

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 2, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON FRIDAY, SEPTEMBER 2, 2022, BEGINNING AT 9:06 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council, regular Council meeting of September 2, 2022, please come to order.

This morning's greeting is susaday. Susaday, my friends.

Madam Clerk, roll call.

ROLL CALL

COUNTY CLERK KATHY L. KAOHU: Chair, proceeding with roll call. Members participating from non-public locations should state who, if anyone, except minors, is present with them as part of the roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Susaday, Chair and fellow Councilmembers. And aloha kakahiaka kakou my Maui hikina. For the record, I'm here at the Hana Cultural Center with my district staff members Mavis Medeiros and Dawn Lono. And currently, there are no testifiers, Chair.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and susaday, Madam Chair, and my colleagues on the Council, as well as everyone else tuning in for this Council meeting. For the record, I'm here in the Chambers in Wailuku. And no testifiers to report out of the Paia District Office. Mahalo.

COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka and susaday, everyone. I'm here in my home office in South Maui. And we have no testifiers at the South Maui District Office. Ready to dive into this agenda. Mahalo.

COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Susaday, Chair, Councilmembers, and community members. There are no testifiers at the Lanai District Office. And we are here and ready to work. Mahalo.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and susaday. Broadcasting live and direct from the kitchen table in Hilo where it's currently sunny. I have with me Samuel Paltin, Mildred Paltin, Judith Paltin, two unnamed minors, George Vierra and Mel Cabral. And there are no testifiers at the Lahaina District Office. Thank you.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Susaday. Good morning, everybody. So nice to be in the chambers with friends. Appreciate everybody being here. Looking forward to a quick Council meeting, Chair.

COUNTY CLERK: Council Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and susaday to all my colleagues. And I'm going to echo Member Sugimura's potential, I think she was, what were you trying to do? Okay, I'm not. Okay, definitely a brief and a positive meeting. Thank you, Chair.

COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka my Molokai nui ahina. I'm at the Molokai District Office. Made it safely back from Pawtucket, Massachusetts, Wampanoag, and . . . now called Boston. And there are no testifiers here at the Molokai District Office.

COUNTY CLERK: And Chair Alice L. Lee.

CHAIR LEE: Good morning and susaday, everyone. Looking forward to a very efficient and productive meeting.

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, KELLY T. KING, GABRIEL JOHNSON, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, AND CHAIR ALICE L. LEE.

EXCUSED: NONE.

COUNTY CLERK: Chair, there are nine Members present, zero Member absent, and zero Members excused. A quorum is present to conduct the business of the Council.

For the record, I am County Clerk Kathy Kaohu. And also present from the Office of the County Clerk are Legislative Division staff Joyce Murashige and Dell Yoshida.

Joining the meeting from the Department of Corporation Counsel is Corporation Counsel Moana Lutey and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Members, opening remarks will be presented by Councilmember Sinenci.

OPENING REMARKS

The opening remarks were offered by Councilmember Shane Sinenci.

CHAIR LEE: Thank you, Member Sinenci.

Now, please join me in the Pledge of Allegiance to the flag.

PLEDGE OF ALLEGIANCE

The Members of the Council rose and recited the Pledge of Allegiance.

CHAIR LEE: Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your time to speak. Decorum shall be maintained at all times.

Madam Clerk.

SET THE CONSENT CALENDAR

COUNTY CLERK: Chair, proceeding with testimony on setting the Consent Calendar. Members of the public may testify in the Council Chamber, at courtesy testimony sites, or remotely through the information listed on the meeting agenda.

Individuals in the Council Chamber may sign up to testify with the staff member located at the desk in the eighth floor lobby. Individuals at courtesy testimony sites may sign up with staff at the site. Individuals participating remotely may sign up in the meeting chat. If you are connected to the meeting by phone, you will automatically be added to the testifier list.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones off and should turn them on only when it is their time to testify.

Testimony is limited to the items listed on the agenda. And individuals may testify for up to three minutes with one minute to conclude per item. When testifying, please state your name, and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

Individuals may be disconnected from the meeting at any time for breaking decorum. At this time, individuals may testify on the setting of the Consent Calendar.

Chair, we currently don't have anybody signed up to testify on the Consent Calendar. Last call.

CHAIR LEE: Members, if there are no objections to closing public testimony and accepting written testimony for the setting of the Consent Calendar.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Members, at this time, we will set the Consent Calendar. As a reminder, the calendar can still be adjusted even after it is set. Are there any requested changes to the Consent Calendar at this time? None?

Tamara?

COUNCILMEMBER KING: Member Paltin.

CHAIR LEE: Member Tamara Paltin.

COUNCILMEMBER PALTIN: Oh, I, before you closed testimony, someone wrote in the chat that they would like to testify; Jennifer Karaca.

CHAIR LEE: Madam Clerk, can you check on that, the testifier, please?

COUNTY CLERK: Yes. Jennifer Karaca, if you would like to.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Okay. Kathy?

COUNTY CLERK: Chair, she wants to testify on a bill that is later in the agenda.

CHAIR LEE: Ms. Karaca, can you hear me? Can you hear me?

MS. JENNIFER KARACA: Yeah, I can hear you. Sorry, I didn't realize you guys were breaking it up into different sections of the--

CHAIR LEE: Yeah. It's kind of a new procedure. We're required to provide opportunities for people to testify before each section. Would it be possible for you to wait until we call up that item or that section?

MS. KARACA: Yes, absolutely. Sorry about that.

CHAIR LEE: No. No problem. Thank you and good to hear you again.

Madam Clerk, please proceed.

COUNTY CLERK: Chair, were you going to close public testimony on the Consent Calendar?

CHAIR LEE: Consent Calendar. Okay, any objections to closing public testimony on the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

COUNTY CLERK: Chair, proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-205 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated August 22, 2022)

Informing of the acceptance of Utility and Sidewalk Easement 1, Lahaina Shopping Center, Phase II Subdivision, TMK: (2) 4-5-006:004 POR.

NO. 22-206 - HELENE KAU, DIRECTOR OF WATER SUPPLY,
(dated August 22, 2022)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for June 2022 for all registered well reporters in the County of Maui.

(COUNTY COMMUNICATION NO. 22-206 WAS LATER REFERRED TO THE INFRASTRUCTURE AND TRANSPORTATION COMMITTEE. See pages 8 and 9 for discussion and action.)

NO. 22-207 - JOHN PELLETIER, CHIEF OF POLICE,
(dated August 16, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$63,202.68.

NO. 22-208 - JOHN PELLETIER, CHIEF OF POLICE,
(dated August 18, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Cybercrime Unit Enhancement grant in the amount of \$42,250.

NO. 22-209 - JOHN PELLETIER, CHIEF OF POLICE,
(dated August 18, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Latent Fingerprints Backlog Reduction grant in the amount of \$62,000.

NO. 22-210 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated August 17, 2022)

Transmitting a copy of Administrative Directive No. 19-01 from the State of Hawaii, Department of Budget and Finance, authorizing the County of Maui to be reimbursed for allowable expenses incurred by the witnesses and defendants in criminal proceedings in the amount of \$50,000.

NO. 22-211 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated August 18, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Victim Witness Assistance Program in the amount of \$81,080, of which includes a County match of \$16,216.

GENERAL COMMUNICATIONS

NO. 22-5 - YUKINO UCHIYAMA, MUNEKIYO HIRAGA,
(dated August 25, 2022)

Transmitting the 2022 Annual Report for the Liloa Hale Senior Affordable Housing Project pursuant to Section 2.97.180 of the Maui County Code.

(GENERAL COMMUNICATION NO. 22-5 WAS LATER REFERRED TO THE PLANNING AND SUSTAINABLE LAND USE COMMITTEE. See pages 88 through 90 for discussion and action.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to file the items on the Consent Calendar.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, can I, can I ask, I'm sorry, 22-206, the June water supply report for water use reports for June 2022 all well registered.

CHAIR LEE: To be referred to the--

COUNCILMEMBER SUGIMURA: IT.

CHAIR LEE: --IT Committee.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Any objections to pulling this item out, Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any other items? Okay. Member Paltin, what about GC 22-5? No? No? Fine. Okay. So, anymore, anymore discussion on the items to be filed? If not, all those in favor of filing, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes"; motion carries. Thank you, Members.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with item I. Communications. And I'll call for testimony on item I. Currently, there is nobody signed up for that item to testify. And this is a last call if anyone is interested to testify on item I. Communications.

CHAIR LEE: Members, apparently there's no one here to testify on this. So, any objection to closing public testimony and accepting written testimony for communications.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Oh, I'm sorry. I, I just received it. I was going to mention that I didn't receive a annotated report, agenda, but it just came through. I think my internet is slow. Thank you.

CHAIR LEE: Okay. No objections to closing public testimony, right? Okay. So, ordered.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with county communications for referral.

COUNTY COMMUNICATIONS

NO. 22-212 - JOANN INAMASU, ECONOMIC DEVELOPMENT DIRECTOR,
(dated August 20, 2022)

Transmitting the Grant Evaluation Report for Fiscal Year 2022.

The recommended action is that County Communication No. 22-212 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-213 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated August 16, 2022)

Transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of June 30, 2022.

The recommended action is that County Communication No. 22-213 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Any objections to the referrals, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk. Committee reports, testimony.

COUNTY CLERK: Chair, proceeding with testimony on committee reports. Our first testifier is Genesis Young.

CHAIR LEE: Mr. Young, or Dr. Young.

PRESENTATION OF ORAL TESTIMONY

MR. GENESIS YOUNG (testifying on Committee Report Nos. 22-81 and 22-87):

Aloha, and mahalo. Can you hear me?

CHAIR LEE: Yes, we can.

MR. YOUNG: Yes. I just wanted to testify. I guess you don't want me to do the resolution now, just the two bills, is that right? Anyway, okay.

CHAIR LEE: Whatever is called up. Whatever is called up, you can testify on. So, right now we're on committee reports.

MR. YOUNG: Okay. Committee Report 22-87. I believe, feel this is an important bill that I support. And we really need to protect our wetlands. And the Army Corps of Engineers, of course, defines them in a way that doesn't make the wetlands actually

wetlands in Maui, because we have intermittent wetlands. They don't meet their criteria and this bill remedies some of that problem and it helps us to identify them, define them, and protect them, because of course, as we all probably know, is the wetlands are a very important function in that they catch the floodwaters before they hit the ocean, allowing all of the sediment and silt and now pollutants from our development to settle into the ground before it goes onto the reef and into the ocean.

When we develop and put channel straight through that, it sort of gets rid of that natural effect. So, we need to create those wetlands and identify those wetlands to protect our ocean, to protect the tourism industry and our livelihood of our residents, as well as the quality of life, not to mention, obviously, the fish and the environment and the marine life that's being killed by the runoff. If you saw what happened in Maui Meadows, personally, I did, you'll see how important those wetlands are to their appropriate natural function in the ecology of the area.

So, I strongly support working on that, and that this bill goes towards that goal. So, thank you very much for bringing that forward. And I hope you all pass it forthwith with no problems.

And then, also the affordable housing 22-81. I want to say I really feel we need to work on that. As everyone says all the time, it's the big issue in our, our County. And I support getting this passed. And thank you for the work on this and this is another step towards having more affordable housing here in Maui County.

And I guess I need to hold my support of Resolution 22-206 till we get to that aspect, if I can stay on. So, I will try to. Thank you. And that's all I have complete.

CHAIR LEE: Thank you. Members, questions for the testifier? If not, thank you very much and we'll talk to you later.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mr. Andrew Choy. To be followed by David Dorn.

CHAIR LEE: Morning.

MR. ANDREW CHOY, DEPARTMENT OF HAWAIIAN HOME LANDS (testifying on Committee Report No. 22-85):

Aloha Friday, Councilmembers. My name is Andrew Choy and I'm testifying on behalf of the Department of Hawaiian Home Lands on Committee Report No. 22-85, related

to Bill No. 121. The Department of Hawaiian Home Lands is in strong support of this bill.

The proposed amendments to the County Code Section 3.48.450 and 3.48.455 will provide financial relief to beneficiaries that have a homestead lease within the County. Often, homestead lessees who are in arrears of property tax payment find themselves in the situation due to unfortunate traumatic events. Preventing a homestead lessee from claiming a home exemption and creating a higher tax burden for the lessee will make it even harder for the lessee to make payments on back taxes owed to the County, and further put the homesteader in arrears. This bill will help to break the cycle and increase the likelihood that lessees will comply with a repayment plan to the County. Mahalo nui for your consideration of our testimony.

CHAIR LEE: Thank you. Members, questions?

Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Choy, for being here. So, you know, after the 7-year exemptions when homesteaders are in their homes, does the Department send out notices to inform them that the next year coming up is a tax paying year, therefore, they could, or potentially apply for home exemptions? Does the Department send out notices informing their lessees of that?

MR. CHOY: Thanks for the question, Councilmember Kama. I will need to get back to you on that. I need to check with our homestead services division who oversees the leases that are managed by the Department that are 99-year homestead leases. So, I can get back to you on that answer, with that answer.

COUNCILMEMBER KAMA: Thank you, Mr. Choy. Thank you, Chair.

CHAIR LEE: Any more questions, Members? If not, thank you, Mr. Choy.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Mr. David Dorn. To be followed by Mike Moran.

MR. DAVID DORN (testifying on Committee Report Nos. 22-81 and 22-87):

Good morning, Councilmembers. Susaday. My name is David Dorn. I am not a lobbyist. And I'm speaking today on behalf of the South Maui Save the Wetlands Hui and on behalf of the Sierra Club Maui.

Affordable housing is a top priority for, to provide shelter and stability for our local residents. Bill 107 helps make affordable housing more affordable for local families. Please support this bill on first reading.

I will be just in support of the 22-206, the Maalaea watershed eminent domain. I won't be speaking much about it here, but you have my testimony in writing.

And I would like to say that we, of particular interest, we support item 22-87 to pass the wetlands Bill No. 91 today on first reading. And again, we applaud you all for this, crafting this important document that will set us up on a better path going forward. You've heard me speak many times on the importance of wetlands, and this has never been more important than now. Wetlands are part of a healthy watershed, and our watersheds are the very foundation on which we have built our culture and our civilization.

Water is life and without water there is no life. We're seeing in the news today many examples of catastrophic 100-year flooding, widespread debilitating droughts, and breakdowns in drinking water supplies for many cities. These events are leading to sickness and the spread of diseases. We are not immune to these problems and we have to be akamai and learn from them. We all need to protect our natural resources now more than ever, and going forward to help us combat the effects of ongoing climate change.

So, please pass this bill today, so we can begin to repair the life sustaining wetlands, watersheds, and aquifers that have been passed down to us, so that we can protect them for our community and for future generations. Thank you.

CHAIR LEE: Thank you. Members, questions? If not, thank you, Mr. Dorn.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mr. Mike Moran.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Committee Report Nos. 22-81 and 22-87):

Aloha, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. We, too, are, we're joining our two prior testifiers from South Maui District on the same two items, 22-81 and 22-87. We have testified on these many times before, so no need to repeat we're in total support of both. And the comments that

were made by the two individuals preceding me on it, just echo the same things that our community is looking for and in support of these.

And we certainly hope there are no more proposed delays. We seem to almost get to the finish line on some of these issues, and then somebody jumps in at the last minute, creates confusion. So, we hope today will start the three-day weekend celebration and these two will move forward. And we'll stop babbling on here now, and we too will be back later on when resolutions come up. Thank you for the opportunity to offer our testimony for the KCA. Aloha.

CHAIR LEE: Aloha. Members, questions? Talk to you soon.

Madam Clerk.

COUNTY CLERK: Chair, there is no other individuals currently signed up to testify on these items. If anyone wants to testify on item, agenda item J. Committee Reports, please identify yourself now. This is the last call for testimony on item J. Committee Reports.

CHAIR LEE: Okay. I do see one.

MR. SCOTT CRAWFORD: Good morning, Chair.

MS. LUCIENNE DE NAIE: Aloha. I did sign up and I'm listed on the testifiers under this item, as are Jennifer Karaca and several other people.

COUNTY CLERK: Okay. Sorry. Thank you, Ms. de Naie.

COUNTY CLERK: Our next testifier signed up for committee report testimony is Jennifer Karaca. To be followed by Lucienne de Naie.

MS. JENNIFER KARACA (testifying on Committee Report No. 22-83):

Aloha, County Councilmembers. I appreciate you guys letting me have the time to speak and for all your support of the Department of Ag legislation up to date. I want to thank Councilmember Gabe Johnson for proposing this bill, and working with the community impact working group, who involved so many different community stakeholders from all different areas of the ag sector.

This, to get to this point there were multiple community surveys and hundreds of responses from our community members who are pretty much all in agreement. The bill passed out of community unopposed and completely supported. So, that speaks

volumes, especially when it comes to our ag sector that sometimes has trouble agreeing on things.

So, I just want to say thank you for the support. We hope that you can continue to support this bill. That's kind of all I have is, you know, that. If you guys have any questions, I'd be happy to answer them. But yeah, I think it's pretty, pretty well-supported. So, I'd hope that you continue that support. Thank you.

CHAIR LEE: Thank you, Jennifer. Any questions, Members? If not, thank you.

COUNTY CLERK: Our next testifier is Lucienne de Naie. Followed by Rita Lopez.

CHAIR LEE: Good morning.

MS. LUCIENNE DE NAIE (testifying on Committee Report Nos. 22-81, 22-82, 22-83, and 22-87):

Mahalo nui loa. This is Lucienne de Naie and I'm here to testify on a couple of these matters under this agenda item. First, item 22-81, the new affordable housing rules. This is really a bold step forward, and I applaud the actions of the Committee, the Affordable Housing Committee, all the consultations, the good suggestions made by all of the Councilmembers over the time of review. And this is an important first step for this bill to move forward. And we to, to see if we can make housing more accessible to those who are in the earning limits of our current situation here on Maui. So, we need a way to make our, our housing fit our people's income levels and this is one attempt.

Also, on item 22-82, the Kula Ag Park transfer to Department of Ag. Very strong support of this. It's great that we have a Department of Ag. Thank you for the Council's foresight in creating the first countywide Department of Ag. And our ag park is part of our potential success story here. It's going to expand. This is the time to give it this, the, those individuals who want to utilize this reasonable land the support they need from the new Department of Ag.

