

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

October 24, 2024

Online Only via Teams

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Gabe Johnson, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U'u-Hodgins, Member

NON-VOTING MEMBERS:

Councilmember Tamara Paltin, Member

STAFF:

Samantha Tanck, Legislative Analyst
Ellen McKinley, Legislative Analyst
Maria Leon, Committee Secretary
Megan Moniz, Legislative Attorney
Shelly Espeleta, Supervising Legislative Analyst
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office
Zhanter Lindo, Council Aide, Molokai Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office

ADMIN.:

Patrick McCall, Director, Department of Parks and Recreation
Shane Dudoit, Deputy Director, Department of Parks and Recreation
Michael Mendiola, Beautification Manager, Department of Parks and Recreation
Nahulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Jill Wirt, Maui Nui Marine Resource Council
Arthur Rego, PGA Professional, Waiehu Golf Course
Robin Proctor, SoilThrive Hawai'i
Todd Allen, Former Superintendent, Waiehu Golf Course

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

Testifiers

Bill Greenleaf
Wade Kitagawa
Derick Kaina
Katie Austin, Kahana Canoe Club
Mike Moran, Kihei Community Association
Leonard Nakoa

(17+) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Agriculture, Diversity [*sic*], Environment, and Public Transportation Committee meeting of October 24, 2024, please come to order. The time is now 1:31 p.m. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. and remember to silence all...all cell phones. Good afternoon, everyone. And madu (*phonetic*), and I look forward to chairing a productive meeting today. I'm Gabe Johnson, your Committee Chair, alone on my side of the office, and there's no testifiers at the Lānaʻi District Office. Also joining us today is Vice-Chair Shane Sinenci. Aloha, Councilmember.

VICE-CHAIR SINENCI: Hey, aloha, Chair Johnson, and madu. Here in my home office, I'm here by myself, and no testifiers in Hāna, Chair.

CHAIR JOHNSON: Thank you for that. And let's move on to Council Chair Alice Lee. Aloha, Councilmember.

COUNCILMEMBER LEE: Aloha, Chair Johnson. I'm here in my home alone, and waiting to rock and roll with you this afternoon. Madu, everyone.

CHAIR JOHNSON: . . .*(laughing)*. . . All right. Great. Let's move on to Committee Member Tom Cook. Aloha, Councilmember. Madu.

COUNCILMEMBER COOK: Madu. Good afternoon. There's...glad to be here in, I guess, the alternate Chambers. And nobody's at the Kihei office to give testimony, but Bill Snipes is there in case someone would like to.

CHAIR JOHNSON: Okay. Thank you for that. Let's move on to Committee Member Keani Rawlins-Fernandez. Aloha, Councilmember. Madu.

COUNCILMEMBERS RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. Aloha 'auinalā kākou, mai Molokai Nui a Hina. I am at the Molokai District Office, alone on my side of the office. Mahalo, Chair. There's currently no testifiers.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Okay. Thank you for that information, Councilmember. Let's move on to Committee Member Yuki Lei Sugimura. Aloha, Councilmember.

COUNCILMEMBER SUGIMURA: Aloha. We're still logging in, but I am here. So, looking forward to this meeting.

CHAIR JOHNSON: Okay. Gotcha. All right. Let's move on to Committee Member Nohelani U'u-Hodgins. Aloha, Councilmember.

COUNCILMEMBERS U'U-HODGINS: . . . *(inaudible)*. . . here at the Pā'ia District Office with Jade Rojas-Letisi, and there are no testifiers here right now. But thank you.

CHAIR JOHNSON: Thank you for that. And of course, our Non-Voting Committee Members are always welcome. We have Councilmember Tasha Kama always welcome, and I just saw Councilmember Tamara Paltin come on. And I think she can hear us, I see her camera. Aloha, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā. Streaming live and direct from the kitchen table in Nāpili. I have with me one adult male, George Vierra; one adult canine, Kingy Poo Paltin-Vierra; and one minor canine. Thank you.

CHAIR JOHNSON: Okay. Thank you for that. Let's move on to the Administration. Joining us today from Department of Parks and Rec, I thought I saw Deputy Director Shane Dudoit in the office, as well as Michael Mendiola, Beautification Manager. From Corporation Counsel, we got Nahulu Nunokawa, Deputy Corporation Counsel. From the Committee Staff, we have Sam Tanck, Legislative Analyst; Ellen McKinley, Legislative Analyst; Megan Moniz, Legislative Attorney; and Maria Leon, Committee Secretary.

