

ADEPT Committee

From: Hanna Lilley <hlilley@surfrider.org>
Sent: Thursday, October 24, 2024 8:25 AM
To: ADEPT Committee
Subject: Surfrider Foundation Written Testimony Opposing Bill 131
Attachments: Surfrider Foundaiton testimony opposing Bill 131.pdf

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Aloha,

On behalf of the Surfrider Foundation Maui Chapter, please find the attached written testimony regarding our concerns related to Maui Parks and Recreation Department's proposed Bill 131. We appreciate your attention to this important matter.

Mahalo,

Hanna Lilley

Hawai'i Regional Manager

[Surfrider Foundation](#)

Pronouns: she/her/hers ([what's this?](#))

808. 633. 1304 hlilley@surfrider.org



October 24, 2024

Maui County Council ADEPT Committee
Re: Surfrider Opposition to Bill 131
Via email: ADEPT.committee@mauicounty.us

Dear ADEPT committee,

The Surfrider Foundation is a grassroots environmental organization dedicated to the protection and enjoyment of the world's ocean, waves, and beaches for all people. We submit these comments on behalf of our Maui chapter, as well as our U.S. network of nearly 200 chapters and clubs, and more than 350,000 supporters, activists, and members in the United States.

We are opposed to Bill 131 (2024), relating to pesticide and fertilizer use on Maui County property (ADEPT-16) on the Committee's agenda for its October 24th meeting. Surfrider believes the expanded exclusions created by the Bill for (amending County Code Section 2.50.050), undermines the fundamental purpose of Ordinance 5232, which the Maui County Council unanimously adopted in 2021. Ordinance 5232 was a groundbreaking piece of legislation that the Council unanimously passed to safeguard the health and welfare of the Maui community and to conserve and protect Maui waterways and natural resources. In that decision to ban use of toxic pesticides and fertilizers on County land, Maui took a leadership role, demonstrating what real commitment to their constituents and environment looks like.

There is overwhelming scientific evidence in support of Ordinance 5232, demonstrating the harmful effects of the now prohibited pesticides and fertilizers on public health and our ecosystem. Nothing has changed in this regard; the harms are still readily apparent.

In particular, Surfrider is alarmed by the proposal to eliminate the requirement for the Waiehu municipal golf course. The Wai'ehu Golf course is on oceanside property between Waiehu Beach Park and the environmentally sensitive Waihe'e Coastal Dunes and Wetlands Refuge. Runoff with toxic pesticides and fertilizers used on the golf course ends up in our waterways and ocean, polluting and compromising fragile marine ecosystems, and threatening the health of recreational users.

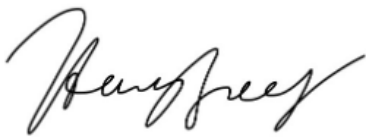
Surfrider notes that importantly, the original ordinance and current County Code, section 2.50.060 specifically outlines a process to apply for ‘waivers’ to use prohibited pesticides or fertilizers. The waiver application requires that an agency seeking a waiver provide detailed information, including "how the public's health and safety is threatened" [by *not* using pesticide and fertilizer] (subsection (B)(7)), and under (B)(9), “[a]n explanation of how the application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on the abutting properties, human health, and the environment.” In utter disregard of this existing requirement, Maui County Parks and Recreation Department (Parks Department) has not only failed to go through the very process designed to approve exemptions but has failed to address one of the core aspects prompting a waiver. Bill 131 completely contravenes the spirit and purposes of Ordinance 5232 and existing County Code.

Ordinance 5232 set a clear schedule for compliance, moving away from toxic pesticides and fertilizers, allowing a generous three years for larger facilities including Wai`ehu Municipal Golf Course to comply including training and information with federal organic approved products. The Parks Department failed to use the allotted time to explore alternative options, and has failed to utilize critical available resources including Maui Nui Marine Resource Council (MNMRC), which offered funding to do a test plot at the Wai`ehu golf course in 2023. There are organic products that can work with proper training, but the Parks Department has not adequately explored all these options and opportunities provided to them.

Bill 131 not only would exempt Wai`ehu Municipal Golf Course but also property subject to any State executive order that is not managed or controlled by the County, County agricultural parks, or County property used for agricultural purposes and County parks with grass playing surfaces, threatening to undermine the core purpose of the original ordinance.

We encourage you to vote No on Bill 131 and encourage the Parks Department to work with MNMRC Reef Friendly Landscaping program to find feasible alternative solutions. The public health of the Maui community and our fragile ecosystems should not pay the price because the Parks Department did not utilize their three years to find alternative solutions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hanna Lilley', written in a cursive style.

Hanna Lilley- Surfrider Foundation, Hawai'i Islands Regional Manager