Moving onto item 22-83, setting policies for the new Ag Department. I, too, applaud, like Ms. Karaca, the work that has been done, the outreach into the agricultural community to seek the best type of framework for this new department. This is, this is a bold undertaking. Hopefully, all of you, when you look back at your legacies, will say wow, we really did something important. It was an important first step for our County. So, thanks for your support of these policies and moving them forward.

And lastly, Bill 22-87, this is the wetlands bill. And I am testifying on behalf of myself. And as Mr. Dorn pointed out, the Sierra Club of Maui is in very, very strong support of this bill. Our wetlands are a gift to us from our creator, from nature, however you believe. And if we don't properly identify them, and try to care for them, and allow them to function as they were intended in the natural order of things, we're really just going to be facing worse and worse situations in terms of natural, of climate events that we have no control over. So, we need to do what we can to be resilient. Appreciate all the work that the CARE Committee has put into this. Appreciate all the work and research by individual Councilmembers. And please move this forward. Thank you.

CHAIR LEE: Thank you. Any questions, Members? If not, thank you, Ms. de Naie.

COUNTY CLERK: Our, our next testifier, Chair, is Reba Lopez, to be followed by Lauren Nelson.

MS. REBA LOPEZ (testifying on Committee Report No. 22-83):

Aloha, Councilmembers. Good to see you again. I'm here to express my strong support of the proposed legislation for Bill 105. It's to establish policies related to the Department of Agriculture. And I believe that these rules and responsibilities need to be clearly defined for us to move forward successfully.

With the community impact working group working with Jennifer and the agricultural sector, legislation was created through collaboration with multiple people in our County. So, community feedback and countless hours of volunteering with community stakeholders will help guide the department through different transitions in leadership. So, I urge you to support this bill and approve this bill moving forward. Thank you for having me. Mahalo.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

COUNTY CLERK: Our next testifier is Lauren Nelson.

MS. LAUREN NELSON (testifying on Committee Report No. 22-83):

Aloha, Councilmembers. Good morning. My name is Lauren Nelson. I'm here today as an individual to support Bill 105. As Reba just explained, this legislation Bill 105 was created in collaboration with farmers, ranchers, and the community through surveys where the community voted on their priorities for the Department of Agriculture.

We need this legislation to ensure that our Department of Agriculture will create a more sustainable and self-sufficient food system that benefits Maui County's residents and our economy, and our delicate island ecosystems. This legislation has completed, has the complete support of the community, which we saw coming out of Committee, which as Jennifer Karaca said, speaks volumes.

I thank you for all the support that the Council has shown the Department of Agriculture to date. And I ask that you please continue to support the department and approve Bill 105. Thank you so much.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

Madam Clerk.

COUNTY CLERK: Our next testifier is Lauren Nelson. To be followed by Scott Crawford.

MS. NELSON: I just testified. Thank you all so much.

COUNTY CLERK: Sorry, Lauren.

Our next testifier is Scott Crawford. And currently, there is nobody signed up to testify after Mr. Crawford.

MR. SCOTT CRAWFORD (testifying on Committee Report No. 22-83):

Aloha, Madam Chair and Members of the Council. Just wanted to quickly add my support for 22-83 for the policies for the Department of Agriculture. And mahalo to everybody on the Council, the staff, and all of the community members who went into formulating these policies. It'll be a great guideline for the department to get up and running and really serve our agricultural community. So, mahalo.

CHAIR LEE: Thank you, Mr. Crawford. Members, questions? If not, thank you very much.

Madam Clerk.

COUNTY CLERK: Chair, that is all the individuals currently signed up. If there's any other individual wanting to testify on item J. Committee Reports, please make yourself known now. Last call for testimony in agenda item J. Committee Reports.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on Committee Report Nos. 22-81 and 22-87):

Good morning.

CHAIR LEE: I see Mr. Perez, Madam Clerk.

MR. PEREZ: Good morning, Chair Lee.

CHAIR LEE: Good morning.

MR. PEREZ: Albert Perez here. May I proceed?

CHAIR LEE: Sure, go ahead.

MR. PEREZ: Yeah. Albert Perez. I'm with Maui Tomorrow. Good morning, Councilmembers. I appreciate all your hard work. And I'm trying to be respectful of your time by summarizing my testimony as much as possible as usual. But I'm feeling a little confused, actually a lot confused by this new method of taking testimony. And I'm finding that it's actually wasteful of our time as testifiers. We had no warning, at least I didn't have any warning that we would have to split up your testimony to testify on one thing and then wait for the next section to come up. You know, on days like today, when I have other things planned, I was just going to go down the line and tell you what I support and, and be pau. But anyway, I hope that you'll go back to the other way, because I think it's much better. And I think that citizens can try to be respectful, and not waste the Council's time. But this is not a good way to do it in my opinion.

So, just briefly, I want to support the wetlands bill. As I've said before, what many, sorry, wetlands have many benefits, and they provide things to us like sediment filtering, flood control, and juvenile fish rearing. Those things are provided to us for free. If we had to pay for facilities to do those things, they would cost millions of dollars. They also protect our reefs, which in turn prevents coastal erosion. And so, we're protecting our coastal properties, public and private by protecting wetlands. Anyway, I hope that you'll pass this today on first reading.

And then on, I mean, can I go on to my other items?

CHAIR LEE: If it's under committee reports.

MR. PEREZ: This one is. Yeah. Sales price guidelines, affordable housing guidelines. You know, for me the bottom line is if, if people cannot afford these homes, then we're just going through the motions, and eventually they're getting sold at market price. And as I said yesterday in the PSLU Committee, effectively what we have then is a temporarily affordable housing program that only works for some people, because we're not getting the 25 percent of market. Those things then get sold at market-rate. And then they fall out of the affordability category in five to eight years. So, I'm dedicating myself and offering to help work on creating a separate housing market for local residents through the deed restriction program that I mentioned at that meeting. Anyway, I guess that's all I have for this section. Thank you.

CHAIR LEE: Thank you. Members, any questions? If not, I'd like to say, Mr. Perez, thank for your testimony. We always appreciate your comments. When it's time, we would like you to help us lobby the Legislature to change the law back, so that we can go back to the old process of having the, of having the testimony the way we used to. But thank you for your comments.

Madam Clerk.

MR. PEREZ: Chair, may I respond?

CHAIR LEE: Sure.

MR. PEREZ: So, you were doing it the other way in previous meetings. Am I to understand that that was not allowed under the revised Sunshine Law?

CHAIR LEE: Well, now, we have to not only, well, we have to provide opportunities for the testifiers to present their testimony before each item comes up, which is very difficult, because sometimes we have 50 and 60 items. In Committee that might work, but in the Council meetings its difficult. So, rather than, so over the last two meetings, I've been trying to prepare people for this transition. And that's why we have, I mentioned it at the last meeting, we also indicated this on our agenda.

But, but I also included on the agenda that if, let's say you're catching a plane or there are extenuating circumstances, then we'll be happy to take testimony at the beginning of the meeting, rather than you having to wait for each item to come up, subject to the approval of the Members. So, we have that option in case you wanted to present only at the beginning. So, that's, that's where we are right now. Thank you.

Madam Clerk, next testifier.

COUNTY CLERK: Chair, there's nobody signed up to testify on committee reports. And this is another last call for item, agenda item J. Committee Reports, to testify. Last call.

CHAIR LEE: Members any objections to closing testimony, oral testimony, accepting written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. David Dorn;
2. William J. Aila, Department of Hawaiian Home Lands;
3. Barbara Barry;
4. Shay Chan Hodges;
5. Kevin K.J. Chang, Kua'āina Ulu 'Auamo;
6. Emily Fielding, The Nature Conservancy;
7. Sandy Ioakimi;
8. Carol Lee Kamekona;
9. Laila Kaupu;
10. Robin S. Knox;
11. Megan Nakashima;
12. Patricia North;
13. Mavis Oliveira-Medeiros, Earle Medeiros Sr., John-Bill English, Earle Medeiros Jr., Megan Medeiros;
14. Cynthia Reeves, University of Hawaii, CTAHR Maui;
15. Charlene Schulenburg;
16. Pamela Tumpap, Maui Chamber of Commerce; and
17. Randy Wagner.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 22-81 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Bill 107, CD2 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.060, MAUI COUNTY CODE, RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 22-82 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending that Bill 56 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 22-81.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Member, moved by Member Johnson, seconded by Member King, to approve committee, the recommendation in Committee Report 22-81.

Discussion? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Your Affordable Housing Committee met five times this term about Bill 107 (2022), which amends Chapter 2.96, Maui County Code, to establish a new method of determining the sales price of an affordable dwelling unit.

Your Committee previously issued CR 22-62, which was discussed at the July 15, 2022 Council meeting.

Bill 107 was recommitted to the Affordable Housing Committee, where it was amended to address concerns raised at the July 15, 2022, Council meeting. The amendments include creating a separate, creating separate methods for calculating affordable sales price based on whether or not the developer receives direct County subsidies; and requiring the Department of Housing and Human Concerns to create a program within the Home Acquisition and Ownership Programs Revolving Fund that will subsidize homebuyers for projects when the developer does not receive direct County subsidies.

Your Committee expressed concern about the bill creating possible financial challenges for developers, but noted that Affordable Housing Fund subsidies and potential forthcoming legislation may help reduce the cost of development.

Your Committee agreed the revised bill would benefit residents by helping to increase housing affordability. And your Committee voted 5-4 to recommend the passage of the revised proposed bill on first reading.

When we go around in the streets and often talk about affordable housing, people often say to me, yeah, affordable to who? Well, this bill says affordable to you. And I think it's really important that we reduce the cost of these homes for our people to match the wages that they make. So, I respectfully ask for the Members support of my motion. Mahalo, Chair.

CHAIR LEE: Thank you. More discussion, Members? No more discussion? Roll call.

COUNTY CLERK: Roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

NO.

COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

COUNTY CLERK: Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
COUNTY CLERK: Councilmember, Council Pro Temp
Tasha Kama.
COUNCILMEMBER KAMA: NO.
COUNTY CLERK: Council Vice-Chair Keani Rawlins-
Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: And Council Chair Alice L. Lee.
CHAIR LEE: NO.

AYES: COUNCILMEMBERS JOHNSON, KING, PALTIN,
SINENCI, AND VICE-CHAIR RAWLINS-
FERNANDEZ.

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA,
AND CHAIR LEE.

COUNTY CLERK: Chair, there are five "ayes" and four "noes"; motion is carried.

CHAIR LEE: Thank you.

COUNCILMEMBER JOHNSON: Mahalo, Members.

CHAIR LEE: Next item. Committee Report 22-82. You already called that up, right? So,
Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 22-82.

CHAIR LEE: Second? Somebody.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Alright. Moved by Member Sinenci, seconded by Member Johnson, to approve the recommendation in Committee Report 22-82.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Members, your Agriculture and Public Trust Committee met August 16 to discuss Bill 56 (2022). Bill 56 purpose is to administratively attach the Kula Agriculture Park Committee to the new Department of Agriculture instead of the Office of Economic Development.

The Director of Agriculture would replace the Mayor's representative on the Kula Ag Park Committee. And the Committee would make recommendations to the Council, the Mayor, the Director of Agriculture.

Your Committee voted 7-0 to recommend passage of Bill 56 on first reading. I respectfully request the Members support of my motion.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: Chair, continuing with committee reports.

COMMITTEE REPORT
NO. 22-83 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending that Bill 105, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED THE DEPARTMENT OF AGRICULTURE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 22-83.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to approve Committee Report 22-83's recommendations.

Discussion, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Members, as discussed in the APT Committee on August 16, the Department of Agriculture was being created. We made a commitment to specify the department's goals and responsibilities by ordinance.

Bill 105, CD1 (2022) is the result of extensive community discussion facilitated by the Community Impact Working Group.

I'd like to thank Councilmember Johnson, again, for introducing this bill, which establishes the powers, duties and functions of the Department of Agriculture, including developing agricultural infrastructure, creating markets and distribution networks, securing funding for agriculture, supporting research and development, providing education and outreach, and working as liaisons and advocate farmers, ranchers and others in the agriculture community. That is just a partial list, Members. It is quite an undertaking, but I am excited and confident about the future of this department, the future of agriculture in Maui County.

The Department of Agriculture supports this bill, as it provides a roadmap for the development of their strategic plan. Also, members of the public, including the agriculture community offered testimony in support.

Members, your Committee voted 7-0 to recommend passage of Bill 105, CD1 (2022) on first reading. And I respectfully request the Members support of my motion.

CHAIR LEE: Any more discussion? If not, all those in favor--

Member, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I, too, am really excited about this, because you know, the intent of the Hawaiian Homes Commission Act was to be able to allow people to farm those lands, and to be able to do mercantile on those lands. And having a Department of Agriculture in our County allows those farmers who are Upcountry and farmers who want to do something on their residential lots here in Central Maui allows them that opportunity to be able to create food sustainability and security for them. So, I am very thankful to Member Johnson, as well as Member Sinenci, for bringing this particular legislation up. So, thank you, Chair.

CHAIR LEE: Thank you.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I appreciate the words. It's, it was a lot of work, but we got to really, I would like to take time to recognize the working group. The farmers worker group has been working on this for over a year. And that's what makes good legislation, when it's nice and collaborative and all that hard work put into it. This is bottom-up legislation. This is a made legislation made from people whose hands are in the earth farming, feeding us. So, I want to say from one farmer to the others, mahalo for all of your hard work. Thank you, Chair.

CHAIR LEE: Thank you. Any more discussion? If not, all those in favor of the motion, please raise your hand and say "aye". Member Paltin?

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COMMITTEE REPORT
NO. 22-84 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending that Resolution 22-185, CD1, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 15, OCEAN SAFETY OFFICERS," be ADOPTED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-84.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to approve the recommendations in Committee Report 22-84.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The Budget, Finance, and Economic Development Committee met on August 17, 2022, to discuss Resolution 22-185.

This resolution would approve cost items for Ocean Safety Officers included within Bargaining Unit 15 represented by the Hawaii Government Employees Association for Fiscal Years 2022, 23, 24, and 25.

The Director of Personnel Services stated that the pay increases are a result of a binding decision determined by an arbitration panel, overseen by the Hawaii Labor Relations Board, due to the inability of the employee representatives and employer to reach an agreement on pay increases.

Your Committee notes that Ocean Safety Officers are first line responders who must put themselves in a line of danger as a condition of their employment. And that retaining qualified personnel in these positions is important to the safety and wellbeing of the County and its residents.

Your Committee amended the resolution to correct the reference Section of the Hawaii Revised Statute to include information related to the arbitration decision and award date.

Your Committee voted 9-0 to recommend adoption of Resolution 22-185, CD1. I respectfully ask for the Councilmembers support of this motion. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion, Members? If not, all those in favor of the motion, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COMMITTEE REPORT
NO. 22-85 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending that Bill 121, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-85.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, I see, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the recommendations in Committee Report 22-85.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on August 17, 2022, to discuss Bill 121 (2022). This bill would ensure certain taxpayers, such as those in repayment plan with the County and those on Department of Hawaiian Home Lands homestead lots, are not disqualified from the home exemption based on delinquency status.

Your Committee discussed concerns related to the impact of delinquent taxes on the County's bond rating. And the Real Property Tax Administrator said that any revenues not collected due to granting the home exemption would be offset by revenues collected from a payment plan.

Your Committee noted that DHHL lessees would not need to be in a repayment plan with the County in order to be eligible for the home exemption. But non-DHHL lessees would need to be in a repayment plan with the County in order to be eligible for the home exemption.

Your Committee voted 9-0 to recommend passage on first reading of Bill 121, CD1 (2022).

Chair, at this time, I'd like to proceed with a proposed amendment which will be distributed by the County Clerk.

CHAIR LEE: It has been distributed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

I MOVE TO AMEND SECTION 5 TO DELETE "APPROVAL"
AND INSERT JANUARY 1, 2023.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Temp Kama, to amend the main motion by moving the date.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. In accordance with Section 3.48.185, Maui County Code, real property shall be assessed and taxed, real property shall be assessed, and taxed shall be levied thereon, as of January 1 preceding each tax year upon the basis of valuations determined in the manner and at the time provided in this Chapter.

Changing the bill's effective date to January 1 will coincide with the dates assessments, will coincide the date assessments when the date assessments are performed and will help to clarify the process for the Department of Finance. Mahalo, Chair.

CHAIR LEE: Any further discussion, Members? If not, we're voting on the amendment to change the effective date. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Back to the main motion as amended. Any more discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Members, for your support. And mahalo, Member Paltin, for introducing this legislation. Mahalo, Chair.

CHAIR LEE: Okay, all those in favor of the motion, the main motion as amended, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Thank you.

Madam Clerk.

COMMITTEE REPORT
NO. 22-86 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 132 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.41, MAUI COUNTY CODE, CREATING THE COUNTY OF MAUI AGRICULTURAL PARKS REVOLVING FUND," be PASSED ON FIRST READING and ORDERED TO PRINT; and
2. That County Communication 21-221, from Councilmember Yuki Lei K. Sugimura, be FILED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-86.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve Committee Report 22-86 recommendations.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on August 17, 2022, to discuss a proposed bill introduced by Member Sugimura to establish a new Chapter 3.41, Maui County Code, for the Kula Agricultural Park Revolving Fund.

The Budget Director said that these funds would not be used to issue grants or for capital improvement projects, but would be used for incidental costs such as fence repairs. Okay.

The Budget Director also said the current annual revenues for the Kula Ag Park are \$31,000, which would be sufficient to repair very minor incidents. If additional funds are needed, an appropriation from the General Fund could be made to cover those costs.

Your Committee amended the bill to accommodate any new County agricultural parks that may be established in the future by replacing references to the "Kula Agricultural Park" with "County of Maui Agricultural Parks". Your Committee also moved the management of the fund from the Office of Economic Development to the Department of Agriculture.

Your Committee voted 8-0 to recommend passage on first reading of the revised proposed bill. I respectfully ask for the Members continued support of this item. Mahalo, Chair.

CHAIR LEE: Any more discussion, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Keani Rawlins-Fernandez for bringing this up in your Committee. And wanting to know as your representative on the Kula Ag Park Committee, when incidents would come up that may need some signage or some incidentals, the Kula Ag Park was not able to handle it immediately, because they didn't have any funds. So, this idea was born from that, as your representative there.