ITEM 16: BILL 131 (2024), RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY

CHAIR JOHNSON: Today on our agenda we just have one item, ADEPT-16, Bill 131 (2024), Relating to Pesticide and Fertilizer Use on County Property. Thank you, Administration and Members, for being here today. Members, before us we have Bill 131 (2024) from the Administration. This bill proposes to add new exclusions to Maui County Code, Chapter 2.50, Relating to Pesticide and Fertilizer Use on County Property, for County Parks with grass playing surfaces, including soccer fields, flag football fields, softball fields, baseball fields, and rugby fields, and the Waiehu...Waiehu Municipal Golf Course. This meeting is following up to a robust discussion had about this bill at our September 26 ADEPT Committee meeting. At that meeting, we heard about Parks and Recs...Parks Department's challenges implementing the existing Maui County Code 2.50, which was established in 2021. We also heard testimony from public and from organizations that practice organic landscaping, who stated that further training could

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

address these challenges and help with the transition to use a...less harmful chemicals to our public fields. Today, I'm hoping we can continue this discussion, and come to collaborate...collaborative solution which honors the intent of this ordinance to protect our keiki and our environment, but also recognizes Parks' current challenges. The existing waiver option in Maui County Code 2.50.060 may be this solution. Ordinance 5242 is in Granicus number 10 for your reference, Members...number 10 in Granicus. Staff, can you please share this section of the Code showing the waiver process? And we'll go over it right now, if you folks don't mind. So, once Staff brings up the...she can share screen, they can bring up...there it is. So, I'm just going to go through this real quick. 2.50.060 Waiver, A. Agencies may apply to the Council for a waiver from Section 2.50.040 prior to the use of a prohibited pesticide or fertilizer. B. The waiver applicant must include: number one, a location map for the proposed uses area; number two, a landscape plan; number three, photographs of areas of vegetation; number four, a summary of the existing plants, soils, and environmental conditions for each area; number five, a history of vegetation management practices, including fertilizer and pesticide applications, amounts and frequencies; number six, cost estimates and timeline; number seven, information on how the public's health and safety is threatened; number eight, an evaluation and list of the results of alternative methods and materials; number nine, an explanation on how the application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on abutting properties, human health, and the environment. C. The Council may approve a waiver or waiver extension by resolution upon finding the following: number one, a situation exists that threatens the public's health and safety; number two, alternative...alternative control methods and allowed substances that have been evaluated and determined to be insufficient; and number three, the application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on abutting properties. And D. Waivers may be granted for a period of up to two years, and may include conditions such as signage to protect public health and safety. E. Waiver extension requests must be submitted at least 90 days prior to the expiration date, and must include the same information as a waiver application. F. If the Council fails to approve or disapprove a waiver application or waiver extension request by resolution with [sic] 180 days, the applicant...or within 180 days, the applicant...the application or request will be automatically approved. And just to remind Members and the public, in Chapter 2.50, pesticides and fertilizer use on County property as established in Chapter 2 of Ordinance 5242, and I quote, "Except for pesticide and fertilizer use at the War Memorial Stadium Complex, Ichiro "Iron" Maehara Baseball Stadium, and Waiehu Municipal Golf Course, this ordinance takes effect one year after its approval. This ordinance affects...takes effect two years after its approval for pesticide and fertilize...fertilizer use at the War Memorial Stadium Complex and Ichiro "Iron" Maehara Baseball Stadium. This ordinance takes effect three years after its approval for pesticide and fertilizer use at the Waiehu Municipal Golf Course. The bill passed on the 24th of August, 2021, with eight ayes and one excused. Thank you, Staff. You...you can stop sharing. So, I'd like to now hear from the comments of Deputy Director Dudoit and Mr. Mendiola on the waiver process ideas, other than what was proposed in Bill 131, on how to remedy the noncompliant situation we find

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

ourselves in today. Thank you. Deputy Director, are you ready to do...have some words?

MR. DUDOIT: Sure. Thank you, Chair Johnson. We will not be seeking the waiver process. We still feel that we should be excluded, as the Kula Ag Park is. That is a place where we get our food from, that gets sold at our farmers markets. I feel that we should be excluded, as they are. I also feel going through every square inch of every baseball playing field and every golf course hole is a waste of the County's time and money...to take pictures and to get all of this together to bring to you guys every year and a half. You give us 90 days, or three months a year and three quarters. I'm not going to leave the next Administration to handle the asking of a waiver every two years, 90 days before its expiration. Thank you.

