keep the properties in pristine condition. So, STRs provide much needed additional tax dollars, do not take away from local housing, and employ a vast variety of individuals who live on island. Yet, they continue to be vilified and continue to be under attack by local government. Aren't there more important, pressing issues that need to be addressed rather than rehashing the same old thing? I'm sorry, but as one of the first individuals to go through the grueling process of obtaining a short term rental permit, I am frustrated and, yes, angry. I expect much more from our elected officials. I expect our elected officials to leave their biases at the door when they accept a position to serve the people.

Do you really want to increase the taxes of permit holders, those who follow the rules and mandates and laws, while ignoring those who operate without a permit? We need Short Term Rental permit holders to be left in the Commercial classification or better yet, in the classification consistent with their zoning ... Residential or Agricultural.

I hope this issue can be put to rest once and for all. STRs are an *ASSET* to Maui, not a hindrance.

Sincerely,

Carol A. Carolan, Ph.D.

## County Clerk

---

**From:** marcy cayton@everyactioncustom.com on behalf of Marcy Cayton  
<marcy cayton@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:33 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mrs. Marcy Cayton  
733 N Honokala Rd Haiku, HI 96708-5796  
marcy cayton@rocketmail.com

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2017 NOV 29 PM 1:35  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** Tatyana Cerullo <tatyana@kokuasuncare.com>  
**Sent:** Monday, November 27, 2017 4:08 PM  
**To:** County Clerk  
**Cc:** Robin Van Niekerk  
**Subject:** Written Testimony - Support for Ban on Toxic Chemical Sunscreens

To the Maui County Clerk's office:

We would like to submit testimony in SUPPORT of a ban on toxic chemical sunscreens. One point the opposition makes is that there are not enough natural sunscreens on the market for locals and tourists to purchase instead of the chemical sunscreens.

On the contrary, we submit that there are many alternatives to chemical sunscreens, including another local Hawaiian sunscreen, Kōkua Sun Care Hawaiian Natural Zinc Sunscreen, which is reef safe and human safe. It provides premium high performance broad spectrum protection using zinc oxide to provide a natural physical barrier to the sun's UVA and UVB rays while deeply nourishing the skin with nutrient dense antioxidant Hawaii-grown botanicals.

We proudly support the local Hawaii businesses who enrich our sunscreen with KonaRed® Coffee Cherry Extract, Noni, Hawaiian Spirulina, Plumeria Extract, Honey, Macadamia Nut Oil & Kukui Nut Oil.

Professionally formulated, FDA compliant from testing, manufacturing, to labeling, and manufactured for superior quality, our sunscreen goes on clear and smooth and will "kokua" you from the mountains to the ocean and everywhere in between without harming the environment.

Again we strongly SUPPORT a ban on toxic chemical sunscreens to protect our reefs and human health, and thereby preserve Hawaii's natural and cultural resources, and in effect save Hawaii's tourism industry and economy.

Mahalo for your consideration and kōkua.

--  
Tatyana Cerullo  
Creative Director/Co-Owner  
Kokua Sun Care LLC  
Honolulu, Hawaii  
[www.kokuasuncare.com](http://www.kokuasuncare.com)

(808) 722-6816

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COUNTY CLERK



## County Clerk

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**From:** juliajcc21@everyactioncustom.com on behalf of Julia Chambers <juliajcc21@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 6:58 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Miss Julia Chambers  
3090 Old Haleakala Hwy Makawao, HI 96768-8502 juliajcc21@aim.com

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2017 NOV 29 PM 1:44  
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COUNTY CLERK

## County Clerk

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**From:** shay.chanhodges@everyactioncustom.com on behalf of Shay Chan Hodges  
<shay.chanhodges@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 2:09 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. Shay Chan Hodges  
37 Puu Koa Pl Haiku, HI 96708-5117  
shay.chanhodges@gmail.com

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2017 NOV 29 PM 1:39  
OFFICE OF THE  
COUNTY CLERK

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Please ban oxybenzine sun blockers and sand mining on Maui.