And Keani Rawlins mentioned about the fencing, and as you know, there is perimeter fencing going up at Kula Ag Park. So, if incidentally something needs to be repaired, possibly these funds could be used for that. And it's not to be used by individual lessees so that they can fix their own property. This is for in general areas of the Kula Ag Park.

Also, importantly, it was recommended by Michele Yoshimura that the effective date would be July 1, 2023, which is also in there. And I would like to encourage all of you to support this, because we have a need for ongoing Kula Ag Park lessees. Thank you.

CHAIR LEE: Any more discussion, Members? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Thank you.

Madam Clerk.

COMMITTEE REPORT
NO. 22-87 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending the following:

1. That Bill 91, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, AND 19, MAUI COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-358, from Councilmember Kelly Takaya King, be FILED.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-87.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Councilmember King, seconded by Member Sinenci, to approve the recommendations in Committee Report 22-87.

Discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. Your Climate Action, Resilience, and Environment Committee has been meeting on this issue over the past eight, eight months or so. But we finally met on August 17, 2022 to discuss Bill 91 (2022) to implement regulation to conserve and protect sensitive ecosystems, the ecosystem functions and values, mitigate climate change, and work toward building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters.

Your Committee notes that the Maui County General Plan provides the following directives:

"Restore and protect . . . wetlands . . ." in the Countywide Policy Plan, page 46.

"Preserve existing wetlands and improve and restore degraded wetlands" and that's in the Maui Island Plan, page 2 through 31.

"Support the protection and restoration natural systems, such as wetlands and dunes, for flood mitigation and climate change" that's in the Molokai Island Community Plan, page 55.

"Natural landscape features and environment, such as . . . wetlands, will be protected and restored" that's in the Lanai Community Plan, page 2-12.

And "Protect all wetland resources . . ." and that's in the Kihei-Makena Community Plan, page 21, which will soon be renamed the South Maui Community Plan.

Your Committee notes wetlands provide immeasurable value that no other ecosystem can, including flood protection, water quality and sediment filtration, surface and groundwater supply, biodiversity, wildlife habitat, and natural aesthetic.

Your Committee notes the Clean Water Act does not regulate certain isolated wetlands or reflect County-specific goals for protecting and enhancing environmental-resilience by preserving environmentally sensitive ecosystems, such as wetlands.

Your Committee notes Bill 91, CD1, will provide the County with a new tool to more precisely protect the specific needs of wetland areas.

Your Committee further notes that comprehensive collaborative meetings were held that included participation from Department of Planning, Department of Public Works, Department of the Corporation Counsel, and wetlands experts to incorporate department and community concerns.

Your Committee agreed that thorough and widely-accessible information be provided to the public for community comment and feedback as wetlands are mapped and identified.

Your Committee voted 7-0 to unanimously recommend passage on Bill 91, CD1 (2022) on first reading and filing of the communication. I respectfully ask for the Council's full support of your Committee's recommendation to pass Bill 91, CD1 (2022) on first reading and filing of the communication. Mahalo.

CHAIR LEE: Thank you. Any more discussion, Members? Do we need roll call, Members? All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Thank you.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Madam Clerk.

COMMITTEE REPORT

NO. 22-88 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that Bill 66 (2022) entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.02, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI" be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 22-88.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to approve the recommendation in Committee Report 22-88.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. Your Planning and Sustainable Land Use Committee met three times to discuss Bill 66 (2022). Bill 66 purpose is to adopt an amended digital zoning map (4) as the official zoning map for the Island of Maui.

Your Committee notes the Council adopted digital zoning map (3) on March 18, 2022, with Ordinance 5363 as the official zoning map for the Island of Maui. Bill 66 (2022) incorporates further revisions in map (3) into a new map (4).

By correspondence dated May 19, 2022, the Chair of your Committee transmitted a proposed CD1 version of Bill 66 incorporating zoning amendments for 13 parcels to P-2 Public/Quasi Public District and correcting references from digital zoning map (3) to map (4).

Your Committee discussed removing four parcels from map (4) in South Maui, including Kihei Fire Station, due to concerns with sea-level rise; Kula Hospital and Kamehameha Schools, due to concerns with allowable building heights. Your Committee agreed that community input on the zoning of South Maui parcels should occur during the South Maui Community Plan update.

Your Committee also discussed the amending Bill 66 to address community concerns with the P-2 Public/Quasi Public District height limit of 90 feet by proposing a change in zoning of the 13 parcels to P-1 Public/Quasi Public District height limit of 40 feet.

A representative from the Department of Planning said there may be other properties, in addition to the 13 parcels, that are incorrectly zoned or may need to be removed altogether from the P-2 Public/Quasi Public District and recommended Bill 66 be filed.

Your Committee supported improved changes in zoning procedures, including batching parcels for Council's future considerations, and prompt notification of neighbors for community input on proposed changes in zoning.

Your Committee voted 9-0 to recommend filing of Bill 66 (2022). And we were going to hold off until Ms. Aoki was ready to discuss how we would like to do digital zoning updates in the future. But she's going to let us know. The ball is in their court. Thank you.

CHAIR LEE: Any more discussion, Members? If not, the motion is to file this item. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: And lastly, from your Budget, Finance, and Economic Development Committee *[sic]*.

COMMITTEE REPORT

NO. 22-89 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that Resolution 22-172, entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE CRITERIA FOR TRANSIENT VACATION RENTAL USE WITHIN THE A-1 AND A-2 APARTMENT DISTRICTS" be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. Just for the record, I'm with PSLU, and that's CR 22-89.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-89 for PSLU.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Pro Temp Kama, to adopt the, to approve the committee report recommendation in 22-89.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I move to adopt the recommendation in Committee Report 22-89.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Oh, sorry.

CHAIR LEE: Just discussion. Discussion. No discussion?

COUNCILMEMBER PALTIN: Your Planning and Sustainable Land Use Committee met on August 18, 2022, to discuss Resolution 22-172, entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE CRITERIA FOR TRANSIENT VACATION RENTAL USE WITHIN THE A-1 AND A-2 APARTMENT DISTRICTS".

Resolution 22-172's purpose is to refer to the planning commissions a proposed bill that amends transient vacation rental use with A-1 and A-2 Apartment Districts.

Your Committee discussed amending the bill to clarify that transient vacation rental use is allowed in the A-1 and A-2 Apartment Districts only if operating lawfully with a permit.

The Planning Director said the proposed amendment is moot given the Council's adoption of Resolution 22-154, which referred a bill, currently under review by the planning commissions, to convert apartment buildings from transient vacation rental use to long-term residential use.

Your Committee voted 9-0 to recommend filing of Resolution 22-172. Thank you.

CHAIR LEE: Members, any more discussion? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with agenda item K. Resolutions. The, we have some testifiers signed up. And the first testifier for this agenda item is, agenda item category is Genesis Young. To be followed by Scott Crawford.

CHAIR LEE: Dr. Young? Is he still on the call?

COUNTY CLERK: Scott Crawford.

MR. SCOTT CRAWFORD (testifying on Resolution No. 22-205):

Yes. Good morning, again, Madam Chair and Councilmembers. I wanted to testify on behalf of Kīpahulu 'Ohana, in support of Resolution 22-205 for, in support of the designation of Kīpahulu Moku as Community-Based Subsistence Fishing Area.

As you probably know, the community of Kīpahulu has been working on this designation proposal for ten years now. It's been a long process, and we've put a lot of effort into doing community outreach and getting the input of fishers and traditional practitioners, and resource users to come up with what we feel is a really sound proposal for Hawaii State and culturally-based rules in Kīpahulu that will help protect the traditional Hawaiian lifestyle and the subsistence resources of the Kīpahulu Moku.

We have, we'll be the only the third community in Hawaii to be designated as a CBSFA, following Hā'ena about five years ago, and then Miloli'i on the Big Island, that recently got their designation.

So we're at the very final stage of the process now. We're just about to finalize the package based on all the feedback that we've received from all the scoping meetings and stakeholder input that we've received working with . . . to finalize that and then send it over to the Board of Land and Natural Resources to enter into the formal administrative rule making process. And we hope to do that within the next few weeks, a couple weeks, maybe.

So, because of that time-sensitivity, we'd like to request that the Council waive Committee referral and if possible, pass this resolution on the floor. So, we'd love to be able to include this in the package that goes to the Board of Land and Natural Resources for, for the rule-making process. So, I'm happy to answer any questions anybody has. We really appreciate all the work of the staff that put together this resolution, and Councilmember Sinenci's office for bringing it forward for, on behalf of the East Maui community, and all of the support of the Councilmembers. Mahalo.

CHAIR LEE: Members, questions?

Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here today. Can you kind of walk me through what does it mean to be a Community-Based Subsistence Fishing Area designee?

MR. CRAWFORD: Yeah, thank you for the question, Member Kama. Essentially, you know, the State has a variety of different marine management designations. And Community-Based Subsistence Fishing Area is unique in the fact that it's really in several respects, one is that it enters in a co-management relationship between the community and the Division of Aquatic Resources. And so that the community has a real active role in the like education and outreach around the implementation of the CBSFA.

It's also unique in that it focuses on the, not just the sort of biological aspect of the fish abundance, but it focuses on the traditional practices, traditional and customary practices of the family of the area, so that it, you know, those practices exist in relationship to the resources. And this is a way not just to preserve the resources, but to make sure that the lifestyle, the subsistence lifestyle can also be perpetuated, and in a remote area like Kīpahulu, where many families still rely on a traditional lifestyle, you know, and subsistence economy, and it's, it's very important.

So, once this is put into place, there'll be a set of rules or basically regulations that will be part of State laws that will apply specifically to Kīpahulu, related to everything from certain gear restrictions, size restrictions, seasonal restrictions, and things that we feel are protective of the, you know, the specific ecology and, you know, resource situation in Kīpahulu.

And one thing I want to emphasize is that even though these rules and regulations will be in place, the emphasis, you know, from both . . . and Kīpahulu communities, will be on education and outreach for compliance for, you know, fisherman who are using it to, who want to comply with the rules because they understand that that's the pono, you know, lawai'a pono, that's the right thing to do to make sure that the lifestyle and the resources can be maintained. Not out of fear of enforcement, but having the rules in place will be helpful so that if there's really bad . . . or, you know, abuse of the situation, then enforcement is an option. But through education, and outreach, and compliance, because people understand the reasons behind the rules will be the effort of the Kīpahulu 'Ohana. So, hope that answers your question, at least somewhat.

COUNCILMEMBER KAMA: It does. And so, I just, one last question. So, do you have an outreach program with that?

MR. CRAWFORD: Yeah, definitely. I mean, we've been, we've been doing outreach for the last, for many years around this. We have what's called the administrative record that actually documents all of our outreach and it's many, many pages long, going back many years. But as part of the proposal and management plan that's going to be, you know, that that will be brought through the BLNR, the you know, the outreach will be a crucial part of that.

We'll be working with DAR and DOCARE out on the Makai Watch Program, working with them on developing signage and outreach materials, and just really continuing our, like, social media campaigning, and having a, you know, a presence there on the shoreline so that we can connect with the fishermen and the users, so they understand the reasons why this is in place, and really want to be a part of it.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Any more questions? If not, Mr. Scott, Mr. Crawford, I do have a question. Why wouldn't you want the rest of our residents, give them an opportunity to weigh in on this proposal? We have people who fish all over.

MR. CRAWFORD: Yeah. Well just to clarify, the rules apply to everyone equally. So, this doesn't restrict anyone from fishing in Kīpahulu. It just apply, it just puts certain rules in place for all the users. And throughout the process, we have sought extensive input from users outside Kīpahulu as well. We've had several scoping meetings with DAR and DOCARE. In other meetings we've invited, you know, fishermen from Central Maui and other parts of Maui to have input. And we, and we've made some adjustments to the rules, package based on that input that we've received from them, some really good suggestions that came forward. So, you know, we welcome, we have welcomed and continue to welcome input from all the users.

CHAIR LEE: Okay. I just wondered, you say you welcomed input from all of the users, but I would imagine many of them don't even know about this, cause we're learning about this now, right?

MR. CRAWFORD: Well, I, I, you know, we, I just say we have done a lot of outreach, you know, through the, you know, working with DAR and DOCARE. They have, we had in 2021, Kīpahulu 'Ohana hosted three scoping meetings, as well as an individual talk-story sessions with fishermen. And then in early June this year, the Division Aquatic Resources hosted a scoping meeting. And for all of those meetings, we, you know, made a point to do outreach through like the Captain's Club, putting fliers up at the fishing shops and sporting goods stores, going through, you know, DAR's and DOCARE's connections to get the word out to the local fishermen. And we did have participation in all those hearings from fishermen on the other side, you know, from South Maui and Central Maui that gave their input into the process. So, I--

CHAIR LEE: Okay. Thank you.

MR. CRAWFORD: --to get their input, and I think we've gone, you know, we've incorporated a lot . . .

CHAIR LEE: Thank you. Members, any more questions? If not, thank you very much, Mr. Crawford.

Oh, is there a question? Tamara? Member Paltin has a question.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. It's not necessarily a question, cause I'm super familiar with CBSFA's, and in support of them. I just was wondering if, you know, Mr. Crawford wanted to be a resource when this item comes up, because . . .

MR. CRAWFORD: Thank you, Member Paltin. I would be happy to stay on and serve as a resource if the Chair would like.

CHAIR LEE: Members, any objections to having Mr. Crawford be a resource when this matter comes up?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I support having, there's echo. Okay. Mr. Crawford, as our, as a resource person in case sometimes we do ask people to serve as resource people and then no one has questions. So, I just real quickly wanted to ask Mr. Crawford for the date again for the package that you needed to be included?

MR. CRAWFORD: We don't have a set date at this time, but we're working to finalize it within hopefully the next week or two. We're really at that final stage of just sort of tweaking all the, you know, dotting the "i's" and crossing the "t's" and getting ready for DAR to send it to the BLNR. So, hopefully within the next couple of weeks.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Mahalo, Mr. Crawford. Mahalo, Chair.

CHAIR LEE: Any more questions, Members? If not, thank you very much. And we'll talk to you in a few minutes, hopefully, again. Any more testifiers?

COUNTY CLERK: Yes, Chair. And we'll circle back around to Dr. Genesis Young. And Dr. Genesis Young will be followed by Claudia Kalaola.

MR. GENESIS YOUNG, (testifying on Resolution No. 22-206):

Aloha again. Can you hear me?

CHAIR LEE: Yes, we can.

MR. YOUNG: Great. Okay. Thank you very much. I do find this method of testifying objectionable in our time and not very respectful to the time of the citizens of this community in which you're all supposed to be serving. So, I just want to have that registered.

And I'm in support of Resolution 22-206. I think we really need to use eminent domain in this case, as apparently, I've been following some of the negotiations to try to protect our watershed. And really watershed and water are really a very, very high priority for the health of our environment, which affects the health of the humans, which effects the health of commerce and industry. And if there's ever a time to use eminent domain, it's for this Ma'alaea Watershed purchase as it's been gamed, I believe. There's been games going on with the way it's been purchased and the County is not winning in this one because they have to do everything out in the open.

And so, I think it's time to invoke eminent domain. And that's still a fair process. It's more fair than what's been going on before, because now with eminent domain being used, we'll be able to secure the land at a fair market price with a fair negotiation, with a public negotiation without the ability to gain behind-the-scenes. So, I really want to support this resolution. And thank you for bringing this forward. I know that eminent domain is not something people don't want to force people in general and do things like this. But if there ever was a time to use it, it's now.

And so, thank you very much for bringing the resolution forward and all the work, you've been working on this watershed protection. And watersheds are so important. Water is life, as David Dorn said earlier. And I really want to thank you for all the work and for putting this forward. And I wasn't sure it would actually ever appear and be, and be, and this be used in this County. But I think it's important. And there's a time and place for everything and this is the time and place for this in my opinion. So, I'm complete. Thank you.

CHAIR LEE: Thank you, Dr. Young. Anymore, any questions for the testifier? If not, may we have the next testifier?

COUNTY CLERK: Our next testifier is Claudia Kalaola. To be followed by David Dorn.

MS. CLAUDIA KALAOLA (testifying on Resolution No. 22-205):

Aloha. Claudia Kalaola, presenting the Na Mamo O Mu'olea and the Maui Nui Makai Network. Susaday and aloha kakahiaka kakou, Councilmembers. Echoing Councilmember Sinenci's Hau'oli Lā Hānau to our Mō'ī Liliuokalani.

Today, I'm testifying in support of Resolution No. 22-205, in support of a Community-Based Subsistence Fishing Area designation for Kīpahulu 'Ohana. As a cultural practitioner who has been involved in community-based resource management for about 20 years, I've personally witnessed all the good works that Kīpahulu 'Ohana has accomplished over the years.

I am particularly impressed with the leadership role of John Lind, who recently passed, and how he mentored and taught hundreds the importance of leadership in the management of mauka to makai. His passing is sad, kaumaha, but the ho'opōmaika'i, the blessing is that his 'ike kūpuna, or the ancestor's knowledge, has been passed onto his sons and others within the ohana who live in Kīpahulu Moku.

Community-Based Subsistence Fishing Areas have demonstrated impact as a strong platform for co-management by communities and the State to steward nearshore ocean areas and natural and cultural resources. CBSFA's have received international recognition as globally applicable solutions by the International Union for Conservation of Nature, the IUCN, and also the United Nations Development Programme 2019 Equator Prize, which was awarded to Hui o Maka'āinana and Hui o Mo'omomi.

I believe the fundamental aspect of subsistence and traditional management practice is that practitioners are informed by views, observations and practices of traditional notions of place. The process honors and respects the opinions and experiences of community members. Kīpahulu Moku's request for a CBSFA designation reaffirms and protects fishing practices, customarily and traditionally exercise for the purpose of Native Hawaiian subsistence and cultural, culture and religion.

Many of our cultural practices, traditional foods, water rights, gathering rights, and resources are being disregarded, unappreciated, and often misunderstood. As kanaka maoli, my ohana and I have lived to see the momona, the abundance. I've relied on and continue to rely on fishing and gathering of marine resources for our subsistence and well-being. A healthy and resilient fishery is vital to ensuring our subsistence, cultural and religious practices to continue for current and future generations.