CHAIR JOHNSON: All right. Thank you, Deputy Director Dudoit. Let's see if we have any clarifying questions now before we get in, but I don't see any hands raised, and seemed pretty clear to me. Oh, we have a clarifying question from Chair Lee.

COUNCILMEMBER LEE: Deputy Director, could you go over what...your statement again? You said that the Kula Ag Park is exempt from this ordinance. Can...can you explain that again?

MR. DUDOIT: Yes, Chair.

CHAIR JOHNSON: Deputy Director.

COUNCILMEMBER LEE: Like why is it exempt?

MR. DUDOIT: I do not know why it was included in--hang on, I'm going to find the actual wording. . . .(inaudible). . .

COUNCILMEMBER PALTIN: Didn't Ms. Ness share that information with us last time we had this in Committee? I can...I can share it if...if you guys...

UNIDENTIFIED SPEAKER: No . . .(inaudible). . .

COUNCILMEMBER PALTIN: Okay.

MR. DUDOIT: You know what, Councilmember Paltin? You may have to. I thought this was going to be a continuation of the last meeting, but Ms. Moniz was nice enough to inform me that it wasn't. So, if you'd like to please read the exclusion of the Kula Ag Park as its written in Bill 72.

CHAIR JOHNSON: Councilmember Paltin?

COUNCILMEMBER PALTIN: Oh, that wasn't the...she asked why it was excluded, and Ms. Ness shared with us last time we were in Committee that it was excluded because

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

the next phase of the Ag Park was hoped to be the organic phase, and we didn't want to disrupt the current Ag Park users, and they're not County workers. And so, to tell not County workers, who we don't necessarily have control over, what to do...but the hope was the next phase of the Ag Park that was coming up would be organic, and not use these harmful pesticides and fertilizers, and so we'd have a balance.

MR. DUDOIT: Well, I think hope is the tough part to define.

COUNCILMEMBER PALTIN: And...well, if you're still in the office, then that's what we would mandate.

MR. DUDOIT: It's still on County-controlled properties. The same chemicals that you guys are...that they're using up there, you're trying to stop us from using, and that's . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: And our children don't roll around in those parks.

MR. DUDOIT: -- . . .*(inaudible)*. . . that's where we get our food. If we're going to lease a parcel out...a County parcel out to a farmer, then they should have to abide by the same rules that we do.

COUNCILMEMBER PALTIN: So, there's also flowers, and our children don't roll around in the Kula Ag Park as they do the playing fields. So, there's that.

MR. DUDOIT: There's a bunch of playing fields, and the kids can choose to...what playing field they wanted to go play at.

CHAIR JOHNSON: Okay. Where Chair Lee asked for a clarifying question. We know that the second phase of the Kula Ag Park will be using organic pesticides and fertilizers. Chair Lee, do you...is that answer your clarifying question?

COUNCILMEMBER LEE: Well, actually, the question had to do with the existing park --

UNIDENTIFIED SPEAKERS: . . .*(inaudible)*. . .

COUNCILMEMBER LEE: -- why was it exempt in the first place when people are...eat fruit, and other vegetables, and other things, why would that be exempt? I mean you --

CHAIR JOHNSON: I think it was...

COUNCILMEMBER LEE: -- don't eat anything at the golf course, yeah.

COUNCILMEMBER PALTIN: Because we're...it's not County employees, and the next phase was going to be organic. This one, this Kula Ag Park, we weren't meant to discuss what was going on. It's not County employees, it's private individuals that are doing leases, and people can choose if they buy organic food or nonorganic food.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: And, you know --

MR. DUDOIT: They can choose golf or not to golf as well.

CHAIR JOHNSON: -- this...the Ag Park is...you know, in order to compromise with the farmers who've been farming up there for many years, the...the expansion would allow the...the more organic farmers a place. Because you can't farm next to a...a conventional farmer if you're doing organic practices. But then again, I think we're getting in a little bit of discussion here, Members, so let's move forward. Before we get in deliberations, let's open up to ADEPT-6 [sic]...testimony for ADEPT-16. Public testimony is...oral testimony via phone or video conference will be accepted, in addition to in-person testimony. Individuals wishing to testify in person may sign up with the Staff member at the entrance of the Planning Conference Room. For those joining the meeting via Microsoft Teams, those wishing to testify can let Staff know by using the raise-your-hand function if you wish to testify. Once you have been added to the testifier log, Staff will lower your hand. Testifiers who want to provide video or audio testimony should have joined the online meeting the TinyURL, or by calling into the phone number noted on today's agenda. Written testimony is encouraged and be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item. If you're still testifying beyond that, you will hear a second timer go off after 30 seconds, and I'll kindly ask you to complete your testimony. We ask that you state your full name and organization, but if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier." Please also indicate the agenda item or items you are testifying on. Once you're done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Thank you all for your cooperation. The Chair will maintain decorum at all times. This is a...a pretty hot topic, folks, so let's try to be respectful to each other, okay? Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Councilmembers, be ejected or banned from the Council meetings or, if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threaten [sic] or slanderous remarks made to any Member of the Council, Staff, or general public. Committee Members, I'll now proceed with oral testimony. And Staff have been monitoring individuals joining today's meeting by phone and by video, and we'll do our best to take each person up in orderly fashion. Staff, before you call the first testifier, how many do we have?