CC Christina Chang <christina@lokelaniohana.org>  
Yesterday, 10:08 PM  
County Clerk ▾



Reply all | ▾

From a concerned ocean and island lover. Mahalo for your vote to preserve our beloved island. Christina Chang, Waihe'e resident

Sent from my iPhone

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2017 NOV 30 AM 10:59  
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## County Clerk

---

**From:** rolandch72@everyactioncustom.com on behalf of Roland Chang <rolandch72@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 9:51 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mr. Roland Chang  
149 Kaluamoo St Kailua, HI 96734-2145  
rolandch72@yahoo.com

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X

say NO to Mike White's and Riki Hokama's County Communication 17-484 "Legislative Branch Organization" bill proposal.

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2017 DEC -6 PM 12:40

DC

Deva Chappell <lotuslamp@gmail.com>

Thu 11/30/2017 3:01 PM

To: County Clerk ^

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Inbox

**To:** <[county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)>

Nov. 30, 2017

Honorable Maui County Clerk:

I strongly say NO to Mike White's and Riki Hokama's County Communication 17-484 "Legislative Branch Organization" bill proposal.

Maui County government is not to be run as a dictatorship where a Council majority can fire other Council members and staff. Let's stick with democracy.

Dale Ann Chappell  
Haiku  
808-575-2777

# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Emily Charles <ercharles03@everyactioncustom.com>

Fri 11/24/2017 7:11 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Ms. Emily Charles

66 Koki Pl Kihei, HI 96753-8947

ercharles03@gmail.com

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## County Clerk

---

**From:** andi831@everyactioncustom.com on behalf of andrea charuk <andi831@everyactioncustom.com>  
**Sent:** Tuesday, November 28, 2017 9:20 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
ms. andrea charuk  
3409 Sierra Dr Honolulu, HI 96816-3215  
andi831@yahoo.com

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## County Clerk

---

**From:** mauifaith@everyactioncustom.com on behalf of Faith Chase  
<mauifaith@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:33 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms. Faith Chase  
11 A Keola Pl Makawao, HI 96768-9325  
mauifaith@gmail.com

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# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

John Cheetham <cheethaj@everyactioncustom.com>

Thu 11/23/2017 8:12 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Mr. John Cheetham

297 Ailana Pl Kihei, HI 96753-7601

[cheethaj@live.com](mailto:cheethaj@live.com)

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2017 NOV 28 AM 10: 54

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# Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Kate Cheney <katecheney@everyactioncustom.com>

Fri 11/24/2017 5:33 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,

Ms. Kate Cheney

866 Lekeona Loop Wailuku, HI 96793-9628

[katecheney@icloud.com](mailto:katecheney@icloud.com)

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

RC

Ryan Christopher <ryan@everyactioncustom.com>



↻ Reply all | ▾

Yesterday, 7:20 PM

County Clerk ▾

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Mr Ryan Christopher

75 -662 Huaai St Kailua Kona, HI 96740-9780

ryan@earthfriends.com

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# Testimony

Karen Chun <karenchunmaui@gmail.com>

Wed 11/29/2017 7:14 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Re amendment to "Section 2.08.050 which allows the majority to fire staff of the minority councilmembers.

To: Mr. White and the rest of you sold-out anti-democratic councilmembers,

HOW DARE YOU?

What is the MATTER with you people?

Karen Chun  
87 Lae St.  
Paia HI 96779

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Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

OFFICE OF THE COUNTY CLERK

BC Beth Clapper <1bethjack@everyactioncustom.com> Thu 11/30, 3:40 PM County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely, Beth Clapper 322 Kenui Cir Lahaina, HI 96761-2346 1bethjack@gmail.com

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## CC17-484 TESTIMONY

BC Beth Clapper <1bethjack@gmail.com>  
Yesterday, 8:46 PM  
County Clerk ▾

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I am extremely against this legislation and do not agree with it at all. Please do not support this in any way!  
Thank you,  
Elizabeth Clapper