Please help us to carry further the work and efforts of the folks of Kīpahulu Moku by supporting the only State-approved management plan that allows the incorporation of Ike Hawaii into its plan. A CBSFA is a good thing for Kīpahulu Moku, Maui 'akama and Hawaii pae 'āina. Mahalo a aloha nui.

CHAIR LEE: Thank you. Questions, Members? No questions. Thank you very much.

MS. KALAOLA: Mahalo.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is--

CHAIR LEE: How many do we have, because it's time for our morning break?

COUNTY CLERK: There are currently six testifiers signed up.

CHAIR LEE: Okay. Members, it's time for our break. It is 10:38, so we'll take a ten-minute break and come back. Any objections to that? So, ordered. We will be in recess for ten minutes until 10:48.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:38 A.M., AND WAS RECONVENED AT 10:54 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of September 2, please reconvene.

Shall we continue with testimony, Madam Clerk?

COUNTY CLERK: Thank you, Chair. Continuing with category K. Resolutions. We have Mr. David Dorn. To be followed by Mike Moran.

MR. DAVID DORN, SAVE THE WETLANDS HUI AND SIERRA CLUB MAUI (testifying on Resolution No. 22-206):

Hello, Councilmembers again. My name is David Dorn. I'm not a lobbyist and I'm speaking today on behalf of South Maui Save the Wetlands Hui and on Sierra Club Maui. We support 22-206, authorizing proceedings in eminent domain for the acquisition of approximately 257 acres at Ma'alaea Mauka/Pohakea Watershed, Maui, Hawaii, for preservation.

We support this because Ma'alaea Mauka Watershed lands are vital to the health of the nearshore waters of Ma'alaea Bay and is necessary to prevent watershed degradation and protect the environment and the at-risk nearshore reef, and the fishing grounds, and the whale sanctuary waters. I felt compelled to speak today on behalf of the 5,000 acres watershed, approximately five ephemeral streams, Maui's largest wetlands system, and the nearshore coral reef and marine environment.

Watersheds are living systems that need to be looked at in their entirety. Developers tend to look at projects on a piece-by-piece basis. But if you look at this background, you can see here there is extensive 3,400 acres of State-owned watershed

immediately above this parcel. The 257 acres is just a key component in the overall wetland system. Running through this area is approximately five ephemeral streams. And they will, if untended and ignored they will create massive problems for nearshore waters. The offshore reef here has lost approximately 70 percent of its living organisms in the past several decades.

So, I think it is vital that we support this effort to protect their entire, this important watershed, and the environment from unnecessary destruction. So, please support this effort to acquire this property through eminent domain.

CHAIR LEE: Thank you. Members, any more questions? Okay. Thank you very much. May we have the next testifier?

COUNTY CLERK: Our next testifier is Mike Moran. To be followed by Ka'uiki Lind Kīpahulu.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Resolution No. 22-206):

Mahalo, again, Chair, for the opportunity to testify. Chair, I think I can go out on a limb and say that I don't believe there's any Councilmember or any participant who likes this new system. We have agreement, but I think that the Council is doing everything you can do under these circumstances. If anybody has a better way to fix it, hopefully they will step up. But HSAC is an attempt to do something and that's seemingly the only action you can take. So, we completely understand it and commiserate with all, with all of us. We're all in this same situation.

So, we too are in support of 22-206. And I think is general agreement that eminent domain is not something that you do lightly. And I think it is pretty rare when it is used, but we certainly support it in this instance. We have seen for years, attempts to develop these lands by different developers, and we thought we had a way out to prevent it, and get close to the finish line, as I keep using that expression, and it doesn't work. So, we are in support of this action for Ma'alaea Bay. It is hanging on, and any action we can take to start to turn the tide and preserve it, we think is certainly justified. So, we are in complete support of this matter before you today, 22-206. Mahalo for the opportunity.

CHAIR LEE: Thank you, Mr. Moran. Any questions, Members? If not, thank you very much. Next testifier.

COUNTY CLERK: Our next testifier is Ka'uiki Lind Kīpahulu. To be followed by Lucienne de Naie.

MR. KA'UIKI LIND (testifying on Resolution No. 22-205):

Hi Councilmembers, Honorable Councilmembers, aloha. My name is Ka'uiki Lind. I'm from Hana, Maui. Born in Hana, raised out in Kīpahulu Valley. My parents were born in the territory, as well as my grandmother, who was 92, the territory period. Raised by their mother, who was born in the old days.

Anyway, I'm here not only because of the, the Section 5 responsibility. Sorry, this is in testimony with the Kīpahulu resolution, the County could support the Kīpahulu resolution of CBSFA.

The reason why we went particularly down this road, part of the community is, you can see the picture behind me, is on the boats, the commercial fishermen that came in the valley to snatch up the, the, what we call the malihini, the newcomers, or the fish. It's a, it's like a metaphor for the fish that come into the bay and it's surrounded by the community with a hukilau. Well these boats were going around the State and extracting all the akule balls from around the State. And they were, they were, they were entitled to it because of the fishing regulations.

So in 92, 1992, I think it was Governor Waihee allowed this real process, Chapter 90 process where you could change the rules. So, with akule, what our proposed rules, our CBSFA was non-commercial take only. So, this would prevent the fishermen from coming into the valley and taking the, our 'ai, our mea'ai, our i'a from our community. Because I think we're one of the few communities across the State that still practice community sharing, which is called mahele, which is a ancient process, and of dividing the catch where we go out and surround the akule. And it's not something that's guaranteed, you know. You know, it's fishing is like gambling.

For those who don't know about the CBSFA, we've been working on it for quite some time now. But not only to stick with the DLNR. They're the ones, the BLNR eventually is the ones who gonna sign off on it. It's do or die with them. But we would like support. Miloli'i had theirs passed unanimously by the board about several weeks ago. Hā'ena, a couple years back. And then, after, if it does pass, it goes through a five year process, review process by the State and the community. It'll be co-management.

Anyway, another thing I'd like to bring up is the 30x30 Initiative other than Hawaiian mana'o about the laws regarding the native population. But also Governor Ige's 30x30 Initiative, which has set aside 30 percent of the coastline in the State of Hawaii for conservation purposes. So, this, this also falls with President Biden/Harris Administration Executive Order tackling climate crisis home and abroad goal of conserving 30 percent of our lands and waters by 2030.

So we had support by the National Park Service, the Nature Conservancy, majority support by the Kīpahulu community. But we, we're again, I'm here to ask for support for resolution to support the Kīpahulu application for the CBSFA. Thank you.

CHAIR LEE: Thank you. Questions, Members? Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Mr. Lind. So, my question is, you mentioned in your testimony that the fishing would only be allowed by probably just the people themselves, individuals, but not commercial fishing. Is that correct?

MR. LIND: Our proposed management rules, yeah. Fishing, you can't, yeah, it'll, it'll prevent, if passed by BLNR, non-commercial take of akule. Every other species like the mo'i, we planning on extending the, right now, the current rules by the State is May to September. So, like, everybody is hitting the ocean right now, cause today is September 2, lobster season just opened. I can imagine all the families across the State are taking advantage if they're not poaching, to go ahead and take the lobster.

So, we, you know, Councilmember Tasha Kama, we had drawbacks from the community, not from so much from within in the East Maui, but from outside who felt that the rules and regulations bag limits was not shared, you know. They didn't have the same system or belief. But this is what we came up. For example, 40 opihi per person per day. The State does not have a limit on opihi.

So, we're asking the people that, who do come and fish in Kīpahulu that, if it's passed by BLNR, again, right now there's no regulation, so people are allowed to come in and fish and take. And you know, it's their right under God and law, I guess. So in getting back, you can go on our website and you can see all the proposed rules that we came up with. And again it's in the hands of the DLNR. We're waiting for them to come back if we do advance or give and take certain things, yeah.

COUNCILMEMBER KAMA: And what is the name of your website?

MR. LIND: We work with the Kīpahulu 'Ohana. So, they applied, they had to have a community group to apply for the process. It's kipahulu.org. And for Miloli'i, it's kalanihale.org. With them, I believe from, they had problems with the aquarium trade in Kona. You know, they have calm seas, Kona kai malino; but in Hana, we have rough seas. It's not something you want to take lightly. Most of the time you can't, I also run the, with the Nature Conservancy, a creel survey to see who is using the ocean. So, the survey will be available as soon as the scientists come back with it. But we worry about poaching at night. If we can, yeah, and that's one, another reason why we're taking this road, this way, yeah.

COUNCILMEMBER KAMA: Okay. Well, thank you. Thank you, Chair.

CHAIR LEE: Member King, did I see your hand up? Okay. Member King.

COUNCILMEMBER KING: Yes. Yes. I know, I did, I have a couple of questions for Mr. Lind. But I don't know, do we want to ask him to be a resource person when we get to this item, since it looks like we're going to be discussing it on the floor? Or you wanting to go ahead and have us all ask questions now, Chair?

CHAIR LEE: You can ask questions now.

COUNCILMEMBER KING: Okay. So, thanks so much for being here. Your testimony was really good, cause it explained a lot more of the detail of why this is happening, and why you want to move forward. And I understand that you have some proposed rules that you are going to be putting in front of DLNR. Are they going to be the enforcers? Who, who, what body is going to enforce the rules, once they do get accepted?

MR. LIND: If it becomes law, DLNR can enforce it, will enforce it. The idea, the fact of the matter is we try to rely on the community. You know, DLNR, it'll be self-regulated right now and that's a question proposed towards the Department of Land and Natural Resources, who's going to manage it? But that's part of our management plan is like self management community watch. You know, things like that, for that matter.

COUNCILMEMBER KING: But your, but the community is not authorized to levy fines or--

MR. LIND: No. No, no.

COUNCILMEMBER KING: It's basically you have to report it, but who, will you be reporting to DLNR or DOBAR or?

MR. LIND: DLNR has an app where you can report fishing. I think for our community, my family, I don't think we want to go down that road. We don't want to engage with that, you know. But I know if it becomes law, it becomes DLNR, the rangers can enforce it.

COUNCILMEMBER KING: . . . DLNR, so they'll be, they'll be the ones that are responsible for it.

MR. LIND: We would like to see more presence out here with DLNR, but they're underfunded, or whatever reasons they have. Maybe in the future, the County can allow housing for, like the State housing for the teachers in Hana also for, for that purposes. We get a lot of State lands in Hana for our DLNR functioning--

COUNCILMEMBER KING: Yeah, but if it's the body that you're proposing in this resolution to write the rules has already written them. And so, that's what's gone out to the public for, I mean, there was mention in the resolution that there's been, you know, public meetings about this. Was, are those rules, were those rules discussed?

MR. LIND: So, we, the DLNR took most of our rules. They did not, they came back and said last, I spoke with Luna, the CBSFA manager, that families weren't, individuals or stakeholders, the due process, because this is how the process with attaining a CBSFA. We had to hear from other, all the stakeholders that they weren't okay with the closure of the CBSFA at Kukui Bay. We recommended that the Kukui Bay be taken from Puhilele all the way down to where the camp, park campground is. There was push-back, because we felt as a community that access to Kukui Bay was limited and somewhat titled to Native Hawaiians who have been using the area for so long. So, people, non-Hawaiians especially too, felt that because it's for everybody, that they should be, they should be using the Kukui Bay. So, basically, we had to redraw the maps like the GPS points to push the boundary further in, so they could have access to the bay. So, we had to kind of, like, negotiate. But, yeah, we did have--

CHAIR LEE: Okay, thank you. Thank you very much for your answer, cause we're on a time schedule today.

MR. LIND: Sorry.

CHAIR LEE: Any more questions? Yes, Member Molina, then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER MOLINA: Oh no, Chair. I didn't have a question for Mr. Lind. But it was more a procedural question. I'll wait till after you have the other Members who would like to ask Mr. Lind questions.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. Lind-Kīpahulu, for your testimony today. I've, I attended several of your folks CBSFA meetings and I thought that the incorporation of the feedback from primarily non-East Maui residents that take from those areas was really well done in finding that common ground. So, you said that the rules include 40 opihi. Is that per person per day?

MR. LIND: Yeah, 40 per.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. LIND: 40, if passed, yeah 40 opihi per person per day.

VICE-CHAIR RAWLINS-FERNANDEZ: So, if, and generally fishermen go in groups, which they should so that they are safe, would take like 5 to 10. So, it would be like 200 to 400 opihi in one day alone.

MR. LIND: Yeah. Especially with luau season, the Hawaiian families, especially, have been gathering accordingly to the size of the, the--

VICE-CHAIR RAWLINS-FERNANDEZ: So, that's the, yeah, I think that's more than generous. And so, you were asked about enforcement. Do you plan to continue to do enforcement like you folks have been, which is primarily through education?

MR. LIND: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: In teaching those that gather there, that it's not about fining or penalizing people. It's about sharing through education, ike kupuna, ike Hawaii, on how to properly gather, so that they're not harming the resources there for generations to come.

MR. LIND: Yes. Yes, of course. You know, for instance, I think one of the laws banning drone fishing. There was a akule catch, and we shared with couple outsiders, they were Hawaiian families from outside. And they immediately put it on their drone and flew it out for the, for the ulua and the kahala, the amberjacks that were attacking the school.

We rely on, we rely on, for instance, we put a omilu limit on one. People didn't like that, you know. But because we depend on the cowboys of the sea, I guess, if it's used by the kupunas to bring in the fish, because they're chasing the smaller fishes.

So, yeah, education is important, and we are willing to share that with the community of Maui, and the State, and in the world, because you know, essentially, eventually they all end up at the National Park campsite, yeah. The only campsite in the valley, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And the last question is regarding enforcement again. And so, these outside boats that come in sometimes from off-island, maybe Oahu, would come in and they have a registration tag. And would you then take a picture of the registration number and provide that to the DOCARE officers if they're blatantly disregarding the rules that, in that area?

MR. LIND: Well, we don't know what they're doing. We know they're fishing for sure, but we can't really say like what fish they're catching if they're catching, in a proposed. So, right now, we've been tracking one boat, I think, past prior he had gotten into trouble for fishing in restricted areas. So, but we can't make the determination even with our current creel survey. So, basically we don't know what they're doing, except they are fishing. But yeah, we can, if it's visible, their numbers, too.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Lind Kīpahulu. And, Chair, I don't know if Members, as we asked Mr. Crawford, if he would serve as a resource person, that perhaps we can extend that same invitation to his obvious expertise in this area? Mahalo, Chair.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Can you come back later when we discuss this item?

MR. LIND: Yes, Aunty Alice. Aloha.

CHAIR LEE: Mr. Lind? Mr. Lind? Okay.

MR. LIND: Yes. Yeah.

CHAIR LEE: By the way, your grandma is Daisy?

MR. LIND: Yeah, she's 93.

CHAIR LEE: 93?

MR. LIND: Yeah.

CHAIR LEE: Tell her I said "hi".

MR. LIND: Okay. Thank you.

CHAIR LEE: Alright. Anymore testifiers?

Madam Clerk.

COUNTY CLERK: Yes, Chair. Our next testifier is Lucienne de Naie. Followed by Kamalei Pico.

CHAIR LEE: Ms. de Naie?

MS. LUCIENNE DE NAIE (testifying on Resolution Nos. 22-205 and 22-206):

Good morning, Chair. Good morning, Councilmembers. Thanks for this opportunity to testify on these two important items. First, the Community-Based Subsistence Fisheries. Some of you may know I'm involved with the Maui Nui Marine Resource Council, serving as it's vice-president and one of the original founders. And this concept was something that was brought to our attention in our first year of existence.

We scrounged together some money and sent some folks from Maui to Palau to learn how they were actually putting community-based subsistence fishery management to work. It was a real success story. It has done nothing but increase over the years. And it's, it's the bright hope for our future.

We cannot count on DOCARE to be everywhere. We cannot count on our stream biologists to see everything. We need the eyes and ears on the ground of our communities, those with the traditional knowledge that has been passed for generations through families, and who sincerely not want to just keep for themselves and hoard, but to see our fisheries prosper through applying sound management.

So, anything you folks can do to bring this, this very, very important community-based effort forward. It's a lot of paperwork, and crossing "t's" and dotting "i's" to get these management areas permitted. There's a handful that have gotten permitted already. But it's a very important step for our fisheries, and I just personally applaud all those in Kīpahulu who have worked towards this goal. They are part of a network, and there are other areas working towards a similar goal. We hope to see something like this in Olowalu some day. So, this is just an important, like, blueprint. So, I will leave for that on item 22-205 and switch to my second item, which is 22-206.

Well, this is the saga of these 257 acres of land, the Pohakea Watershed that comes down the slopes of Mauna Kahālāwai, Mā'alaea Mauka Project District that was in our community plan back in the early 90's. There is a reason that these 257 acres, which have been proposed for numerous developments have been turned down for development by Planning Director Miskae, Planning Director Blaine, Planning Director Foley, Planning Director Hunt, and Planning Director Spence. It's a bad place for development. It's a good place for conservation in a nutshell.

Unfortunately, in the midst of a community and Council and Mayor supported effort to acquire these lands, the ownership switched. No blames. It just did. It has become

perfectly clear with an email I received this morning, as did others, I think Councilmember King was on that thread, from the Trust for Public Lands, who has been diligently trying to negotiate with the new owners, that they simply are not interested in seeing the whole parcel dedicated to conservation. Our one choice left is to use a strategy that is perfectly legal, but rarely used cause it should be reserved for the situations where it is really needed, and this is one of them.

And so, on behalf of Sierra Club Maui and on behalf of the many other citizens who have advocated for the preservation of these 257 acres, our trailhead for the Lahaina Pali Trail, soon the best farmland on our island with deep alluvial soils, we ask you to pass this resolution and begin to send a message to the Mayor that the Council supports eminent domain proceedings and the acquisition by the public of these lands, and the wells that go with them. Thank you for your consideration.

CHAIR LEE: Members, questions? If not, thank you very much. May we have the next testifier?

COUNTY CLERK: Our next testifier is Kamalei Pico. To be followed by Kamalani Pahukoa.