MS. MCKINLEY: Chair, we currently have nine individuals signed up.

CHAIR JOHNSON: Oh. I got bit of a lag there. Staff, will you call the first testifier?

MS. MCKINLEY: Chair, the first testifier is Jill Wirt, to be followed by Arthur Rego.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

. . . BEGIN PUBLIC TESTIMONY . . .

MS. WIRT: Aloha. Can everyone hear me okay?

CHAIR JOHNSON: Loud and clear.

MS. WIRT: Okay, great. Aloha. My name is Jill Wirt, and I'm the Program Director for Maui Nui Marine Resource Council. I'm here to testify in opposition to Bill 131. I've been...I was at the last ADEPT Committee meeting. And I apologize, I can't be there in person today, but I'm happy to be here where I can and act as a resource if needed later on. At MNMRC, I manage the reef and the landscaping program, which helps property managers and landscapers transition away from synthetic fertilizers, pesticides, herbicides, fungicides, and insecticides towards reef-safe and environmentally-friendly practices. This transition is crucial to reducing harmful runoff that threatens our sensitive coral reef ecosystem. I would really like to highlight some progress that's already underway with the Parks Department. We're in the process of coordinating test plots at Waiehu Golf Course and Ichiro Maehara...Maehara Stadium in coordination with SoilThrive Hawai'i, LLC. And those test plots are working to replace synthetic fertilizers and tackle weed management. SoilThrive, I think, can elaborate on the organic and reef-friendly products they plan to use, including the microbe-rich liquid amendments. We've seen success in earlier test plots similar to this which showed improvements, such as increased topsoil depth, better water retention, and the presence of healthy soil microbiology. This microbiology is key to making nutrients more available to plants while in contrast, synthetic fertilizers and chemicals kill soil microbiology, creating a harmful cycle of dependency that decreases soil health over time. Additionally, weeds thrive in nutrient-poor, low-oxygen environments caused by synthetic products. Introducing beneficial microbes helps create an oxygen-rich environment that reduces weeds, and encourages healthier turf and plant growth. These practices have been adopted at golf courses, parks, and stadiums across the continental United States, which have...and a lot of these areas have found significant financial savings within the first three to five years of implementation. There's a cost comparison available from Beyond Pesticides as well. In addition to our fieldwork, we've launched a reef and new landscaping certification course, which educates and certifies property managers, landscapers, and residents on things like fertilizer alternatives, soil health, native plants, mālama 'āina, and lawn alternatives...or alternatives to turf lawns and climate-friendly practices as well. Our instructors are seasoned professionals with decades of experience in the industry, particularly on Maui. Passing Bill 131 would be a major setback to the progress we've made, as well as to the resources we've developed and provided. The County has funded . . .(timer sounds). . . these efforts--I'm almost done--has funded these efforts since 2021. MNMRC stands ready to continue providing landscapers with the tools and knowledge they need to transition away from synthetics. Again, we want to offer solutions and help, like we are with the Parks Department currently. And we believe the transition is not only possible, but viable with patience, support, and collaboration. Mahalo for your time and consideration. Again, happy to be a resource and answer any questions if needed.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: I'm lagging right now. Can you guys hear me?

COUNCILMEMBER LEE: Yeah, we can. But you are lagging, yeah.

CHAIR JOHNSON: Okay. Let me turn off my camera. Members, I...I...I really appreciate Ms. Wirt's expertise. Ms. Wirt, are you available to be a resource?

MS. WIRT: Yes.

CHAIR JOHNSON: So, Members, without objection, I'll designate Ms. Wirt as a resource person under Council Rule 18(A), given her expertise in pesticide and management of these chemicals. Any objections, Members?

COUNCILMEMBERS: No objections.

COUNCILMEMBER LEE: No, but I still have a clarifying question.

