

MICHAEL P. VICTORINO
Mayor

KARLA H. PETERS
Director



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DEPARTMENT OF PARKS AND RECREATION

700 Hali'a Nako Street, Unit 2, Wailuku, Hawai'i 96793
Main Line (808) 270-7230 / Facsimile (808) 270-7942

March 9, 2022

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 3-15-22
Mayor Date

For Transmittal to:

Honorable Kelly T. King, Chair
Climate Action, Resilience, and Environment Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King:

SUBJECT: BILL 21 (2022), PROPOSED CD1, SEABIRD AND BIODIVERSITY PROTECTION (CARE-74)

Thank you for your letter dated February 24, 2022 requesting the Department's comments on Bill 21 (2022), Proposed CD1, as attached, entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS" which was discussed at the Climate Action, Resilience, and Environment Committee meeting on February 23, 2022.

Our Department has the following comments regarding stadium and outdoor lighting fixtures used in County recreational facilities:

1. Stadium and recreational outdoor sports lighting have industry standards in which ensure the quality of light necessary for the safety of the participants. There are safety concerns with not having adequate lighting on athletic fields and outdoor courts. After review with electrical consultants and sports lighting contractors, there are currently no outdoor sports lighting systems that will meet the requirements of the proposed bill. Our Department recommends that sports lighting be exempt from this ordinance.

2. To ensure that sports lighting systems are designed to have the least amount of environmental impact to the surrounding community and night sky, we also recommend to require sports lighting designs completed after the enactment of the ordinance to be International Dark-Sky Association (IDA) compliant.
3. The supply of outdoor lighting fixtures that will meet the requirements proposed in Section 20.35.060 may be limited and the proposed language should allow for the current supply chain delays.

Should you have any questions or require additional information, please do not hesitate to contact me at 270-7230.

Sincerely,



KARLA H. PETERS
Director of Parks and Recreation

c: Mary Kietly, Chief of Recreation
Chris Kinzle, Park Maintenance Superintendent
Sam Marvel, Chief of Planning and Development

KHP:lms

Council Chair
Alice L. Lee

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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 24, 2022

Director of Council Services
Rachin A. Fajita, Esq.
RECEIVED
Deputy Director of Council Services
David M. Raatz, Jr., Esq.

'22 FEB 25 AM 11:14

OFFICE OF THE MAYOR

Ms. Karla Peters, Director
Department of Parks and Recreation
County of Maui
Wailuku, Hawaii 96793

Approved: Michael P. Viti

Date: 2-25-22

Dear Ms. Peters:

**SUBJECT: BILL 21 (2022), PROPOSED CD1, SEABIRD AND
BIODIVERSITY PROTECTION (CARE-74)**

At its meeting of February 23, 2022, the Climate Action, Resilience, and Environment Committee discussed Bill 21 (2022), Proposed CD1, as attached, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS."

Bill 21, Proposed CD1's purpose is to protect native Hawaiian seabirds from becoming disoriented by artificial lights during their maiden flights out to sea, an occurrence often referred to as "fallout," which leaves them vulnerable to predation, vehicle collisions, and starvation.

The Bill, if enacted, may impact stadium and outdoor lighting fixtures used in County recreational facilities which may also impact public safety and performance.

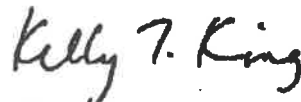
May I please request the Department's comments on Bill 21 (2022), Proposed CD1 by **March 7, 2022**, to enable the CARE Committee to further discuss the matter on March 16, 2022.

To ensure efficient processing, may I further request you transmit your response to care.committee@mauicounty.us and include the relevant Committee item number in the subject line of your response.

Ms. Karla Peters
February 24, 2022
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Should you have any questions, please contact me or the Committee staff (Brittney Sunderland at ext. 7141, or Jean Pokipala at ext. 8006).

Sincerely,

A handwritten signature in black ink that reads "Kelly T. King". The signature is written in a cursive, flowing style.