MS. KAMALEI PICO (testifying on Resolution No. 22-205):

Aloha mai kakou. (*Spoke in Hawaiian.*) My name is Kamalei Pico and I'm from East Maui, with roots running in Kaupo, Kīpahulu, and . . . I'm here today to testify in support of the Resolution 22-205, supporting a Community-Based Subsistence Fishing Area in Kīpahulu Moku. As a wife of . . . also deeply rooted in Kīpahulu, and a mother of keiki whom we teach pono fishing and gathering on a daily basis, I strongly urge the designation of the Kīpahulu Moku as CBSFA, so that the people of Kīpahulu can finally establish its proposed rules, as well as co-manage our makai resources with the State of Hawaii's support to ensure pono fishing and gathering for all lawai'a living within and outside of the Moku.

As a kanaka maoli cultural practitioner who cares passionately for our kai, which gives us life and sustenance, I would like to carry on our lifestyle in Kīpahulu by continuing to practice our pono Native Hawaiian traditional and customary practices and see that this happens for us, our keiki o ka 'aina, and all generations to come. In designating Kīpahulu Moku as a CBSFA, I believe we can make this happen. The community outreach and science has been done over the years to support that the time is now to establish this designation and make Kīpahulu momona, or abundant again. Mahalo for your time.

CHAIR LEE: Members, questions? Okay. No questions. Thank you very much. May we have the next testifier?

COUNTY CLERK: Our next testifier is Kamalani Pahukoa. To be followed by Jerome Kekiwi.

MS. KAMALANI PAHUKOA (testifying on Resolution No. 22-205):

Aloha mai kakou, Councilmembers. I'd like to support the testifiers before me, and shh, grandma. My name is Mary Ann Pahukoa, also known as Kamalani. Diving right into it, supporting the resolution to support the CBSFA in Kīpahulu Moku. I have to mention Kīpahulu Moku is one of the smallest Moku here on Maui. I think Hamakuapoko is right behind. But Kīpahulu Moku is . . . Moku that has Department of Interior National Park in their backyard. So, Kīpahulu Moku sees, can see up to 2,000 - 2500 visitors a day.

When we talk about the outreach Kīpahulu Moku has done, it has been extensive. I've been listening and involved. And the amount of public meetings and press that has been out there regarding these conservation efforts have been going on for most likely a decade. In the past year, this specific initiative, the CBSFA in Kīpahulu Moku was on the front page of Maui News twice, June 10 and March 18. And like I said, there's been extensive meetings involving fishermen from throughout the island. This opens the door to more Community-Based Management Areas. I'm testifying from Keanae and I can't tell you how many campers are set up right now getting ready for the weekend. Like mentioned by Mr. Ka'uiki Lind, moi season is open, and lobster, so we can only imagine what will be coming out of everybody's nets this weekend.

This, CBSFA is about self-regulation in Hā'ena, in Miloli'i, Kīpahulu Moku. They're setting a blueprint for all communities. So, we should, this needs to be normalized, these conservation efforts. Ko'olau Moku is following CBSFA Kīpahulu Moku, and would like to pretty much replicate bag limits. Of course, it varies when it comes to species, but we're still East Maui and it's very similar.

When we talk about bag limits, like mentioned by Ms. Keani, Kīpahulu Moku CBSFA is only asking for 40, that you limit your harvest to 40 opihi per person a day. And then, of course, if you have five guys, that's 200 opihi a day. You come two days, that's 800. So, you know, these numbers, they are very realistic.

And you know, we all know what luaus look like. And it's really disheartening to see opihi in the trashcan because you want to play or you want to act like you eat Hawaiian, you know. People should really learn to self-regulate. If you don't eat opihi, you don't

gather it. You don't have to eat it or grab it, because it's the cultural thing to do. The cultural thing to do is to protect our backyards.

Like I said, this opens the door. Supporting this resolution opens the door for many communities. We all know DOCARE doesn't have the capacity to regulate. So, putting this in our community's hands will only empower everyone. It's a learning lesson. Like Molokai, like Lanai, when it comes to the commercializing of fish, that's always a hot-topic.

But Kīpahulu Moku is only asking that you do not take commercial, do not take akule for commercial purposes. I've been there for hukilau traditional gathering of akule in Kīpahulu Moku, in Hana, here in Keanae, and it's a wonderful laulima practice that must be carried on. So, I hope you get to do some homework on CBSFA because it's very public. It's a great, you know this nonprofit Kīpahulu 'Ohana has been getting commemorated and they're being honored for these conservation efforts. And a lot of other nonprofits are picking up similarities to their . . . So . . . and I'd just like to . . .

I also support Resolution 206, eminent domain of Ma'alaea. And yeah, so please read this resolution to its entirety and check out the very beautiful website Kīpahulu Moku has. Kīpahulu Moku, kipahulu.org/cbsfa. And get ready for Keanae Ko'olau to be, you know, right behind these guys. And mahalo to them for all their efforts. And mahalo to you guys for listening. So, continue to ask questions and Happy Aloha Friday.

CHAIR LEE: And to you as well. Members, questions? If not, thank you very much. May we have the next testifier, please?

COUNTY CLERK: Our next testifier is Jerome Kekiwi. Jerome Kekiwi? And nobody is currently signed up following Mr. Kekiwi.

CHAIR LEE: Okay. Last call.

COUNTY CLERK: This is the last call for testimony of resolutions in category K of the agenda. Last and final call.

CHAIR LEE: Any objections, Members, to closing public testimony and accepting written--

COUNTY CLERK: Excuse--

CHAIR LEE: Do we have one? Okay. We have one.

COUNTY CLERK: Mr. Perez. Albert Perez.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on Resolution Nos. 22-205 and 22-206):

Yes. Nice to see you all again. Albert Perez, Maui Tomorrow, testifying on Resolution 22-205, the Kīpahulu CBSFA. We support this. You know, Community-Based Subsistence Fishing Areas are a way to make sure that the fishery resources are protected and can continue to exist. And it's based on the knowledge of and with the participation of the people who know the area best. So, I will leave it at that. Excited to see this. We support this resolution.

Also wanted to testify on 22-206, the Ma'alaea eminent domain. We're urging the Council to support this resolution. It's well-suited for preservation as open space. Maui County identified this area in the 2006 scenic and historic resources inventory. And this parcel was given high value as a scenic resource.

Also, there's much destruction that has been caused by large storm flows passing through these lands, especially after fires eliminate the protection and expose the land to erosion, major brown water events, Ma'alaea Bay Humpback Sanctuary. Government agencies, community organizations, County Council, and the Mayor have all been working on plans to address this, and we need to see it through for the good of our community and the environment.

These types of long-term projects are difficult to plan when there's a chance that a large area of land will be broken into privately-owned parcels, especially when people who have been involved pull out at the last-minute. So, protecting this land will be far simpler and more likely to be successful, if it's under public ownership. So, we urge you to support this resolution. Mahalo.

CHAIR LEE: Thank you. Are there any questions for the testifier? If not, thank you very much. Any other testifiers?

COUNTY CLERK: We have one more testifier. U'ilani Naipo.

MS. U'ILANI NAIPO (testifying on Resolution No. 22-205):

Aloha mai kakou. Mahalo nui for allowing me to provide testimony. I'm U'ilani Naipo. I'm a lineal descendant out of Miloli'i Kapalilua from South Kona on Moku O Keawe. We of Miloli'i just acquired our CBSFA designation with rules package promulgated earlier this month. And we look at Kīpahulu as our sister community. We've been striving for this, pretty much partner hand in hand over the last couple years. But both

of our efforts, community, like Miloli'i, like Kīpahulu, the efforts started by generations before us. And so, for Miloli'i, it started well over two decades. And the same story is prominent throughout the Pae Aina. And so, from 1994, when DLNR was given authorization to work with communities to put in place Community-Based Subsistence Fishing Areas, we only had one before we, in Miloli'i, was designated as a CBSFA with rules.

And so, it's long time coming. Kīpahulu has been working very hard at it. And with the, I imagine, just with the number of issues that we are facing in the islands that maybe perhaps this may have been, not been on your radar. But I can tell you very much it's on those of us communities that strive to not only put protection on our marine resources, to put protection on our traditional and customary practices. And I can attest to being involved in weekly meetings, and also in champion to going before OHA to get a resolution in support of both of our community efforts to put in place a Community-Based Subsistence Fishing Area.

So, I implore you to ask the questions you need to, to have the information available to you, so that you're confident in making the right decision in supporting your communities there on Maui. And we're just one island away, a channel across, that we wave and we said our aloha to Kīpahulu. And we wish to support you in any way we can. Aloha and mahalo.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

COUNCILMEMBER MOLINA: Chair? Chair?

CHAIR LEE: Oh, I'm sorry.

COUNCILMEMBER MOLINA: I have question.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Chair. Aloha, Ms. Naipo. Thank you for being here and representing the Miloli'i community on this matter. Just for our own information, did you folks seek out support from your Big Island Council on our request, as well as the maybe the Mayor of the Big Island?

MS. NAIPO: Yes. Actually, and Maile David was really a strong Councilmember that supported us. We did outreach and support to different Hawaiian organizations, so Civic Club members, Royal Order of Kamehameha. We went after DOFAW, because we have natural area reserves surrounding our areas and so, and different conservation groups throughout. We also did approach Department of Hawaiian Home

Lands Homestead Associations. So, yeah, we did do quite a bit of reach out. As well as when we go through scoping, we are required to go through Statewide scoping. So, our, the input was, and it announced so we could solicit feedback from throughout the Pae Aina.

COUNCILMEMBER MOLINA: Okay. Mahalo. Thank you, Madam Chair.

CHAIR LEE: Members, any more questions? If not, thank you very much.

COUNTY CLERK: Chair, we'll try one more time for Mr. Jerome Kekiwi. And then, we'll call for last call for testimony on resolutions.

CHAIR LEE: Is Junya, is signed up for this?

MR. JUNYA NAKOA (testifying on Resolution Nos. 22-205 and 22-206):

Oh, yeah, I can talk?

CHAIR LEE: Yes, you can.

MR. NAKOA: Hello?

CHAIR LEE: You're talking on the resolutions?

MR. NAKOA: Yessah.

CHAIR LEE: Okay.

MR. NAKOA: Yeah, I going talk about resolutions for the Kīpahulu one, and also the watershed one.

CHAIR LEE: Okay.

MR. NAKOA: No mind me, I stay breathing hard cause hey, I stay walking over here on Ka'anapali. I stay over here with the Mayor. The Mayor going try kick one ball. I hope he no miss um, but . . .

But yeah, you know, the Kīpahulu one? Brah, support those buggahs. . . . you know, they working hard for the thing. And you know, that's what, that's what Maui and Hawaii when get away from, from each community taking care of their resources.

And you know, my ohana here in Kahana, my Uncle . . . he used to control the bay, Kahana Bay. The buggah was always full with limu, ogo. I mean, that buggah was like gold, was gold over there. He used to sit on that bay and then make sure he check everybody's bag. Make sure all the buggah, you know, they don't take too much. You know, keeping only one bag per person. And eh, us guys, when we used to take too much, we get lickings, you know.

So, I support the Kīpahulu 'Ohana out there, the whole East Maui. Yeah, you gotta support them guys. Maybe we can, again, Maui, Maui, I tell you guys bad ass, because maybe we going show example. We going show example to the rest of the State on how, how the Hawaiians can control, conserve because the DLNR, BLNR no can do their job cause they no more enough workers, yeah. But maybe if they let the community guys take care of them, then our islands and our resources going be awesome, you know, and all that kine stuff. Okay, so I pau with that one. So, I support the Kīpahulu one. Taking a break.

And then now going back to the watershed one. Okay, gangy, you know how I feel about crooked developers and, you know, these kine guys that who like control our island, they only like overdevelop, and be greedy, and all that kind of stuff? Yesterday, you guys had that Kuikahi one, the one with braddah Lawrence and da kine Carnicelli. That project was, again, bad ass. I was trying to comment on um and say get the one . . . project I support.

So again, guys, and plus, you know, you guys when try do the eminent domain for the, for the stupid Greg Brown, the other stupid developer, for purchase just one house, you know what I mean? That's the one, that one is . . . stupid. But the one for do the eminent domain for this whole culture place, you know, the whole acres so we can stop um from being overdeveloped by that crooked developer Peter Martin. And yeah, so, you know what, if you guys like do one eminent domain, this the the buggah. This the one you guys gotta do um.

And yeah, wait till I get into the State, State House, boy, I'm gonna ruffle some feathers up there too. Let's do this guys. Come on, Maui, get together, educate the rest of the Hawaiians that how for control our resources and our island, yessah. Stop the overdevelopment. Like, I stay over here walking on Kaanapali, whoa, the gross over here, the concrete jungle. And you know what brah, all the grass over here stay nice and green. But you go my house Napili, buggah dry. Get brush fires every time. Okay, guys, sorry. Shoots, you guys have a great one. Hopefully I no die out.

CHAIR LEE: Thank you, Junya. Any questions for the testifier? If not, thank you very much. Bye.

MR. NAKOA: Yessah.

CHAIR LEE: Behave.

COUNTY CLERK: Chair, there are no other individuals currently signed up to testify. This is a last call, last and final call to testify on agenda category K. Resolutions.

CHAIR LEE: Members, I need a five-minute recess. Be back in five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:39 A.M., AND WAS RECONVENED AT 11:44 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of September 2, please reconvene. Sorry for the inconvenience, Members. My throat is not cooperating today. I just have to stop singing so much. Okay, may we continue with testimony?

COUNTY CLERK: Chair, we did get notice that Mr. Jerome Kekiki is trying to call in. So, we'll call him up if he's on the call.

CHAIR LEE: Okay.

COUNTY CLERK: And also put a last call out to whoever might be wanting to testify still. Jerome Kekiki? No response.

CHAIR LEE: Alright, Members, any objections to closing public testimony and accepting written testimony for resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. But if he does come back on, maybe we can squeeze him in somehow. Alright.

COUNTY CLERK: Chair, proceeding--

CHAIR LEE: Proceed.

COUNTY CLERK: Proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-204

RELATING TO THE APPOINTMENT OF
DAVID MARSHALL JORGENSEN TO THE BOARD OF WATER SUPPLY
FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-204 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections to this referral, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Next.

RESOLUTION
NO. 22-205

SUPPORTING A COMMUNITY-BASED
SUBSISTENCE FISHING AREA DESIGNATION
FOR KĪPAHULU MOKU

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-205.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: It's been moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez, to adopt the Resolution 22-205.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And if the Members will indulge me, I'd like to read the resolution into the record to recognize the years of hard work by our local residents and stewards. And kala mai, I'll read fast.

(The resolution was read in its entirety.)

COUNCILMEMBER SINENCI: And Members, if you'll, I won't read the certified copies--

CHAIR LEE: Thank you. Members, do you have any questions for the resource folks, Mr. Crawford and Mr. Lind? No?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. More, questions for my colleague from East Maui, Mr. Sinenci. Thank you, Mr. Sinenci, for bringing this matter to our attention. Just a couple of quick general questions. The DLNR plays a big role in this and you're asking us to act on the floor. Was the DLNR invited to participate, or to be here as a resource in case some of us has questions? Because this is a new, something new for me. I don't have a full understanding of it, but I do support it. But was the DLNR invited to come to today's Council meeting?

COUNCILMEMBER SINENCI: Thank you, Member Molina, for that question. I believe the DLNR would be the next step in the process. So, it looks like the Kīpahulu 'Ohana is just coming for our support, as a County Council, so that when they do go ahead and take this to the Department of Land and Natural Resources, that they too, like Hawaii Island, has the support of the greater community.

COUNCILMEMBER MOLINA: Yeah, and the reason I ask this, because, you know, you're asking the Council to take a position on it. And some of us just would like to have a better understanding of what the whole strategy of the management plan would be. Just for our own knowledge, so we can make a decision that's fully informative. That's why I asked if DLNR, in my opinion, I think they should have been invited. But I mean, I do support the resolution in itself.

But I think just from my own understanding, I would've liked to have had the DLNR here so we can get a better understanding of the timetable, how long this will take, and

when the designation, and all of those other facts that I think some of us would like to have a better understanding of. So, anyway, but I commend the Kīpahulu 'Ohana Inc. and everyone else in the community for taking a stand on this. As well as Ms. Naipo from Miloli'i who came and shared her mana'o on this as well. So, thank you. Thank you, Madam Chair.

CHAIR LEE: Thank you. Members, discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And I feel that perhaps I should disclose that I'm a member of E Alu Pū through the Save Honolua Coalition. And so, I've been following the work of CBSFA's for decades. First became familiar with it through Uncle Mac Poepoe regarding Mo'omomi on Molokai. And I just wanted to weigh-in that, you know, this is not something new. This is something old. And it's something old that we have to come back to because the something new that is DLNR does not work.

DLNR, in response to finding declining fish stocks in the 50's, imported Roi, Toau, and Taape to Hawaii. And studies show that, you know, Roi, one Roi eats 2.5 times its mass body weight. One Roi will eat 249 endemic fish in a year. And most times you don't want to eat Roi, because they got ciguatera. So not very many people eat Roi. I think they feed it to the Ocean Center or use it for fish fertilizer. There are some places trying to make commercial business out of catching Roi, Toau, and Taape for the tourists to practice spearfishermen. But it's a big problem. And that's what happens when you come and meddle in a system where you don't know the, the outcomes.

And, and even if you look at DLNR's rules regarding spawning and mo'i. Opening mo'i on a full moon kind of cycle. And plenty people know September and October, if you have a . . . length over 14 inches in a lot of places, they're still spawning. And that's why Hanalei, they made their moon calendar, and they trained their opio to see if, when you catch a fish, if there is eggs. Because the DLNR rules don't work if they're trying to conserve species when they have size limits. It's scientifically proven that bigger fish lay more eggs, more viable eggs. If you catch one 27-inch Ulua, it's equivalent to catching 86 14-inch Ulua. So, so why have that kind of size limit? And then, they say slot limits are too hard.

But I did see, I think Mr. Luna Kekoa from DLNR is on. So, I will yield to his authority, because he's the man. Thank you.

CHAIR LEE: Members, we will be timing you, two minutes. Everybody gets two minutes in the first round.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: This isn't to apply to my two minutes, but Member Molina asked about DLNR having a representative. So, as Member Paltin stated, Mr. Kekoa is here. I don't know if he was given a head's up about serving as a resource person, but he is the designated CBSFA person in DLNR. And so, if Member Molina has questions, I think that would be the time. And again, I hope this doesn't count as my first round. I'm just letting you know more information on what just arose.