CHAIR JOHNSON: Oh. Feel free, Chair Lee.

COUNCILMEMBER LEE: Okay. Thank you, Ms. Wirt. I was just wondering, could you...could you tell us which golf...or where the golf courses are that don't use pesticides?

MS. WIRT: Yeah. I would have to pull up the list. And I can provide it via email, if that's better?

COUNCILMEMBER LEE: Okay. Thank you.

MS. WIRT: I don't have it right with me. Yeah.

COUNCILMEMBER LEE: Thank you.

CHAIR JOHNSON: Okay. Thank you, Chair Lee. Thank you, Ms. Wirt. And we'll call you up when we get into discussions for any kind of questions for you.

MS. WIRT: Okay.

CHAIR JOHNSON: Thank you so much. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Arthur Rego, to be followed by Bill Greenleaf.

MR. REGO: Good afternoon, Council. My name is Arthur Rego, I'm the PGA Golf Professional at Waiehu. I've been there for 35 years. In the last six years we have a new golf course thanks to Todd Allen, the superintendent. And the workers there have changed. We put new grass in on the greens and tees, we use seashore paspalum, they're fertilized with liquid fertilizer. They only fertilize the fairways and roughs, I think, it's twice a year. What I want to say...and I think there's so much misinformation. In all the years

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

I've been there, there's no employee got sick, no golfers. I've taught over thousands of kids, no kids got sick. Todd has cut back at least 80 percent of the chemicals they used to use. Now, they only spot-spray to kill the weeds. That's it. There's another thing about water. Waiehu has some springs going to our Lake Number 2. On Number 13, we have a small well. It's not that far away from the lake. So, they've thought of a lot of things how to eliminate costs, and make the golf course the most beautiful golf course on Maui. It has been voted by the public as the most beautiful golf course on Maui. There...I think we...we don't realize...another thing is, we're generating lot more money. The visitors are paying. They paying a lot more than what they paid six years ago. I think we can really get everything down straight. Everybody work together, but there's no sense in just saying it's just one way or another. We use some organic right now when the aerify the greens. We brush them in, the holes are closed for two days so make sure the organic goes into the soil. We know it's there, it has a little smell. But when we did it on the green itself, it wasn't too nice. So, I think they're going the right direction. You just...you gotta give the golf course a chance to get the golf course you...we want to get tournaments, major tournaments, national Public Links like Kaua'i. And if you ask them there, they're not using any organic, they just check on their program, and did spot-spraying, and they're really nice. And they have the same grass as we have, seashore paspalum. Salt kills the weeds. We . . .(timer sounds). . . can only use so much salt. But I think you need to not rush...rush off and say, this is it. Let's reconsider and see what the golfers get to say. I tell you, you'll have a lot of people here. I think...like seniors, that's the only place they can play, afford to walk. No other golf course on Maui you can walk unless it's late afternoon. So, just reconsider.

CHAIR JOHNSON: Okay. Thank you.

MR. REGO: Thank you.

CHAIR JOHNSON: We do have a question for you...we have a question for you from Chair Lee.

COUNCILMEMBER LEE: Chair, can we make Mr. Rego a resource person?

CHAIR JOHNSON: Members, are there any objection designating Mr. Rego as a resource person under 18(A) of the Council, given their expertise at the golf course?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: All right. Thank you. Mr. Rego, you don't mind sticking around after...

MR. REGO: Sure. I'll be here as long as I need to stay.

CHAIR JOHNSON: All right. And just a clarifying question before you leave the podium. You said you don't want to rush it, and I understand it. But was three years rushing it when we gave the golf course three years to comply?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. REGO: Basically they...they're working on...you know, in order to get rid of weeds, you not going to get rid of it overnight. I think you need to go Keōpūolani Park. I live right by the dog park, I walk the park all the time. Try look at your soccer field there. You'll see how bad that's [sic] field is...it's all weeds. You know, we just need --

CHAIR JOHNSON: . . .*(inaudible)*. . .

MR. REGO: -- time to fight it. They're...they're getting it down, there's not that much weeds --

CHAIR JOHNSON: Okay.

MR. REGO: -- there now. Have any of you been to the golf course? I know that some of you never been there. The golf course is so beautiful.

CHAIR JOHNSON: Okay.

MR. REGO: You should come by and see what we got. I'll lend you golf carts to take a ride around.

CHAIR JOHNSON: All right. Well, we'll...when we get into discussions, we'll probably ask you some more questions, Mr. Rego. Thank you so much.

MR. REGO: You welcome.