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COUNTY CLERK

## County Clerk

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**From:** vhlcohen@everyactioncustom.com on behalf of Vivian Cohen  
<vhlcohen@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 3:54 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens  
Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Vivian Cohen  
28 Hauwahine Ln # F105 Kihei, HI 96753-5114 vhlcohen@msn.com

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2017 DEC 12 PM 1:06

Please Support Bill 17-179 Prohibiting the Sale and Use of SPF  
Sunscreens Containing Oxybenzone and Octinoxate

OFFICE OF THE  
COUNTY CLERK

SC Stuart Coleman <scoleman@everyactioncustom.com>

Reply all | ▾

Thu 11/30, 6:36 PM

County Clerk ▾

Inbox

Dear Maui County Clerk Maui County Council,

Hi, my name is Stuart Coleman, and I'm the Hawaii Manager of the Surfrider Foundation. With thousands of members and supporters across the state, our Maui Chapter and four other chapters in Hawaii strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment. The top researchers in the field of coral reef ecology have proven that oxybenzone is hazardous to our reefs, which are the backbone of our marine resources.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation. Mahalo for your leadership on this issue and for making Maui a leader in environmental protection!

Sincerely,

Stuart Coleman

2927 Hibiscus Pl Honolulu, HI 96815-4727

scoleman@surfrider.org



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2017 NOV 30 AM 8: 28

Post Office Box 179336, Honolulu, Hawaii 96817  
808.243.9292 • lawyer@maui.net

COUNTY CLERK

November 29, 2017

Maui County Council  
200 South High Street  
Wailuku, HI 96793

Re: CC 17-472 A Bill for an Ordinance Establishing a New Chapter 20.40, Maui County Code, Prohibiting Sale and Use of SPF Sunscreen Containing Oxybenzone and Octinoxate (IEM-45)

Dear Council Members:

I testify today in support of the bill banning the sale of oxybenzone and octinoxate, chemical ingredients in certain sunscreens and other personal hygiene products that can damage coral reefs. My testimony clarifies four legal issues:

- (1) whether the County has authority and/ or responsibility to enact IEM-45; including whether a sufficient nexus exists between the public purpose of protecting corals and potential uses of the sunscreen to exercise police powers.
  - (2) whether the County is preempted from enacting IEM-45 by powers delegated to the state Department of Land and Natural Resources (DLNR) and the state Department of Health (DOH);
  - (3) whether federal regulations of food, drugs, and cosmetics preempts IEM-45; and,
  - (4) whether IEM-45 prohibition against the sale of sunscreens containing oxybenzone or octinoxate offends the constitutional commerce clause
1. The County is empowered to enact IEM-45 and may be required to do so to fulfill its public trust obligations.

IEM-45 was introduced for the purpose of protecting nearshore corals from oxybenzone or octinoxate, which is an ingredient in certain sunscreen products. The County has power

to enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants on any subject or matter not inconsistent with, or tending to defeat, the intent of any state statute where the statute does not disclose an express or implied intent that the statute shall be exclusive or uniform throughout the State;

HRS § 46-1.5(13). Corals are key to Maui's nearshore ecosystems, including its fisheries. They, and environmental elements that depend on them, are crucial to native Hawaiian traditional and customary gathering practices as well as the recreational, ecosystemic, and research value of Maui. IEM-45 falls under the County's HRS § 46-1.5(13) police powers.

The exercise of a police power through the enactment of an ordinance must be an "essential nexus" between a legitimate state interest and the ordinance or else will be treated as a taking—an exercise of eminent domain—requiring compensation. *Richardson v. City & County of Honolulu*, 124 F.3d 1150, 1167 (9th Cir. 1997) (O'Scannlain, J. concurring) (a police power regulation must adequately fit its purposes). IEM-45 is based on sufficient evidence linking oxybenzone or octinoxate to the decline in coral health and establishing that human sunscreen use is a primary vector for introducing oxybenzone or octinoxate into coral environments. The fact that sunscreens on Maui could be used for purposes other than ocean use does not in itself render the nexus tenuous.