CHAIR LEE: Okay. We're going to have to designate that person. Any, is it Mr. Kekoa?

MR. LUNA KEKOA: Yes.

CHAIR LEE: That's his name?

VICE-CHAIR RAWLINS-FERNANDEZ: Luna. Luna Kekoa.

MR. KEKOA: Everybody calls me Luna Kekoa.

CHAIR LEE: Okay, Luna Kekoa. Any objections to having this person as a resource?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. Mr. Kekoa, do you, we have questions for you from Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And aloha, Mr. Kekoa. And I will, we've been given just two minutes to kind of help move things along here. So, just my general question is about the process itself. So, we're, we've been asked to take action on this resolution today, cause I guess the, we have a deadline as far as the designation and to, I guess for DLNR to start the process. So, just in general, how does it work? And could you give us a general timetable of when the designation could go into effect?

MR. KEKOA: Okay. Mahalo nui for this opportunity.

CHAIR LEE: Mr. Kekoa?

MR. KEKOA: Mahalo for the opportunity to respond and to kokua in this and answer questions. So, as far as the process, right now, we're, we're doing our homework still. Like we haven't entered the formal Chapter 91 process. And kind of the lesson learned was, like, if you jump into the Chapter 91 process were like oh, we get one plan and this is what it is. People are like, oh, we don't know what's happening. We didn't have chance to get input. And so, right now, we've been doing our homework and having informal meetings. The community has been going out and talking stories with different folks, having virtual, like, just public scoping sessions so that we can say, hey, this is what the community is thinking, here's what they're proposing. What is your feedback?

And they've, we've been getting different feedback. The community is getting feedback. DLNR has been getting feedback. And so, we start to compile that feedback and say, okay, like, here is maybe like how we can like compromise. And what, what are the areas where people seem to have issues with, and like let's talk about those things. So, we've been talking, and we're getting to the point where, okay, we think everybody's onboard, we got agreement, like, we have a good idea moving forward.

Let's, the next step is the Chapter 91 process. So, what would happen is the community is wrapping up finalizing their management plan. They are wrapping up their administrative record, so the document, like, all the different meetings they had, all the different outreach events that they had, how many people they contacted so that we have a list, that so when somebody's like, oh, we never know. It's like, here's all the opportunities that were provided for you to jump in. And it's not done, ooh, is that my two minutes?

CHAIR LEE: Okay, I think the question was what is the deadline?

MR. KEKOA: The deadline is, so we're looking to take it to the board whenever the community is finished with their homework. So, once their management plan is finalized and they say, hey, this is what we're turning into DLNR, we can say perfect, we can take this to the board. So, we're kind of waiting for them to wrap it up. And when they're ready, we can take it to the board. So, honestly, we could have something before the board in October probably, possibly. And it just depends when the community is completed with that. They turn it into us.

CHAIR LEE: Okay, thank you. Thank you.

MR. KEKOA: And then we'll submit that.

CHAIR LEE: Thank you.

Mr. Molina, do you have any follow up questions?

COUNCILMEMBER MOLINA: No, not at this time. Thank you, Chair.

CHAIR LEE: Okay. Members, do you have questions for Mr. Kekoa?

Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, thank you for being here, Mr. Kekoa. So, the Board of Land and Natural Resources is going to be meeting in October, I think. And my sense is that the organization wants to be able to try to meet that deadline. When is that meeting going to occur in October?

MR. KEKOA: There is two different meetings. I can go and look when the meetings will be in October. So, they're usually held on the Fridays, so the second Friday and the fourth Friday, but I will go and verify that.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Other questions for Mr. Kekoa? If not, thank you very much, Mr. Kekoa. Any further discussion on this item?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Sinenci, and to the Kīpahulu 'Ohana, and East Maui community for their hard work on this. I am in strong support of passing the resolution today. I see this as the question that I'm answering in my vote is do I support the community in this effort of having a CBSFA designation? And I 100 percent support that. They've been working really hard to accommodate those that have been expressing their concerns and adjusting when necessary.

I see this CBSFA law as uplifting those who have kuleana to malama. And instead of what we have seen before that, which is just laws protecting takers, laws protecting those that have exploited the resources that have been abundant because of those who executed their malama to, their kuleana to malama this place so that there is abundance. And what we're saying is not so much abundance. And that's why the CBSFA was created.

Technology has outpaced the, the, all of our resources, ability to reproduce and that's why we're seeing less introduction of invasive species, like all these . . . We're seeing,

you know, less babies are able to make it to adulthood. And in terms of, speaking in terms of capitalism, the ecoservice systems that these resources provide, if put in cash terms, uhu, they create the white sand beaches that tourists want to come to Hawaii to enjoy. They ensure that reef are healthy, so that we have oxygen to breathe. And I don't know how much each life is worth, but oxygen is very important for keeping us alive. And so, that return on investment, you know, is hard to quantify. So, that's part of this.

And with the opihi rest area. The opihi rest area is so important, because what we've been seeing is overharvesting. And the over, so the rest area will allow for other places that have been overharvested, the ability to return to have opihi. And so, there--

CHAIR LEE: Please conclude.

VICE-CHAIR RAWLINS-FERNANDEZ: I know the two minutes is up, and others have had more than two minutes. I will wait till my second turn to add a little bit more to this, because there's just so much to say. And as Member Paltin pointed out, this is over 30 years in the making. And so, I'm super supportive of this. Mahalo, Chair.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also rise in full support of this resolution. I want to tell everybody kind of the context of, in which I live. And I live on the island of Lanai. It's owned 98 percent by a private billionaire. And one of the things we often hear is we don't have a say. And give, and CBSFA's allows community a say in what they, what, how they manage their natural resources.

I wish we could do a CBSFA throughout the States, or throughout the islands, because every community has different needs and every reef is different, you know. The, the reef on Lanai does not have the protections that the State has given them to the uhu that Councilmember Keani Rawlins-Fernandez was just speaking of. Our uhu on East Lanai are unprotected. So, that is, that CBSFA's should be, should be expanded.

And I worked on a CBSFA on the island of Lanai about five years ago. And when they say it takes ten years, that is about how long it takes. And that's if people are really motivated. To go through the red tape to create a CBSFA is a massive undertaking. So, I commend these folks who have done it there, done it. It's not easy. And you know that they, if they're willing to do all that work, then the least we can do is support this resolution. So, thank you so much, Chair.

CHAIR LEE: Further discussion? Anybody would like to speak for the first time?

Member Paltin, did you, didn't you speak already?

COUNCILMEMBER PALTIN: I did, Chair. I was just . . .

CHAIR LEE: Okay, let's check, let's check if anybody else wants to speak for the first time.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to speak in support of the motion. I do think pretty much everybody has made all the points that need to be made. And I, and I appreciate that DLNR will be reaching out again to the public in its proceedings beyond what we're doing today. And even though it's the first time I've heard of this CBSFA, it's not the first time I've heard of this concept, or the attempts for this.

In fact, it was one of the things that was discussed in the Molokai Community Plan, if Ms. Rawlins-Fernandez remembers. And there was quite a discussion, so we ended up putting the intent in there, but not the actual support for it. So, I think this is going to help other areas of our community follow suit, understand what community stewardship means, what, you know, subsistence fishing is. And I think we should support it. So, I won't, I won't take up too much more time. But thank you.

CHAIR LEE: Anyone else for the first time?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Mr. Sinenci, for bringing this forward, and the community. I always have to say, when I see Scott Crawford testify, I mean, he is always at the lead of, you know, pulling lots together, besides the Lind Family. And there's been really, I don't know if you can really call it movers and shakers, but it sort of is those that have come forward. I fully respect them. So, I support this. And so the management plan is ready to go, is what we're hearing. And DLNR would hear this or put it on the agenda then in October. Is that correct? Mr., what was his name from--

CHAIR LEE: Yeah, he did say that they're working on, toward an October deadline.

COUNCILMEMBER SUGIMURA: Right, but is, the plan is ready to go, and it's just a matter of if we approve this, then it will go on the agenda for DLNR? It has to be requested, but, that's the goal? Somebody? Yeah? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER SUGIMURA: And thumb's up from Mr. Sinenci.

CHAIR LEE: Yeah, Mr. Sinenci confirmed it.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Anybody else? Okay, second round.

Member Paltin. One minute.

COUNCILMEMBER PALTIN: Thank you, Chair. And no respect to you folks, but you know this job is not always the funnest job. So, very grateful to Member Sinenci for bringing forward this . . . Probably one of the most.

CHAIR LEE: You're breaking up. You're breaking up. You're breaking up.

COUNCILMEMBER PALTIN: How about now?

CHAIR LEE: Okay, better.

COUNCILMEMBER PALTIN: Okay. Still yet, good?

CHAIR LEE: Yeah, still good.

COUNCILMEMBER PALTIN: Okay. Okay, can I start over?

CHAIR LEE: Certainly.

COUNCILMEMBER PALTIN: Thank you. I just, you know, in all honesty, this isn't always the funnest job. And I'm so grateful to Member Sinenci, the Kīpahulu 'Ohana, and Mr. Kekoa, everybody for the opportunity to vote on this measure today in, in loving memory of Uncle John Lind. And, you know, this is one of the most important reasons to be here, to be able to vote on this today, because it supports communities and community-based management. And if we could do everything with all the input from the community, I know it's messy a lot of the times, but it's worth it. So, thank you, Member Sinenci. Thank you to the Kīpahulu 'Ohana. And thank you, Mr. Kekoa and all the Lawai'a Pono out there. Thank you.

CHAIR LEE: Thank you. Anybody else? Not ready for the vote?

Pro Temp Kama and then, Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KAMA: Thank you, Chair. So, I just wanted to say that, you know, in my youth, when I was still young and not so smart, I always thought that the native people had it right then. But then I got an American education and I thought something else. But here we are today, many years and decades later, I still know that the native people had it right. I think, so what we're trying to do today is to get things back to where it should have been without all the interruptions that happened between 1778 and today. So, I think we're just trying to right things right side up, because they have been upside down for a long time. So, I am just totally stoked about this. And I am ready to vote in support of this. Thank you, Chair.

CHAIR LEE: Thank you. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Pro Temp Kama. Yes, exactly. That's exactly it. Before the introduction of the capitalistic system, we had ohana system. And it's the commodification of the essential life giving things, and our shelter, for example, we've commodified it and now, there's less of it. So, we've commodified our natural resources and now there's less of it, instead of working towards abundance like ahupua'a management.

And so, I just wanted to add that I hope that this is passed through the Chapter 91 rule-making process, which is completely public, and can be really long and rigorous. But I hope that this gets through before other kupuna pass. And it's, it's heartbreaking when it doesn't get completed in their lifetime. Mahalo to the community and mahalo, Member Sinenci. Mahalo, Chair.

CHAIR LEE: Anybody else?

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair and mahalo nui. Mahalo piha to all the testifiers who came out today in support. (*Spoke in Hawaiian.*) Mahalo. I ask for the Members support. Thank you.

CHAIR LEE: Anyone else? Ready for the vote? Roll call. I don't think roll call is necessary. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Thank you.

Members, do you want to take a lunch break? Everybody want to finish? Okay, we're going to have to pick up the pace a little bit.

County Clerk.

COUNTY CLERK: Thank you, Chair. Continuing on with resolutions.

RESOLUTION
NO. 22-206

AUTHORIZING PROCEEDINGS IN EMINENT
DOMAIN FOR THE ACQUISITION OF
APPROXIMATELY 257 ACRES AT MA'ALAEA
MAUKA/POHAKEA WATERSHED, MAUI,
HAWAI'I FOR PRESERVATION

The recommended action is that Resolution No. 22-206 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Okay. Next. This is all for referral, right?

COUNTY CLERK: Correct.

RESOLUTION
NO. 22-207

ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE
DAIRY ROAD PARCELS SITUATED IN KAHULUI, MAUI, HAWAII,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-207 be referred to the Infrastructure and Transportation Committee.

COUNTY CLERK: And to your Human Concerns and Parks Committee.

RESOLUTION
NO. 22-208

ACCEPTING DEDICATION OF VARIOUS PARKS FROM
ALEXANDER & BALDWIN, LLC AND A&B PROPERTIES, HAWAII, LLC
SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

CHAIR LEE: Okay, Members, are there any objections to referring Resolution 22-208 to the IT Committee? Mainly because there is a timeline, deadline on this one and the IT Committee has seven Members. Any objections to that?

COUNCILMEMBER MOLINA: Madam Chair. Sorry, just for clarification, that was, you said 22-208? Is the IT one, I think it says 22-207?

CHAIR LEE: Yeah, so I'm asking if you don't mind combining that Reso 22-208 with 22-207 to the IT Committee.

COUNCILMEMBER MOLINA: Okay. No objections.

CHAIR LEE: Any objections?

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, there are two Members that are not voting Members in that Committee, and so I just checking with those Members if they're okay with that? I mean, they can attend the meeting, but they can't vote.

CHAIR LEE: Well, the other Committee had only five, so we're moving it to a seven Member Committee. Any objections?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, so Madam Chair, just for the record, who are the two Members that are not part of the IT Committee?

COUNCILMEMBER SUGIMURA: Gabe and Shane.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: Okay. Any objections, Members? Okay. So, ordered.

So, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, Mahalo, Chair. I had put it on my three-month calendar, cause I anticipated it coming to BFED, and that's a nine Member Committee. But I don't, I don't have to take it. I just, I planned to take it. It's on my three-month calendar.

CHAIR LEE: Okay, the reason why we didn't refer to your Committee is because it doesn't involve any money. It's a dedication of property. That's the reason why.

VICE-CHAIR RAWLINS-FERNANDEZ: I understand the reason. I'm just letting you know, and the other Councilmembers know, that I did make space for it in my three-month calendar. So, as a nine Member Committee, I did plan to receive these items so it wouldn't mess up any, any plans, disrupt any other items that I had planned to take up. That's all. But I don't have any objections.

CHAIR LEE: I don't have any problem with that.

Member Sugimura, did any, or Members do you have any objections to referring these two items to the BFED Committee?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER JOHNSON: No objections.

COUNCILMEMBER SUGIMURA: Wait.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I, I'm just saying, I don't object to it going to the IT Committee. But if there are any objections, the BFED Committee can take it. But I'm fine with it going to IT. I just, I was adding more information.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: So, thank you means what? You will take it? Alright. Any objections for these two items, any objections if these two items go to the IT Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, no objections. So, ordered.

And then, we had the other one. Let's see, the other one is you already had no objections to 22-206, 22-206 going to the Climate, CARE Committee, right? And then, 22-205 we took action on. 22-204, so, we've covered resolutions.

Okay. Clerk. Madam Clerk. Maybe we can combine some of these on, going forward.

COUNTY CLERK: Chair, we currently don't have anybody signed up for Category M. Bills. So, if any testifiers out there would like to testify on any of the items under agenda M. Bills, please make yourself known.

CHAIR LEE: Any objections to closing testimony, public, oral testimony on bills and receiving any written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Proceed with bills.

COUNTY CLERK: Proceeding with bills.

BILLS

ORDINANCE NO. _____
BILL NO. 130 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.41.040,
MAUI COUNTY CODE, RELATING TO NOTICE OF VACANCIES
ON BOARDS, COMMISSIONS, OR COMMITTEES

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILL 130 (2022) IN
ACCORDANCE WITH RULE 7.G OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to, to waive the
Rules of the Council on Bill 130.

Discussion, Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Since this is a relatively
straightforward bill and because of the high volume of time sensitive items on our
GREAT Committee master agenda, I'd like to move this bill forward today for the
Members consideration. Thank you.

CHAIR LEE: Okay. Any more discussion? All those in favor of the motion, say "aye", raise
your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 130 (2022) ON FIRST READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson to pass this bill on first reading.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 130 would extend the period the Mayor's Office has to inform the Council in writing of any vacancy due to the death or resignation of a board, commission, or committee member from five days to ten days. I ask for the Members full support of this motion. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Alright. Next item.

COUNTY CLERK: Next item recommended for referral to your Planning and Sustainable Land Use Committee.

ORDINANCE NO. _____
BILL NO. 131 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, RELATING TO THE DEFINITIONS OF "TIME SHARE PLAN" AND "TRANSIENT"

The recommended action is that Bill No. 131 (2022) be referred to the Planning and Sustainable Land Use Committee.

ORDINANCE NO. _____
BILL NO. 133 (2022)

A BILL FOR AN ORDINANCE TO AMEND TITLE 10, MAUI COUNTY CODE, RELATING TO DOCKLESS VEHICLES AND PENALTIES

The recommended action is that Bill No. 133 (2022) be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Members, any objections to referring these, these items to the Committees as mentioned?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

COUNCILMEMBER PALTIN: Did she say PSLU for 131?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER PALTIN: Okay. Thank you. I missed that. Thank you.

CHAIR LEE: Alright. So, now we're on 134.

COUNTY CLERK: Bill 134, or to your Infrastructure and Transportation Committee.

ORDINANCE NO. _____
BILL NO. 134 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF THE PROSECUTING ATTORNEY

CHAIR LEE: I think this is to BFED, right? No?

COUNTY CLERK: Yeah, it looks like it should be BFED.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

Yes, Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member . . . is correct.

COUNCILMEMBER KING: On the annotated agenda it says BFED.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Okay.

COUNCILMEMBER KING: It says, BFED for 134, 135, 136, and 137, so.

CHAIR LEE: Okay. That's what I thought.

COUNTY CLERK: I stand corrected.

CHAIR LEE: Okay, so do you want, Vice-Chair, you want them all read together?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, if there are no objections.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Madam Clerk.

ORDINANCE NO. _____
BILL NO. 135 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY,
FIRE PREVENTION PROGRAM

ORDINANCE NO. _____
BILL NO. 136 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
FIRE HAZARD REMOVAL REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 137 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
(STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)

CHAIR LEE: Are there any exceptions to these referrals?

Vice-Chair Rawlins-Fernandez? If not, any objections--

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 134, 135, 136, 137 (2022), IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Temp Kama to waive the Rules of the Council regarding Bill 134, 135, 136, 137.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 134, this amendment relates to a new grant funding for the Department of the Prosecuting Attorney. And the sooner it is added to the Fiscal Year Budget, the sooner the work can begin.

For 135 and 136, these bills reallocate funding to provide for operational expenses for Fire Hazard Removal on an ongoing basis.