CHAIR JOHNSON: Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Bill Greenleaf, to be followed by Robin Proctor.

MR. GREENLEAF: Hi, Councilmembers. Chair Johnson, Councilmembers, aloha. I'm going to start by apologizing to Council Chair Lee in sending a...an email in a text. I...trying to be very direct, I may have taken something out of context. And I sincerely apologize, and appreciate everything that you do. Sorry. I first came into contact with this subject over 30 years ago. I was the head professional at a...back in Westchester County, New York, and there was breast cancer clusters that were happening in the affluent areas. And as they investigated it, they came across these...organophosphate. It's a class of chemicals that all the pesticides and herbicides fall under. We studied it and stayed on top of it because it was a very threatening thing. And as we learned more and more, we learned that there...the main problem with this class of chemicals doesn't show up in people or children for years and years and years. But it's an estrogen-mimicker. And...and what does that mean? It means that you can keep a breast cancer cell alive indefinitely using estrogen...feed it with estrogen. And the same cell, they tested with these organophosphates, and it worked just the same...it stayed alive, it didn't kill it. So, estrogen-mimickers...now, as I start, I haven't researched this in years. But now that I am, there's just one lawsuit after another coming forward. Monsanto, under the Bayer parenting company, has paid out billions. There's an \$11 billion lawsuit now. there's...there's a lady on Maui that works at Hale Akua whose husband, Butch, died,

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

and they're part of this suit. And as I understand it, Mayor Victorino and Corp. Counsel, when this law...when this ordinance was first passed, they took in...the main reason they supported it was because they wanted to avoid lawsuits. So, these problems don't happen right away. And they are much worse for children. A girl's puberty has moved from around age 14 to age 8. Girls are getting breasts, they're having their periods, they're getting pubic hair...it's an epidemic across the country. And boy's testosterone levels have dropped. We're seeing a much lower fertility rate in American males--males in the USA. And there's...there's just a chemical soup everywhere. Why does the...why Waiehu is...it had weeds this big around on the greens. It was like playing a pinball machine, you had to bounce the ball off things. Since...since the paspalum grass was put down, and...and the new practices put into place, as Art said, it's one of the most gorgeous golf courses I've ever played. It's a...it's such a thrill and an honor to be out there. So, whatever they've been doing changed what so . . . *(timer sounds)*. . . And the last thing is, if you do spray, what you do is kill all the microbiology in the ground immediately. And then it doesn't have a reason to repopulate. And so, you can't just go back and forth. It's...it's taken a long time to get where we are, and...but basically, it's all about the kids. And I think we should be talking about schools too.

CHAIR JOHNSON: Okay.

MR. GREENLEAF: And that's...thank you for hearing my testimony.

CHAIR JOHNSON: Thank you. Thank you, Mr. Greenleaf. Members, do we have any questions for our testifier? Seeing none. Thank you once again, Mr. Greenleaf.

MR. GREENLEAF: Thank you.

CHAIR JOHNSON: Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Robin Proctor, to be followed by Wade Kitagawa.

MS. PROCTOR: Aloha. Thank you for letting me be here today. Thank you for the public coming. My name is Robin Proctor, and my company is SoilThrive Hawai'i. And for the past six years, I have been passionate about finding alternatives to pesticides specifically for weed control. So, one of my companies is Weedsteam Hawai'i, and we kill weeds with hot water. And some of the County Departments have some of our machines. But here, I'm with SoilThrive, and also, we care about soil health and weed control. We know...let me just get right to the point. Today I have a proposal, and it's probably in your hands right now. We met with Shane, we met with Mike. And we had a great discussion with Jill Wirt out on the golf course and at the stadium. And we're going to do a six-month comprehensive study of reef-friendly landscaping methods and organic weed control products. And these are products that have never been used in Hawai'i before, but they are used on the mainland, and they're successful. So, we're going to prove that there are products that will...are available like... . . . *(laughing)*. . . that are available, that will be successful, and have the desired results. Because even putting calcium down on compacted land will reduce your weed pressure. There's weeds for a

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

reason, and that's what I've been studying with my colleagues. And just so you know, our team consists of turf specialists from the mainland, a botanist and plant ecologist, an ergonomist, and a soil food web technician, and we're all dedicated to finding feasible, sustainable, and economical solutions that give results...the desired results. And if anybody knew me personally, you would know I never stop. I never stop. If I'm passionate about something, I will find a solution. And we will find a solution for this problem that we have, okay. And the deliverables is going to be a comprehensive results. Like what did we do, how did we do it, before and after photos. We're going to really tackle those pokey weeds that people are complaining about because it's probably there because it needs calcium or something. But we do soil studies, why...what's the problem? So, we get to the problem, we get to the root of the problem. And also, prices of the products. Because we're going to find the cheapest prices so that it's sustainable and...and economically feasible. But I thank you for the guys that came before me, and I appreciate what you're saying because what the golfer said...or the first person, that they're almost there, so let's go all the way. There's really no excuse...if we have products in the market right now, there is no excuse to keep poisoning our 'āina, and our kids, and our pets. So . . .(timer sounds). . . thank you.