The County also has an "affirmative duty" to protect public trust resources, including nearshore water environs, under article XI, §1 of the Hawai'i constitution. *Kauai Springs, Inc. v. Planning Comm'n of County of Kauai*, 133 Hawai'i 141, 172, 324 P.3d 951, 982 (2014) (citations omitted) (emphasis in original).

As the public trust arises out of a constitutional mandate, the duty and authority of the state and its subdivisions to weigh competing public and private uses on a case-by-case basis is independent of statutory duties and authorities created by the legislature. "[T]he public trust doctrine at all times forms the outer boundaries of permissible government action[.]" *Id.* at 132, 9 P.3d at 444, (quoting *Kootenai Envtl. Alliance v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 671 P.2d 1085, 1095 (1983)). Therefore "mere compliance by agencies with their legislative authority" may not be sufficient to determine if competing uses are properly balanced in the context of uses protected by the public trust and its foundational principals. *Waiahole I*, 94 Hawai'i at 132, 9 P.3d at 444.

*Kauai Springs*, 133 Hawai'i at 172, 324 P.3d at 982; *see also Kelly v. 1250 Oceanside Partners*, 111 Hawai'i 205, 226, 140 P.3d 985, 1006 (2006) (holding the county has a public trust duty to protect nearshore waters located adjacent to developer's property). *Kelly* concluded Hawai'i county upheld its duties where it had imposed "reasonable erosion control measures at [the Property]," and its actions and *inactions* had not caused any damage to the coastal waters. *Id.*, 111 Hawai'i at 226, 140 P.3d at 1006. Maui county's lack of reasonable controls against the widespread introduction of oxybenzone or octinoxate into nearshore coral ecosystems and

any inaction in protecting these nearshore resources may constitute a failure to uphold its public trust obligations.

2. State regulatory authority would not preempt the County's ordinance.

The County's police powers under HRS § 46-1.5(13) are limited where state law preempts the exercise of those powers. A municipal ordinance may be preempted by state law "if (1) it covers the same subject matter embraced within a comprehensive state statutory scheme disclosing an express or implied intent to be exclusive and uniform throughout the state or (2) it conflicts with state law." *Richardson v. City & Cnty. of Honolulu*, 76 Hawai'i 46, 62, 868 P.2d 1193, 1209 (1994) (concluding ordinance did not cover the same subject matter embraced within a *comprehensive* state statutory scheme) (citations omitted). *Richardson* concluded statutory schemes for state takings of private property were

"uniform" but not "comprehensive" because, although it controls the mechanics of the taking *process*, it neither expressly nor impliedly addresses (1) the *preliminary* subject of the rights of lessees to lease-to-fee conversion via the mechanism of the counties' (and therefore the City's) power of condemnation or (2) the *subsequent* subject of the manner by which lessees might acquire the fee interest in their land from the City before, during, or after the City has accomplished the takings.

*Richardson*, 76 Hawai'i at 62, 868 P.2d at 1209; *see also Pac. Int'l Services Corp. v. Hurip*, 76 Hawai'i 209, 215, 873 P.2d 88, 94 (1994).

IEM-45 is not preempted by state authority because neither DLNR nor DOH have the authority to regulate the sale of consumer products. Pursuant to HRS §26-15(d), DLNR and its divisions manage and administer "water and coastal areas" of the state, including "boating, ocean recreation, and coastal areas programs."<sup>1</sup> DOH regulates the discharge of water pollutants into state waters. HRS §342D-50.<sup>2</sup> However, HRS § 342D-19 allows

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1

HRS § 26-15(b) provides that DLNR

shall manage and administer the public lands of the State and minerals thereon and all water and coastal areas of the State except the commercial harbor areas of the State, including the soil conservation function, the forests and forest reserves, aquatic life, wildlife resources, state parks, including historic sites, and all activities thereon and therein including, but not limited to, boating, ocean recreation, and coastal areas programs.

2

HRS § 342D-50(a) provides:

No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in

counties to adopt regulations not in conflict with HRS chapter 342D, so DOH authority does not preempt IEM-45.