KELLY TAKAYA KING, Chair
Climate Action, Resilience, and
Environment Committee

care:ltr:074apr01:brs

Attachment

cc: Mayor Michael P. Victorino

ORDINANCE NO. _____

BILL NO. 21 CD 1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY
CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS

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

SECTION 1. The purpose of this Ordinance is to protect native Hawaiian seabirds from becoming disoriented by artificial lights during their maiden flights from their burrows out to sea. This is often referred to as “fallout” and leaves the birds at risk of predation by cats, mongoose, and other predators; vehicle collisions; and starvation.

Hawaiian seabirds are an important part of Hawaiian history and were traditionally used by navigators to find their way back home to their islands. They also help our fishermen locate schools of ahi and are critical to our watersheds by helping to fertilize the soils with marine nutrients in their droppings.

The Council’s intent is to protect native Hawaiian seabirds as much as possible from interference of onshore sources of artificial light.

SECTION 2. Section 20.35.060, Maui County Code, is amended to read as follows:

“20.35.060 General Requirements. A. All new outdoor lighting fixtures [shall] must comply with the requirements of section 20.35.090.

B. All outdoor lighting fixtures that were legally installed before January 25, 2007, [shall] must comply with section

20.35.090 [by January 1, 2020]; except class III lighting fixtures that were legally installed before January 25, 2007, [shall be] are exempt from section 20.35.090.

C. Mercury vapor [shall] must not be used for new outdoor lighting fixtures or for the replacement of existing outdoor lighting fixtures. All existing mercury vapor outdoor lighting fixtures [shall] must be removed [within ten years of the enactment of this ordinance.] by January 25, 2017.

D. All outdoor lighting fixtures installed after enactment of the ordinance establishing this subsection, including above water swimming and decorative pool lighting, must be filtered light emitting diode fixtures that limit short wavelength content to no more than 5 percent of visible emissions less than 550nm.

E. All outdoor lighting fixtures, except for neon, must be:

1. Down directed with no light shining above the horizontal. Wall-mounted fixtures must have opaque shields to direct all light down, and, if the light hits a wall surface, the surface must be non-reflective.

2. Fully shielded, including shielding that ensures no light shines over the ocean.

3. Mounted as low as possible while still complying with existing lighting and safety standards to limit light trespass and reflection off ground surfaces. Fixtures must not have bulbs visible from above."

SECTION 3. Section 20.35.080, Maui County Code, is amended to replace all references to Chapter 16.18A with Chapter 16.18B.

SECTION 4. Section 20.35.090, Maui County Code, is amended to read as follows:

"20.35.090 Shielding requirements and usage restrictions. Outdoor lighting fixtures [shall] must conform to the following shielding requirements and usage restrictions:

Lamp Type	Shielding Requirement	Usage Restrictions
Class I		

Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None
Metal halide	[Partially] <u>Fully</u> shielded	Off from 11:00 p.m. to sunrise*
All others	Fully shielded	None
Class II		
Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None
All others (existing)	Fully shielded	None
All others (new)	Fully shielded	None
Class III		
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Neon	None	Off from 11:00 p.m. to sunrise*
Others	Fully shielded	None
Others	[Partially] <u>Fully</u> shielded	Off from 11:00 p.m. to sunrise*
Class IV		
Existing	Fully shielded	None

Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Others	Fully shielded	None

*These lights may be used between 11:00 p.m. and sunrise if business or recreational activities are taking place, but [shall] must be turned off no later than one hour after conclusion of activities.”

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This Ordinance takes effect on approval.

INTRODUCED BY:

Kelly T. King

CARE Committee

From: Michelle Santos <Michelle.Santos@co.maui.hi.us>
Sent: Tuesday, March 15, 2022 9:31 AM
To: CARE Committee
Cc: Josiah Nishita; Karla Peters; Kayla Ueshiro; Lisa Sakumoto; Sandy Baz; Stacy Takahashi; Tyson Miyake; Zeke Kalua
Subject: MT#9558 Bill 21
Attachments: MT#9558-CARE Committee.pdf

NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.

Michelle L. Santos

Office Operations Assistant

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County of Maui
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