CHAIR JOHNSON: Thank you so much, Ms. Proctor. We do have a couple of questions for you. So, Chair, and followed by Councilmember Paltin.

COUNCILMEMBER LEE: Thank you. Thank you, testifier, I don't...I missed your name, but I like your can-do attitude. Again, you...you said something about there are reasons for weeds. What are the reasons?

MS. PROCTOR: Yes. One of the number one reasons is compaction. If you look at...at an area--let's just say, a ballpark--and you're like why are weeds there? Well, if you go to the ground, you'll most like...or if you do a test, you'll most likely see that it's compacted. Maybe it was heavy equipment was there for a little while, so it just got compacted more and more, and so, weeds grow there because they reduce compaction. They start creating air pockets in the soil for the...for the...with their roots. Sorry. . . .(laughing). . . And so, if you can reduce compaction--and you can do that by adding soil microbes, you can do that by adding calcium--and you just change the soil health. And by doing that, you're going to reduce the weeds. Because the weeds are there for a reason.

COUNCILMEMBER LEE: Okay. Thank you.

MS. PROCTOR: Yeah.

CHAIR JOHNSON: Okay. Thank you, Chair Lee. Member Paltin, you had a question for Ms. Proctor?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Proctor. I just wanted to clarify. This project that you're talking about, is it the same one that *Maui Now* did a story on, where Mr. Mendiola said that he's excited to see that these sustainable

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

practices have the potential to save water, and still keep our public spaces healthy and beautiful? Is that the same one that you're talking about?

MS. PROCTOR: It...it is, if it's...if you're talking about what came out today. There's an article that came out just...probably minutes ago.

COUNCILMEMBER PALTIN: Okay. Thank you. And then, Chair, is Dr. [sic] Proctor available as a resource to us?

CHAIR JOHNSON: Okay. Members, without objection, I'll designate Ms. Proctor as a resource pers...oh, did you say doctor? I beg your pardon.

MS. PROCTOR: Yeah, I'm not.

CHAIR JOHNSON: Dr. Proctor as a...as a resource person under --

MS. PROCTOR: I'm a lawyer, not a doctor.

CHAIR JOHNSON: -- Rule 18(A)...

COUNCILMEMBER COOK: She just got promoted.

COUNCILMEMBER PALTIN: Oh, you're not a doctor. Sorry, my bad.

MS. PROCTOR: No, thank you. Not a problem.

CHAIR JOHNSON: We always wanted...we always want to give you the right stuff--what do they call, suffix?--I...you know what I mean. But we want to give you the right label for what you...you do. So, pardon us.

MS. PROCTOR: Thank you.

CHAIR JOHNSON: On Rule 18(A), given her expertise in soil amendments. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. So, you don't mind sticking around, do you? We'll ask you questions when we get into the deliberations.

MS. PROCTOR: Thank you.

CHAIR JOHNSON: Thank you. Okay. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Wade Kitagawa, to be followed by Todd Allen.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. KITAGAWA: Aloha, everyone. My name is Wade Kitagawa.

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

MR. KITAGAWA: I oppose [sic] to Bill 131, and the reason for that is because Waiehu Golf Course has not been more beautiful than ever. If you look at...like Mr. Rego said, the amount of golfers that are coming out there now, the tourists. There's more tourists there than ever, and the reason why is because it's beautiful. Also, it's very reasonable versus you going to other courses. But when we're playing there on Wednesdays and Sundays, we can see hole number...hole number 6, there's a beach. And you see guys going out there surfing, or just kids...families right on the beach. There's a little...what we...little fish pond thing guys made with rocks, and the kids are swimming over there. You see guys outside diving on the reef. So, it must be thriving for people to still go out there. there must be fish 'cause if...if not, the fish would be dead. But you guys really should come out to Waiehu Golf Course. I've been playing golf for over 43 years, and it's beautiful. Thank you.

CHAIR JOHNSON: Okay. Mr. Kitagawa, we have a question for you from Councilmember Paltin.