As in *Richardson*, statutes affording DLNR and DOH powers to regulate marine water quality and ocean recreation are not comprehensive because they neither expressly nor impliedly address: (1) the preliminary subject of the introduction of oxybenzone or octinoxate into state water by humans, or (2) the subsequent subject of commercial sunscreen sales regulation. HRS §342D-50 regulates the *discharge* of water pollution into state waters. Neither HRS chapter 342D nor the federal Clean Water Act (CWA) defines “discharge,” but its accepted meaning the discharge of water pollution from a “point source,” which is defined as “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” CWA § 502(14) quoted by *Oregon Nat. Desert Ass'n v. U.S. Forest Serv.*, 550 F.3d 778, 780 (9th Cir. 2008) (holding runoff from grazing cattle did not constitute “point sources” regulated under the CWA). Ocean-going sunscreen wearers also do not constitute point sources regulated by DOH and would therefore not be prohibited under HRS chapter 342D. Where a county ordinance regulates subject matter outside of the statute delegating regulation to state agencies, no preemption occurs. *See e.g., Stallard v. Consol. Maui, Inc.*, 103 Hawai`i 468, 469, 83 P.3d 731, 732 (2004) (HRS § 514E-6 (1993), relating to time sharing, applied to a project that is not a hotel and Maui County Code (MCC) § 19.37.010C pertained to time sharing in a hotel district, therefore the ordinance did not cover the same subject matter or conflict with HRS § 514E-6. “Thus, MCC § 19.37.010C is not preempted by HRS § 514E-6”).

Preemption does not occur even if categories of regulated subjects overlap. The “critical determination to be made” is “whether the statutory scheme at issue indicate[s] a legislative intention to be the exclusive legislation applicable to the relevant subject matter.” *Hurip*, 873 P.2d at 94 (finding that the legislature intended a state law only “to establish a *minimum* level of insurance protection”). “Thus, even where a local law addresses a subject covered by a comprehensive and uniform state statutory scheme, the local law is not preempted where the state scheme does not evince the legislature’s intent to be

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compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director.

exclusive.” *Syngenta Seeds, Inc. v. County of Kauai*, 842 F.3d 669, 675 (9th Cir. 2016). DLNR’s broad mandate to manage and administer water and coastal areas does not allow the agency to also regulate all potential sources of coastal area contaminants, which include many land uses and water quality issues. The County ordinance is not preempted by DLNR’s authority to regulate coastal areas.

No preemption occurs where the state is not regulating the same subject matter as that targeted in the ordinance. *State v. Ewing*, 81 Hawai‘i 156, 161–62, 914 P.2d 549, 554–55 (App. 1996) (DOH rules regulating “vehicular noise” did not preempt ordinance because it did not regulate sounds reproduced by automobile stereophonic system, which were the subject of the ordinance). DOH rules do not address oxybenzone or octinoxate as “water pollutants” which are defined as “(1) Such contamination or other alteration of the physical, chemical, or biological properties of any state waters, including change in temperature, taste, color, turbidity, or odor of the waters,” or

(2) Such discharge of any liquid, gaseous, solid, radioactive, or other substances into any state waters, as will or is likely to create a nuisance or render such waters unreasonably harmful, detrimental, or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agricultural and industrial research and scientific uses of such waters or as will or is likely to violate any water quality standards, effluent standards, treatment and pretreatment standards, or standards of performance for new sources adopted by the department.

HRS §342D-1. Oxybenzone or octinoxate do not fall under the second definition of water pollution because they are not “discharged” as discussed *supra*. It is unclear whether oxybenzone or octinoxate themselves change the temperature, taste, color, turbidity, or odor of state marine waters. DOH water pollution regulations address discharges from storm water, storm water associated with construction, treated effluent from underground storage tank activities, cooling water less than one million gallons per day, hydrotesting water, construction activity dewatering, treated process wastewater associated with petroleum bulk stations and terminals, treated process wastewater associated with petroleum bulk stations and terminals, occasional or unintentional discharges from recycled water systems, storm water and certain non-storm water discharges from small municipal separate storm sewer systems, and application of pesticides. HAR chap. 11-55 and appendices “A”-“M”.