And 137 provides additional grant funding for the Strategic Prevention Framework Partnership For Success Program. That's the reasons for the, oh.

CHAIR LEE: Any more discussion? If not, all those in favor of the waiver, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 134, 135, 136, 137 (2022) ON FIRST
READING.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass these bills on first reading.

All those, any more discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of Bill 134 is to amend the Fiscal Year 2023 Budget, Appendix A, Part I, to add a new grant, entitled "Victim Witness Program" in the amount of \$64,864, as well as 1.0 Limited-Term Appointment.

Funds will be used to support a Victim Witness Counselor II position to assist with the backlog of sexual assault cases. The Counselor will work directly with sexual assault victims and assist detectives with over 100 cases. The funds will also allow for the Victim/Witness Support Services to provide crisis and support counseling, court accomplishment, transportation, defendant's bail and custody status, victim impact statement submitted for pre-sentence reports by the Probation Department, Parole Board Advocacy on victim perspective and concerns, social service referral, and assistance with property return.

Bills 135 and 136 amend the Fiscal Year 23 Budget and Appendix A, Part II, to decrease the appropriation for the Department of Fire and Public Safety, Fire Prevention Program by \$50,000 and add a new appropriation of \$50,000 entitled "Transfer to the Fire Hazard Removal Fund", along with conditional language to allow for expenditures from the fund.

As previously stated, the transfer of these funds would allow for the operational expense, expenses for fire hazard removal on an ongoing basis.

And finally, Bill 137 would amend the Fiscal Year 23 Budget, Appendix A, Part I, Department of Housing and Human Concerns to increase the appropriation for "Strategic Prevention Framework Partnership for Success" in the amount of \$110,000, and add 1.0 LTA.

The purpose of the grant is to provide services that enhance the State subsistence, substance, State's substance use disorder prevention system. Over the next two years, the County will begin the planning step of the Strategic Prevention Framework by facilitating a collaborative planning process and utilizing information gathered from the Needs Assessment and selecting appropriate enhancement strategies to implement and evaluate.

I would also, I would also like to note and a needed comma in the bill title, just prior to the parenthetical content, and would ask the Clerk to remove that as a non-substantive edit, if this bill moves forward. And we have Budget Director Michele Yoshimura on the line, if Members have any questions regarding these four bills. Mahalo, Chair.

CHAIR LEE: Members, do you have any questions?

Oh, yes. We have Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Oh, I thought I heard Councilmember Rawlins-Fernandez say 1 LTA. I just was wondering the duration of that LTA? Is it a year or six months?

CHAIR LEE: Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will defer to Budget Director Yoshimura.

CHAIR LEE: Budget Director Yoshimura.

BUDGET DIRECTOR MICHELE YOSHIMURA: Thank you. Councilmember Paltin, it would be for the duration of the grant. So, if it's a two-year grant, then it would be a Limited-Term Appointment for two years. Like the Prosecutor's grant, the Victim/Witness one, that grant is through June 30 of 2023. So, that position will also be an LTA for one year. If the grant renews, then we'll extend the LTA period. Thank you.

COUNCILMEMBER PALTIN: Okay. So, then, basically the position is funded through the grant, or is it funded through, oh okay.

BUDGET DIRECTOR: Yeah.

COUNCILMEMBER PALTIN: Okay. Thank you. That's all.

CHAIR LEE: Okay. Any more questions? If not, the motion is to pass Bills 134, 135, 136 and 137 on first reading. All those in favor of the motion, signify by saying "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk. Three more.

COUNTY CLERK: Chair, moving forward with Category N. Bills - Second and Final Reading. We currently have nobody signed up to testify. So, this is a last call for testimony on second and final reading bills. Make your intentions.

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony for bill for second and final reading?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with bills for second and final reading.

BILLS – SECOND AND FINAL READING

ORDINANCE NO. _____
BILL NO. 125 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF POLICE, COUNTYWIDE,
COUNTYWIDE POLICE FACILITIES

ORDINANCE NO. _____
BILL NO. 128 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
SPECIAL MANAGEMENT AREA REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 129 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM,
WEST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL,
AND CULTURAL PROGRAMS

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 125, 128, AND 129 ON SECOND AND
FINAL READING.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass
Bills 125, 128, and 129 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 125 (2022) amends the Fiscal Year 23 Budget, Appendix C, Department of Police, Countywide Police Facilities by amending the project description to include the Wailuku Police Station parking lot improvements.

Bill 128 (2022) amends the FY 23 Budget, Appendix A, Part II, Special Management Area Revolving Fund, by adding an appropriation for \$175,000 for a beach and shoreline assessment to identify potentially obstructed shoreline areas, assess lateral shoreline access and access point pathways.

And Bill 129 (2022) amends FY 23 Budget, Office of the Mayor, Economic Development Program, West Maui Economic Development, Environmental, and Cultural Programs to delete "Earth Month" and replace it with "West Maui". I ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Oh, Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Vice-Chair, for these, reading all these three bills together. I just wanted to remind Members that the appropriation from the SMA fund for shoreline access study was approved last year. And the Administration hadn't gotten to, to be able to write the, the scope of work and solicit grantees for this previous year. But I believe they will get to it this year. And so, I'm hoping that we can all approve this project for this current year. So, the, and the money is in the Special Management Fund, so I mean, Special Management Area Fund, so it's not coming out of, it's not any new monies. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

We're not done yet. Member Paltin, do you have a motion to reconsider?

DISCUSSION AND ACTION RELATING TO
GENERAL COMMUNICATION NO. 22-5

COUNCILMEMBER PALTIN: Thank you, Chair.

I'D LIKE TO MOVE TO RECONSIDER THE FILING OF
GENERAL COMMUNICATION 22-5 AND ASK THAT IT GET
REFERRED TO THE PSLU COMMITTEE.

I misheard you that time. I'm so sorry.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Been moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez, to reconsider the filing of GC 22-5.

And any further discussion? Member Paltin? Member King?

COUNCILMEMBER KING: Okay. Thank you, Chair. I just wanted to appreciate Member Paltin for pulling this back out, because it kind of goes along with the whole idea of reviewing some of these projects for the South Maui CPAC, South Maui Community Plan CPAC. So, I was actually hoping this would get referred. Thank you.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, this, the motion was to reconsider. Now, to, now we pull out 22-5 from the Consent Calendar. Any objections to doing that? No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No, objections, motion, I mean, so ordered.

So, that takes care of that item. We are at the end of the calendar. Members, I do want to remind you that our next Council meeting is not the 16th, it is Tuesday the 20th, Tuesday the 20th. Same time, same station.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: And then, we have a long weekend coming up, so I would really want you to behave yourselves.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. So, real quick, the motion that we, that I made earlier to file all the items on the Consent Calendar, just wanted to get confirmation that it's procedurally okay for us to take out one item from that motion for reconsideration, and referral? And I don't need to make, like we don't need to vote on filing the rest of the items, right? If, I don't know, Mr. Raatz, or something?

CHAIR LEE: Mr. Raatz?

VICE-CHAIR RAWLINS-FERNANDEZ: Or, okay. Or, Member Paltin, whatever.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair. We don't see a problem with that procedure, as long as the County Clerk feels that they have everything they need to document the action for the record and the meeting minutes. Thank you, Chair.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Raatz. Mahalo, Chair.

CHAIR LEE: We reconsidered, we reconsidered that original vote and we pulled that one item. That was the steps we took.

VICE-CHAIR RAWLINS-FERNANDEZ: All the other items remain filed.

CHAIR LEE: Yeah, because we only pulled one item out.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. I'm just confirming for the record that it wasn't left, this, you know, not disposed of. Mahalo, Chair. And mahalo for moving the Council meeting to the 20th. Appreciate that.

CHAIR LEE: Okay. For those of you who are going . . . HCPO Conference, right. Alright.

Yes, Madam Clerk? The Clerk has asked for a short recess.

COUNCILMEMBER KING: Can I make an announcement, Chair, before we go to recess?

CHAIR LEE: Sure. Sure. Sure.

COUNCILMEMBER KING: Okay. I just want to let folks know, the Councilmembers know that I thought we were going to have a meeting during the HSAC Conference on the legislative package, but we will, we will be discussing that in the general membership meeting, but we won't be making, the Executive Committee won't make a decision until the October meeting. So, that's when we'll be voting on the, on all the packages from all of the different Councils and then sending it back to all the different Councils after we get one complete package.

CHAIR LEE: Oh, okay. And the Clerk is now signaling to me that we do not need a recess. So, any final comments, besides what Member King told us, which is good news, so we don't have to rush on the package.

COUNCILMEMBER KING: And I . . . come to the, if you, if you get to the HSAC Conference, please come to the general membership meeting, because it used to be really big and it's kind of been dwindling since the pandemic. So, we, we are hoping that more people will join the general membership meeting.

CHAIR LEE: Okay. Just remind us, when is it?

COUNCILMEMBER KING: It's during the conference, so I don't have the exact date.

CHAIR LEE: I know. I know it's during the conference.

COUNCILMEMBER KING: Oh, because you might not be staying the whole time.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER KING: I'll find out the exact date and send an email around to everyone.

CHAIR LEE: Alright. Thank you. Anybody else, last minute, last comments on items, events, activities? If not, the meeting of September 2, 2022 is now adjourned.

ADJOURNMENT

The regular meeting of September 2, 2022, was adjourned by the Chair at 12:47 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

County Clerk

From: David Dorn <daviddorn808@gmail.com>
Sent: Thursday, September 1, 2022 8:58 AM
To: County Clerk
Cc: Kelly King; Alice L. Lee; Keani N. Rawlins; Tamara A. Paltan, Yurie Sugimura, Mike J. Molina; Tasha A. Kama; Shane M. Sinenci; Gabe Johnson
Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

RECEIVED

2022 SEP -1 AM 9:19

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI AGENDA Regular Meeting of September 2, 2022 9:00 a.m.

Email to: county.clerk@mauicounty.us

Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

Dear Councilors, I support the following items,

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. protecting our watersheds should precede any development or planning.

[22-206] The Maalaea Watershed lands are vital to the health of the nearshore waters of Maalaea bay, Item 22-206, is necessary to prevent watershed degradation, and to protect the environment.

Mahalo,

David Dorn

SUPPORT:

1. 22-81 AFFORDABLE HOUSING COMMITTEE: Recommending FIRST READING of Bill 107, CD2 (2022), to establish 1) new methods for determining the sales price of an affordable dwelling unit; and 2) a program within the Home Acquisition and Ownership Programs Revolving Fund that subsidizes homebuyers when a developer does not receive direct County subsidies.

SUPPORT:

1. 22-87 CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE: Recommending the following: FIRST READING of Bill 91, CD1 (2022), relating to conserving and protecting sensitive ecosystems, the ecosystem functions and values, mitigating climate change, and working towards building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters; 1. and 2. FILING of communication.

SUPPORT:

1. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED. MAUI, HAWAII FOR PRESERVATION"

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



RECEIVED
WILLIAM J. AILA JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION
2022 SEP -1 AM 7:51
TYLER L. GOMES
DEPUTY TO THE CHAIRMAN
OFFICE OF THE
COUNTY CLERK

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE MAUI COUNTY COUNCIL
HEARING ON SEPTEMBER 2, 2022 AT 9:00 AM VIA VIDEOCONFERENCE

**Committee Report No. 22-85 (Bill No. 121 CD1 (2022)) Amending Section 3.48.450
and 3.48.455, Maui County Code, Relating to Real Property Tax Exemptions**

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council:

The Department of Hawaiian Home Lands (DHHL) is in strong support of this bill. The proposed amendments to the County Code Section 3.48.450 and 3.48.455 will provide financial relief to beneficiaries that have a homestead lease within the County. Often, homestead lessees who are in arrears of property tax payment find themselves in that situation due to unfortunate traumatic events. Preventing a homestead lessee from claiming a home exemption, and creating a higher tax burden for the lessee, will make it even harder for the lessee to make payments on back taxes owed to the County and further put the homesteader in arrears. This bill will help to break this cycle and increase the likelihood that lessees will comply with a repayment plan to the County.

Mahalo nui for your consideration of our testimony.

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Thursday, September 1, 2022 8:25 PM
To: County Clerk
Subject: Bill 105

RECEIVED
2022 SEP -2 AM 7: 42

OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee and Council Members,

My name is Barbara Barry and I have a small organic farm in Ha'ikū.

I am not a lobbyist.

I would testify in person but I'm not sure if my busy little grandson I care for would allow it.

I would like to share my strong support for the proposed legislation and I urge you all to please support Bill 105.

Establishing strong policies related to the Dept of Agriculture is very important because it clearly defines the roles and responsibilities of the Department for it to be successful and work for food security in Maui County.

I was a participant in the community impact working group and I want to mahalo Jennifer Karaja and all the other participants who gave countless hours to help create the framework based on the needs of our varied agricultural community.

This legislation had a lot of community feedback in the form of surveys and regular zoom calls. It will assist the Department of Agriculture through the many transitions that will occur over the course of the coming years.

As a Kula Ag Park Member, I support our County run Ag parks being more inclusive and accommodate our farmers who chose to farm with organic or regenerative practices. There must not be any discriminatory practices for ag plots towards the bounty of willing organic farmers in Maui County. Only having one organic rose grower at the Kula Ag park is not acceptable. I believe that we all care about the quality of food we grow as well as the health of our farmers, neighbors and 'Ainā. The County subsidizes training for young farmers who chose to learn how to grow food crops through farming programs like Go Farm and FAM without dangerous pesticides, yet the County doesn't provide these young, eager farmers with the same opportunity to lease a long term plot in a safe environment, without the protection of pesticide drift from conventional farmers.

I know there is room for both kinds of farmers and I urge the Director to look into this disparity and provide the organic farmers who want to lease a long term plot from the County a safe place to produce their crops, away from the threat of pesticide drift and contamination. They deserve equal access to the Upcountry Ag Park that is currently in development, not a small fraction of the overall plots.

Mahalo to all Council for the support you have shown for the Department of Agriculture. This is a very exciting time for Maui County!

Mahalo,
Ms. Barbara Barry

County Clerk

From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Thursday, September 1, 2022 12:33 PM
To: County Clerk
Subject: Support Bill 105

RECEIVED

2022 SEP -1 PM 1:04

OFFICE OF THE
COUNTY CLERK

You don't often get email from shay.chanhodges@gmail.com. [Learn why this is important](#)

Aloha Councilmembers,

I am in strong support of the proposed legislation and I am urging you to please support Bill 105 to establish policies related to the Department of Agriculture. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for our community.

This legislation was created in collaboration with the community impact working group, who worked very hard to create a framework based on the needs of the community and the agricultural sector. Through outreach and various surveys these areas of need and reporting requirements were drafted and I support this legislation because it is what we need from the Department, to create a more sustainable and self-sufficient food system that befits residents, the economy and our delicate island ecosystems.

The points in this legislation had lots of community feedback before they were solidified and it will help guide the Department through different transitions in leadership that the Department will face over the course of the years. Additionally, it had complete support from the community coming out of committee which speaks volumes.

I thank you for all the support the Council has shown for the Department of Agriculture to date, and urge you all to continue that support and approve this bill.

Mahalo,

— Shay Chan Hodges

Haiku, Maui
808.250.6160



RECEIVED

2022 AUG 31 AM 8:43

September 2, 2022

ATTN: Maui County Council
c/o county.clerk@mauicounty.us

OFFICE OF THE
COUNTY CLERK

SUBJECT: Letter Of Support For Resolution NO. 22-205 "SUPPORTING A
COMMUNITY-BASED SUBSISTENCE FISHING AREA DESIGNATION FOR
KĪPAHULU MOKU."

Aloha Maui County Council members:

Kua'āina Ulu 'Auamo (KUA) submits this letter in strong support of Resolution NO. 22-205 "SUPPORTING A COMMUNITY-BASED SUBSISTENCE FISHING AREA DESIGNATION FOR KĪPAHULU MOKU." The Kīpahulu Moku CBSFA has been 10 years in the making, and if all goes smoothly, with your additional support, it can begin the formal administrative rule making process with the State Department of Land and Natural Resources' Division of Aquatic Resources (DLNR-DAR) before the end of 2022.

Kua'āina Ulu 'Auamo's (KUA) means grassroots growing through shared responsibility, our acronym KUA, means backbone. We work to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being. KUA employs a community-driven approach that currently supports a statewide network of 36 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko l'a, and a growing group of over 60 Limu practitioners and supporters called the Limu Hui

As embodied in the language of the resolution itself, the Kīpahulu 'Ohana (KO) is a cherished community organization and their effort to establish a CBSFA, ground breaking for Maui, our state and national and global conservation. KO has a long history of leadership in Hawai'i and has continued to build its capacity to serve the best of its community values and customs in caring for their place from mauka to makai. KO is also a leader for our state and our network, being a founding member of KUA and the E Alu Pū network. Most recently they have supported place based and statewide citizen stewardship efforts through their participation and support of other communities in E Alu Pū's Lawai'a Pono Hui initiatives in similar rural and Native Hawaiian communities like Hā'ena (Kaua'i), Kīpahulu (Maui) and Mo'omomi (Moloka'i).

A primary function of KUA includes the support and development of an 'auwai, a stream of resources, tools, bridges, relationships, and networks that help to cultivate and take our communities' work to greater levels of collective impact. A core catalyst for the flow in this 'auwai includes the empowerment and support of community stewardship efforts that move our communities and government from passive usage and civic malaise to active governance and management through the revival of community values, customs and kuleana (concomitant rights and responsibility). The kind of work and aspirations this resolution supports.

Your support of the Kīpahulu CBSFA effort is also catalytic. There is no better time in U.S. history to invigorate a culture of democratic spirit than now. KO has an almost 3-decade history of achieving this through numerous community based mālama 'āina projects including



KUA'ĀINA ULU 'ĀUAMO

this special and system transforming CBSFA initiative. Across the world and in Hawai'i today there is growing understanding that indigenous and local communities, when empowered and supported, can provide some of the greatest solutions to the complex environmental issues of our times. These solutions include protection of biocultural resources but also the increased sense of grassroots empowerment, a deeper citizen conservation ethic, the support and protection of local and indigenous situated knowledge and traditional practices, the development of community-based conservation skills, community environmental resilience and greater civic environmental governance and stewardship. We are proud to support this resolution for these reasons among many others.