Oxybenzone or octinoxate discharges are not regulated by DOH and therefore IEM-45 is not preempted.

3. IEM-45 not preempted by federal law.

Federal law regulating food and drugs does not full occupy the field on products containing oxybenzone or octinoxate. The Federal Food and Drug Administration (FDA) considers sunscreens to be both drugs and cosmetics, but does not regulate it as an environmental contaminant. Here, IEM-45 proposes to regulate consumer products and commercial sale and use of oxybenzone or octinoxate in sunscreen products specifically for the purpose of protecting corals and nearshore ecosystems. FDA regulations do not occupy the field of sunscreen regulations and IEM-45 appropriately occupies a niche for environmental impact regulation of sunscreen.

In any case, the County's regulation of oxybenzone or octinoxate sunscreen products is similar to its existing regulation and prohibition against certain uses of tobacco, plastic bags, fireworks, and gasoline.

4. Regulation of the sale of specific sunscreens does not offend the Commerce Clause.

The Commerce Clause of the U.S. constitution "invalidates local laws that impose commercial barriers or discriminate against an article of commerce by reason of its origin or destination out of State." *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383, 390 (1994). Conversely, a law that "treat[s] all private companies exactly the same" does not offend interstate commerce. *United Haulers Ass'n, Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330, 342 (2007). "This is so even when only out-of-state businesses are burdened because there are no comparable in-state businesses." *Ass'n des Eleveurs de Canards et d'Oies du Quebec v. Harris*, 729 F.3d 937, 948 (9th Cir. 2013) quoting *Exxon Corp. v. Governor of Maryland*, 437 U.S. 117, 119–20 (1978). *Harris* held a statute banning the sale of both intrastate and interstate products that are the result of force feeding a bird was not discriminatory under the Commerce Clause. *Id.*, 729 F.3d at 948 citing *Pac. Nw. Venison Producers v. Smith*, 20 F.3d 1008, 1012 (9th Cir.1994) (holding that "[a]n import ban that simply effectuates a complete ban on commerce in certain items is not discriminatory, as long as the ban on commerce does not make distinctions based on the origin of the items"); *Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry*, 476 F.3d 326, 335 (5th

Cir.2007) (holding that a statute that “treats both intrastate and interstate trade of horsemeat equally by way of a blanket prohibition” cannot be “considered economic protectionism”).

Similarly, IEM-45 would regulate all commercial sunscreens under the same laws, regardless of whether they were manufactured within or outside of Hawai'i. This ban cannot be considered economic protectionism. Rather, the ban against sunscreens containing oxybenzone or octinoxate is based on the impacts of these chemicals on corals and the high likelihood that sunscreens will be used by persons going near or into state waters.

IEM-45 does not discriminate against out-of-state businesses or discriminate in favor of in-state businesses and therefore does not offend the Commerce Clause.

In conclusion, the County has the authority and responsibility to enact IEM-45, the County's power to enact IEM-45 is not preempted by powers delegated to the DLNR or the DOH, the County's power to enact IEM-45 is not preempted by the federal regulation of drugs and cosmetics and finally, the enactment of IEM-45 does not offend the Commerce Clause.

Very truly yours,  
LAW OFFICE OF LANCE D COLLINS

A handwritten signature in black ink, appearing to read "Lance D. Collins". The signature is fluid and cursive, with a large loop at the end.

LANCE D COLLINS

Reply all | ▾ Delete Junk | ▾ ...

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2017 DEC 12 PM 1:05

Please Support Bill 17-179 Prohibiting the Sale and Use of SPF  
Sunscreens Containing Oxybenzone and Octinoxate

OFFICE OF THE  
COUNTY CLERK

RC Rodrigo Colpas <rodrigocolpas360@everyactioncustom.com>

Reply all | ▾

Thu 11/30, 7:34 PM

County Clerk ▾

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reefs die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Rodrigo Colpas

3702 Lower Honoapiilani Rd Apt 42 Lahaina, HI 96761-5934

rodrigocolpas360@gmail.com



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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

AC

Alia Congdon <Icalia@everyactioncustom.com>

Thu 11/30, 11:42 AM

County Clerk ▾



Reply all | ▾

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

No more important, but perhaps more attention - getting, is that if these waters are destroyed so is your tourism industry.

Mahalo for your leadership!

Sincerely,

Alia Congdon

19731 GILMORE St Van Nuys, CA 91406

Icalia@aol.com

RECEIVED  
2017 DEC -4 AM 8:39  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** mahaconyers@everyactioncustom.com on behalf of Maha Conyers  
<mahaconyers@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 12:26 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Mrs. Maha Conyers  
PO Box 1465 Makawao, HI 96768-1465  
mahaconyers@gmail.com

RECEIVED  
2017 NOV 29 PM 1:35  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** cnfraley@everyactioncustom.com on behalf of Ryan Cook  
<cnfraley@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 7:46 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Dr. Ryan Cook  
57 Akea Pl Kula, HI 96790-8501  
cnfraley@gmail.com

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COUNTY CLERK

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# Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

RC Rochelle Coop <rochellecoop@everyactioncustom.com>

Reply all |

Thu 11/30, 12:20 PM

County Clerk

Inbox

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Rochelle Coop  
32 Alanui Pl Kula HI96790 Kula, HI 96790-8112  
rochellecoop@gmail.com

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2017 DEC - 6 AM 11: 57  
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COUNTY CLERK

## County Clerk

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**From:** lorrycornish@everyactioncustom.com on behalf of Lorry cornish  
<lorrycornish@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 1:22 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Madame Lorry cornish  
1037 Queens St Lanai City, HI 96763  
lorrycornish@hotmail.com

RECEIVED  
2017 NOV 29 PM 3:29  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** nina.cote@everyactioncustom.com on behalf of Nina Cote  
<nina.cote@everyactioncustom.com>  
**Sent:** Sunday, November 26, 2017 1:56 PM  
**To:** County Clerk  
**Subject:** Please Support the Bill Phasing Out Oxybenzone and Octinoxate Sunscreens

Dear Maui County Clerk Maui County Council,

I am writing to ask that you support the bill phasing out oxybenzone- and octinoxate-based SPF products. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

If this bill does not pass, our reefs will continue to suffer and this will negatively effect Maui's people, ecosystems and our economy. People from all over the world flock to Maui every year because of the island's pristine beauty, but more and more locals and visitors alike are leaving the water disappointed because our reefs are dead or dying. Many local people rely on the sea to provide food, but as the reef die so go the fish. Maui's future will be much less bright without thriving coral reef.

Please vote to pass this landmark legislation. Mahalo for your leadership!

Sincerely,  
Ms Nina Cote  
5828 Mathilde Dr Windsor, CA 95492-8622 nina.cote@sbcglobal.net

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## Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

NC

Nicole Cowin <n4cowin@everyactioncustom.com>



Reply all |

Yesterday, 4:06 PM

County Clerk

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,

Nicole Cowin

787 Cardinal Ct Arroyo Grande, CA 93420-1305

n4cowin@gmail.com

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2017 NOV 30 AM 8:43  
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COUNTY CLERK

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2017 NOV 29 PM 3: 29

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COUNTY CLERK

To: Maui County Council  
From: Angelia Crim, 808.280.1024  
Re: Objection to Bill 91  
December 1, 2017

Good morning Council, thank you for the opportunity testify this morning, my name is Angelia Crim I live in West Maui and I own a PERMITTED, short term vacation rental home.

This is very important to me as a 22 year resident this is my livelihood. Please DO NOT Pass Bill 91. As stated I own a short-term home paying income and property taxes, GET, TAT, insurance, permits, electricity, cable, phone, cleaning, garbage collection, gardening, pool, maintenance, décor, furnishings, etc. etc. I alone carry all the expense of my short-term home while providing at least seven jobs to locals.

Short term homes have already seen a 25% hike or more in property taxes. If pushed into the same rate that condos currently pay this will be a total 60% tax increase post STRH Permit. To classify my short term rental home the same as a condo would be unfair. Condos have the right to short term rent per their zoning.