Please pass this resolution!

Pūpūkahi i holomua e ho'okanaka
(Let's unite to better the human condition)

Kevin K.J. Chang
Executive Director

RECEIVED
2022 SEP -1 AM 7:51

September 2, 2022

Maui County Council
c/o county.clerk@mauicounty.us

OFFICE OF THE
COUNTY CLERK

Re: Letter of Support For Resolution NO. 22-205 "SUPPORTING A COMMUNITY-BASED
SUBSISTENCE FISHING AREA DESIGNATION FOR KĪPAHULU MOKU."

Aloha Maui County Council,

The Nature Conservancy strongly supports Resolution NO. 22-205 "SUPPORTING A COMMUNITY-BASED SUBSISTENCE FISHING AREA DESIGNATION FOR KĪPAHULU MOKU."

The Conservancy has supported Kīpahulu 'Ohana, Inc. (KOI) efforts since 2010 both directly and through the Maui Nui Makai Network. Through their proposed Kīpahulu Moku Community-Based Subsistence Fishing Area (CBSFA) with the Hawaii Division of Aquatic Resources, KOI is perpetuating Hawaiian traditional and customary practices, addressing climate change, and implementing resilience initiatives.

Under the leadership of KOI, the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 30,000 people locally and globally with information regarding their management efforts, and creating many different opportunities for community input along the way.

Kīpahulu moku is rich in history, culture, and resources, yet this special place is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papiro would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management - management that KOI has diligently sought with the support of the community and government agencies.

By passing this resolution for the Kīpahulu Moku CBSFA, you support a critical and timely effort to improve resource health and management in Kīpahulu, consistent with the State's Holomua: 30 x 30 Initiative to establish 30% of Hawai'i's coastal areas under effective management by the year 2030. Such a designation would be consistent and supportive of Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that seeks an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

We urge the Maui County Council to pass this resolution and support KOI's administrative rule-making process with the Hawaii Division of Aquatic Resources in the coming months.

E ola ke kai, e ola kakou
As the ocean thrives, so do we



Emily Fielding
Maui Marine Program Director

BOARD OF TRUSTEES

Duke E. Ah Moo Paul D. Alston (Chair) Kris Billeter Dr. C. Tana Burkert Anne S. Carter Richard A. Cooke III Ka'iulani de Silva
Dave Eadie Matt Emerson Hon. Judith Epstein Dr. Alan M. Friedlander Benjy Garfinkle Sean A. Hehir Brett MacNaughton
Kathy M. Matsui Janet Montag Alicia Moy Bradley E. Smith Julie Smolinski Peter K. Tomozawa Richard N. Zwern

From: Sandi Ioakimi <sioakimi@gmail.com>
Sent: Friday, September 2, 2022 7:20 AM
To: County Clerk
Subject: Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

RECEIVED

2022 SEP -2 AM 7:42

OFFICE OF THE
COUNTY CLERK

You don't often get email from sioakimi@gmail.com. [Learn why this is important](#)

Dear Councilors, I support the following items,

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. protecting our watersheds should precede any development or planning.

[22-206] The Maalaea Watershed lands are vital to the health of the nearshore waters of Maalaea bay, Item 22-206, is necessary to prevent watershed degradation, and to protect the environment.

Mahalo.

SUPPORT:

1. 22-81 AFFORDABLE HOUSING COMMITTEE: Recommending FIRST READING of Bill 107, CD2 (2022), to establish 1) new methods for determining the sales price of an affordable dwelling unit; and 2) a program within the Home Acquisition and Ownership Programs Revolving Fund that subsidizes homebuyers when a developer does not receive direct County subsidies.

SUPPORT:

1. 22-87 CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE: Recommending the following: FIRST READING of Bill 91, CD1 (2022), relating to conserving and protecting sensitive ecosystems, the ecosystem functions and values, mitigating climate change, and working towards building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters; 1. and 2. FILING of communication.

SUPPORT:

1. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED. MAUI, HAWAII FOR PRESERVATION"

RECEIVED

1055 SEP - 5 AM 7:45

OFFICE OF THE
COUNTY CLERK

County Clerk

From: carol lee kamekona <hynmahi@yahoo.com>
Sent: Thursday, September 1, 2022 9:10 AM
To: County Clerk
Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

RECEIVED

SEP 1 9:19

OFFICE OF THE
COUNTY CLERK

You don't often get email from hynmahi@yahoo.com. [Learn why this is important](#)

Aloha kakahiaka iā ko kakou!

My name is Carol Lee Kamekona and I am not a paid lobbyist. I am providing written testimony in support of the following:

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. Protecting our watersheds should precede any development or planning.

[22-206] The Maalaea Watershed lands are vital to the health of the nearshore waters of Maalaea bay, Item 22-206, is necessary to prevent watershed degradation, and to protect the environment.

Mahalo for allowing me to provide my mana'o in this venue. Have a beautifully blessed Maui day! Malama Pono!

KE AKUA PŪ! ♥
Carol Lee Kamekona

Sent from my iPhone

County Clerk

From: Laila Kaupu <pohaku2009@gmail.com>
Sent: Friday, September 2, 2022 9:38 AM
To: County Clerk
Subject: Resolution NO. 22-205 "SUPPORTING A COMMUNITY-BASED SUBSISTENCE FISHING AREA DESIGNATION FOR KTPAHULU MOKU"

[You don't often get email from pohaku2009@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha kakou,

My name is Laila Kaupu and I support Resolution NO. 22-205 for Kipahulu Moku CBSFA, and on behalf of the 'ohana (seen & unseen) of the Miloli'i CBSFA we support this resolution.

As a sister community to Kipahulu and the 2nd Community Based-Subsistence Fishing Area in the State of Hawai'i, our kuleana is to keep hawaiian traditions and cultural practices alive, to do that we mālama 'āina - take care of that which feeds.

Recognizing that kuleana is greatly appreciated and a blessing! No body knows it better than the people of the place and Kipahulu Moku knows best.

Mahalo nui,
Laila Kaupu

From: Robin S. Knox <robin.s.knox@gmail.com>
Sent: Friday, September 2, 2022 7:25 AM
To: County Clerk
Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

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2022 SEP 2 AM 7:42

OFFICE OF THE
COUNTY CLERK

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Subject: Testimony in Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

Dear Councilors, I support the following items,

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. protecting our watersheds should precede any development or planning.

[22-206] The Maalaea Watershed lands are vital to the health of the nearshore waters of Maalaea bay, Item 22-206, is necessary to prevent watershed degradation, and to protect the environment.

Mahalo.

SUPPORT:

1. 22-81 AFFORDABLE HOUSING COMMITTEE: Recommending FIRST READING of Bill 107, CD2 (2022), to establish 1) new methods for determining the sales price of an affordable dwelling unit; and 2) a program within the Home Acquisition and Ownership Programs Revolving Fund that subsidizes homebuyers when a developer does not receive direct County subsidies.

SUPPORT:

1. 22-87 CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE: Recommending the following: FIRST READING of Bill 91, CD1 (2022), relating to conserving and protecting sensitive ecosystems, the ecosystem functions and values, mitigating climate change, and working towards building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters; 1. and 2. FILING of communication.

SUPPORT:

1. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED. MAUI, HAWAII FOR PRESERVATION"

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1001 SEP - 2 AM 7: 42

OFFICE OF THE
COUNTY CLERK

County Clerk

From: Megan Nakashima <megannakashima@pukalanisuperette.net>
Sent: Thursday, September 1, 2022 11:44 AM
To: County Clerk
Subject: Support Bill 105

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2022 SEP -1 AM 11: 50

OFFICE OF THE
COUNTY CLERK

You don't often get email from megannakashima@pukalanisuperette.net. [Learn why this is important](#)

Re: STRONG SUPPORT for Bill 105, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE

Aloha Councilmembers,

I am in strong support of the proposed legislation and I am urging you to please support Bill 105 to establish policies related to the Department of Agriculture. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for our community.

This legislation was created in collaboration with the community impact working group, who worked very hard to create a framework based on the needs of the community and the agricultural sector. Through outreach and various surveys these areas of need and reporting requirements were drafted and I support this legislation because it is what we need from the Department, to create a more sustainable and self-sufficient food system that befits residents, the economy and our delicate island ecosystems.

The points in this legislation had lots of community feedback before they were solidified and it will help guide the Department through different transitions in leadership that the Department will face over the course of the years. Additionally, it had complete support from the community coming out of committee which speaks volumes.

I thank you for all the support the Council has shown for the Department of Agriculture to date, and urge you all to continue that support and approve this bill.

Mahalo,
Megan Nakashima
Pukalani Superette
Pukalani, HI

County Clerk

From: Patricia North <patysweetiedarling@yahoo.com>
Sent: Friday, September 2, 2022 9:11 AM
To: County Clerk
Subject: Kihei Wetlands

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Please don't build on our precious wetlands in Kihei, I have lived here for 31 years and have seen it flood over and over it doesn't make any sense it could endanger people's lives and livelihoods. Let's not fool ourselves, it is only greed that is making those want to build on what is obviously inappropriate and dangerous. I understand development is unavoidable but it should be smart growth.

Sent from Yahoo Mail on Android

County Clerk

From: Mavis Oliveira-Medeiros <mavisoliveira@gmail.com>
Sent: Friday, September 2, 2022 11:10 AM
To: County Clerk
Subject: Re: Reso #22-205

Just wanted to add that when the recent night divers fish and come up for air, their lights are so bright, it lights up our bedrooms at night. Our son had to walk down to the ocean to see what was going on. It is past time that something like this is done.

On Fri, Sep 2, 2022 at 10:59 AM Mavis Oliveira-Medeiros <mavisoliveira@gmail.com> wrote:

Aloha Councilmembers,

This is Mavis Oliveira-Medeiros and I'm a Staff member for Councilmember Sinenci.

My ohana and I would like to testify in support of Reso #22-205.

We too rely on the ocean for subsistence and live by the ocean where we've seen people from all over the islands, come and fish out our area (Ahupua'a) which isn't too bad in itself, but they started fishing, diving for fish when they're sleeping and selling them too, picking opihi and also selling them. Did I mention they dive & sell our lobster too?

We are not in support of people selling the food we rely on for some of our meals. Because we're close to the ocean, we also see the many night fishermen using brighter & brighter lights that certainly scare our reef fish away.

We are in support of any group who tries to grow more limu, more opihi, pipipi, kupe'e and make fishing seasons in order to be sure there will still be food for our future generations. Hawaiians of old also had seasons so people don't fish when the newborns are still young. We too were mentored by the late John K. Lind, god rest his soul.

I guess you'd have to look at it like the bill that the late Mele Carroll created re Ahupua'a/Aha Moku.

You could say we're the Kua'aina who still malama the places of our birth.

This designation would create rules that would prevent commercial fishermen from fishing our nearshore reef, where our people rely on for food.

Mahalo,

Mavis Oliveira-Medeiros

Earle Medeiros, Sr.

John-Bill English

Earle Medeiros, Jr.

Megan Medeiros



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2022 SEP -1 AM 10:40

OFFICE OF THE
COUNTY CLERK

Via email to: county.clerk@mauicounty.us

Maui County Council
Office of the County Clerk

Re: Support for Bill 105 (with removal of language of duplicative efforts)

Aloha Chair and Council Members,

Thank you for the opportunity to review and comment on BILL 105 TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE.

While the University of Hawaii CTAHR Maui supports the intent of this bill, we are concerned that there are some tasks included in the language of the bill that are duplicative of services already being provided by other organizations in the community. Specific to the University of Hawaii CTAHR' mission, it is already our charge to "develop" and "provide" education, programs, and training to farmers, ranchers, consumers and the community at large; so we suggest the following potential revisions in the bill language, that may be perceived as being duplicative or overlapping with work already being addressed by UH CTAHR in these areas:

1. Item E #2, **remove** the words "**developing and**"
2. Item E #3, change to: Providing "**available**" educational resources to ensure safety of farmers and their families. (**remove** the words "**and training**")
3. Item E #5, change to: "**Supporting organizations who are providing the agricultural sector**" with cultural-and language-sensitive materials and programs.
4. Item I #2, change to: "**Supporting organizations who are**" providing education to the agricultural...
5. Item J #2, **remove** the words "**Implementing and**"

Given the limited resources available for the Department of Agriculture, UH CTAHR respectfully suggests that the current broad scope of the bill might benefit from a greater focus on providing a strong framework to help commercial farmers and ranchers by assessing and then working on their currently stated needs and concerns. In addition, minimizing the data collection, recordkeeping, reporting and rulemaking at this early stage of the department's development, to only those items most critical to farmers and ranchers, may be most helpful at this time.

Thank you for allowing us the opportunity to comment and for your consideration of our comments.

Sincerely,
Cynthia Reeves, PhD, MPH
Maui County Administrator, University of Hawaii, CTAHR Maui

County Clerk

From: Charlene <char@ALOHAAKU.COM>
Sent: Friday, September 2, 2022 10:50 AM
To: County Clerk
Cc: Char Schulenburg
Subject: In Support of Ma'alaea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/22

You don't often get email from char@alohaaku.com. [Learn why this is important](#)

Dear Council Members, I support the following items,

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

1. SUPPORT FOR 22-81 AFFORDABLE HOUSING COMMITTEE: Recommending FIRST READING of Bill 107, CD2 (2022), to establish 1) new methods for determining the sales price of an affordable dwelling unit; and 2) a program within the Home Acquisition and Ownership Programs Revolving Fund that subsidizes homebuyers when a developer does not receive direct County subsidies.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. Protecting our watersheds should precede any development or planning.

2. SUPPORT FOR 22-87 CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE: Recommending the following: FIRST READING of Bill 91, CD1 (2022), relating to conserving and protecting sensitive ecosystems, the ecosystem functions and values, mitigating climate change, and working towards building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters; 1. and 2. FILING of communication.

[22-206] The Maalaea Watershed lands are vital to the health of the nearshore waters of Maalaea bay, Item 22-206, is necessary to prevent watershed degradation, and to protect the environment.

3. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED. MAUI, HAWAII FOR PRESERVATION"

Mahalo,
Charlene Schulenburg



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

CR 22-87/ Bill 91
Wetlands Overlay
Friday, September 2, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce would like to offer our **comments on Bill 91, CD1 (2022)** whose purpose is to conserve and protect sensitive ecosystems and the natural environment, mitigate climate change, and work toward building environmental resilience by establishing a policy for wetlands restoration and protection.

The Chamber appreciates the intent of this bill but has concerns with some of the language and methodology to achieve the stated purpose.

We prefer the original bill provided by the Planning Department and feel that the protections can be addressed by an overlay, like the SMA overlay, and that this is a better approach versus district-like zoning. Any wetlands or other overlays should have a clear process for establishment and feel the deadlines proposed in the bill are too aggressive, do not allow for needed transparency and discussion, and feels like a very short timeframe for such an important and considerable effort. For example, it took the Council more than a year in 1997-1998 to pass the Agricultural Bill, which was also a significant and weighty effort. There seems to be a rush to push legislation when it is imperative that we get it done right. Careful considerations should be taken as has been done in other land use and planning bills with proper input from the community.

Additionally, clear documentation of the wetlands area and an overlay will require new mapping and it is crucial that it be done correctly to ensure accuracy. One year does not seem to be long enough to accomplish this onerous task.

The Chamber has significant concerns about the legality of a zoning overlay (vs. an overlay district,) if it would be considered a government "taking", property owners vested rights, and what could be considered diminished property use and value. These concerns should be thoroughly vetted and addressed.

Protecting and preserving our wetlands is essential, but it is critical that solutions be in line with best planning practices and broad community input.

We appreciate the opportunity to **comment on Bill 91, CD1 (2022)**.

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

Bill 107
Affordable Housing Price Guidelines
Friday, September 2, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Chamber understands this bill (Bill 107 CD2) essentially requires the department to create two versions of the affordable sales price guidelines, with one using their standard formula but capping it at 28% of the gross annual income if a developer does not receive direct County subsidies and the second using estimated total housing costs capped at 31% of the gross annual income and including real property taxes, homeowner's insurance, mortgage insurance, and homeowner's association dues if a developer received direct County subsidies from the affordable housing fund.

We find the creation of two lists as suggested problematic, and understand the department is not supportive of two lists either. Therefore, we suggest eliminating this.

There is a continuing perception problem. Some believe the development industry is unlike other businesses with when it comes to making a profit to sustain their operation and we can just continue to ask for more and expect price reductions. All for- and non-profit businesses must make a profit to survive and the difference with non-profit businesses is they put their profits back into their charitable mission. It is imperative this be well understood as we look at crafting new legislation and work with industry experts, including developers, lending institutions, non-profit partners, and all related industries in the initial drafting process to come up with fair and uncomplicated legislation that will expedite the building of affordable housing and rentals in this crisis.

Additionally, we were surprised that suggestion on deferred mortgages from Hawaiian Community Assets, whom the Council commissioned to create the Comprehensive Affordable Housing Plan, were not included as a requirement to trigger the 31% cap. While we are not an expert on deferred mortgages, we feel further discussion with Jeff Gilbreath is warranted as we have heard some say this could be an avenue to help and should be taken into account. We understand that deferred mortgages are mentioned in the bill as a *possible* subsidy. That is not our understanding as to what Mr. Gilbreath meant when he testified "only when deferred payment mortgages are available to the homebuyers."

We appreciate the opportunity to **comment on Bill 107, CD2 (2022)**.

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: Randy Wagner <randy.wagner@gmail.com>
Sent: Thursday, September 1, 2022 9:25 AM
To: County Clerk
Subject: Testimony in Support of Ma'alāea Watershed, Wetlands Bill, Affordable Housing Rules, 9/2/2022

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2022 SEP -1 AM 9:28

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COUNTY CLERK

You don't often get email from randy.wagner@gmail.com. [Learn why this is important](#)

Thank you for your service, Councilors.

Please support the following!

[22-81] Affordable housing is a top priority to provide shelter and stability for our local residents. Bill 107 helps make affordable housing affordable for local families.

[22-87] Wetlands and ecosystems are essential to our watersheds and oceans and the flora and fauna that depends on them, Protecting wetlands with Bill 91, will also help control flooding and protect our reefs from harm. Protecting our watersheds should precede any development or planning.

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