At the October 24 meeting budget chair more than once stated the tax rate for the new classification could go up but it could also go down. This is not likely, the tax rate would need to be at least as high as the current hotel rate in order to generate the same revenue as last year. The 10,769 condos pay the hotel tax rate of \$9.37 this classification accounts for the largest single share of real property tax paid. Giving the new classification a lower rate would in fact disrupt the county budget.

Placing STRH homes in this new classification would immediately make our tax rate increase from the Commercial rate of \$7.28 to the Hotel rate of \$9.37 in effect a 29% increase in one year in addition to the 25% increase! Again the addition of approximately 220 permitted homes Will not significantly increase the total tax collected by the county.

To operate a legal STRH home owners must apply for a permit at significant investment in time, expense, inspections (and stress) which must be renewed and is non transferrable. Condos build a short term rental business that IS transferrable through escrow at the point of sale increasing their value or can be left to heirs.



STRH homes have restrictions condos do not including not even inviting grandma over to see the grandkids! Maximum occupancy is also dictated. Family too big for the house so grandparents rent a condo, they cannot visit the family staying at the home! No events or parties... Occupancy limits are not in place for condos or hotels.

STRH homes are required to have additional 1M liability insurance policy naming the County of Maui as an additional insured and costs each owner an additional \$1,400 + per year. No such requirements for condos.

By zoning, condos have the right to rent short-term, have many owners to share in expenses, are NOT required to apply for a special permit, are NOT required to have the 1M liability policy naming the County of Maui as additional insured. Like a hotel condos can and do hold events for a fee benefiting all owners.

Condo properties have restaurants, bars, spas, exercise facilities, meeting rooms as well as hotels, all providing additional income.

STRH's enjoy none of these revenue streams.

If you spent several months time, several thousand dollars, paid all your taxes, on time!, and now face additional taxes while countless others operate illegally, would you feel justly treated? Adding a mere 220 homes to this new text category and increasing our taxes will not significantly increase the total tax collected by the county. Will passing Bill 91 and increasing the taxes for short term rental homes encourage the illegal ones to step up and become permitted? NO!

Those of us who have worked so hard to permit homes and pay all taxes required and now face additional tax feel it is not just to ignore all of those operating without a permit.

Focus on bringing illegal properties into legal, permitted status not shutting them down, thereby increasing all forms of tax revenue for Maui County. Shutting down homes costs jobs as well as income for the county.

## County Clerk

---

**From:** maucrowe@everyactioncustom.com on behalf of James Crowe  
<maucrowe@everyactioncustom.com>  
**Sent:** Wednesday, November 29, 2017 6:53 AM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

I strongly support the bill to prohibit the sale and use of oxybenzone- and octinoxate-based SPF products on Maui. These chemicals are known reef killers, and we must do everything to protect this fragile ecosystem.

If this bill is passed, Council will leave a lasting legacy for Maui's future and put us on the map as a world leader in protecting our ocean environment.

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
James Crowe  
30 Alanui Pl Kula, HI 96790-8112  
maucrowe@gmail.com

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2017 NOV 29 PM 3: 24  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** lesliannec42@everyactioncustom.com on behalf of L Cummings <lesliannec42@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 2:52 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

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Please show the community you care about Maui's future by voting yes on this landmark legislation.

Mahalo for your leadership!

Sincerely,  
Ms L Cummings  
4955 HANAWAI St Lahaina, HI 12829  
lesliannec42@yahoo.com

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OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** nikipikky@everyactioncustom.com on behalf of Dominique Cupa  
<nikipikky@everyactioncustom.com>  
**Sent:** Monday, November 27, 2017 6:57 PM  
**To:** County Clerk  
**Subject:** Please Support Bill 17-179 Prohibiting the Sale and Use of SPF Sunscreens Containing Oxybenzone and Octinoxate

Dear Maui County Clerk Maui County Council,

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Mahalo for your leadership!

Sincerely,  
Ms. Dominique Cupa  
2591 Dole St Honolulu, HI 96822-2328  
nikipikky@gmail.com

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COUNTY CLERK