MR. KITAGAWA: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kitagawa. I just wanted to clarify. You said you oppose or support?

MR. KITAGAWA: Oh, support. Sorry, support.

COUNCILMEMBER PALTIN: Oh, okay. All right. Thank you.

CHAIR JOHNSON: Good clarifying question, Councilmember Paltin. All right. Any others? Seeing none. Staff, will you call the next testifier?

MS. MCKINLEY: Chair, the next testifier is Todd Allen, to be followed by Derick Kaina.

MR. ALLEN: Aloha, Council. Aloha, everyone. My name is Todd Allen. I'm here as a private citizen, loving Maui. Today, I want to discuss the benefits of golf courses in Hawai'i through the be...the lens of the best management practices. So, Hawai'i GCSAA, which is Golf Course Superintendents Association, we're one of the states--matter of fact, the entire United States--every 50 states has implemented best management practices through golf courses. We are the only sports turf industry, or the turf industry in the nation that has implemented those practices, while it...also addressing the complexities of going pesticide-free. Golf courses are more than just a recreational space, they play a vital role in our environment and our economy. When managed with best management practices, they enhance biodiversity. They support local wildlife, and they promote water conservation. For instance, many Hawaiian golf courses utilize native plants, grasses, and new varieties of turf grass that require less water and fewer chemicals,

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

creating a vibrant ecosystem that protects our unique flora and fauna. Economically, golf courses are a significant contributors to Hawai'i's tourism industry. With a total of \$3.4 billion alone in 2023, they attract visitors from around the world, generating revenue for the local businesses and creating jobs for residents...residents who aren't getting sick. Community events held at these courses foster social interaction, and they strengthen local ties, and increase family bonds. However, the trend towards eliminating...sorry. However, the trend towards eliminating pesticides, while well-intentioned, can present challenges. Going pesticide-free can lead to increased pest pressures, which also may result in greater competition for the resources among plants and potential decline in turf health. Without careful management--which is exactly what Hawai'i best management practices is--without careful management, this can lead to unsightly conditions and reduce playability, which could ultimately detour visitors, and also affect the local economy and our local citizens. Moreover, the absence of pesticides can inadvertently promote the spread of invasive species, which pose a significant threat to Hawai'i's native ecosystem. While we strive for sustainability, we must find a balance that protects our environment while maintaining healthy playable courses. In conclusion, Hawai'i golf courses bring substantial benefits through the effective use of BMPs, enhancing our environment, our economy, and our community's well-being. As we explore pesticide-free practices, it's critical to approach this transition thoroughly and thoughtfully, ensuring that we . . .*(timer sounds)*. . . protect both our landscapes and the vibrant ecosystem that make Hawai'i so unique. Mahalo for your time.

CHAIR JOHNSON: Thank you, Mr. Allen. Members, do we...oh, we do have one. Chair Lee.

COUNCILMEMBER LEE: Chair, can we also designate Mr. Allen a resource?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR JOHNSON: Okay. What was his expertise again? Can . . .*(inaudible)*. . . or...

COUNCILMEMBER LEE: Course management.

CHAIR JOHNSON: He's the course manager?

MR. ALLEN: Thirty...thirty-one years as a golf course manager.

CHAIR JOHNSON: Okay, got it. Thanks for clarifying that. Members, without objection, I'll designate Mr. Allen as a resource person under Rule 18(A) of the Council, given his expertise in course management. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. Seeing none. You don't mind sticking around, do you, Mr. Allen, for discussion?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. ALLEN: No. Thank you very much.

CHAIR JOHNSON: Thank you so much. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Derick Kaina, to be followed by Katie Austin.

MR. KAINA: Hello, everybody. Derick Kaina from Wailuku. I am a golfer. I golf with several golf clubs, and come to Waiehu, is very beautiful. If you guys don't golf, you guys need to come out and look at the golf course, yeah. Do some time, make time. I know you guys got time for go out and go look. I know you guys go shopping. Go out to Maui Nui, go out to Maui Lani, go look at their courses, and make a decision with Waiehu, and see where you guys'...you know, guys' heart is at, yeah. Like Robin said, start something, finish it. He started it--Mr. Allen--let him finish it, and then go from there. Aloha. Thank you. Yeah.

CHAIR JOHNSON: Thank you so much for your testimony. Members, any questions for Mr. Kaina? Seeing none. Thank you so much. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Katie Austin, to be followed by Mike Moran.

MS. AUSTIN: Aloha, Councilmembers. My name is Katie Austin. I am testifying on behalf...today for Kahana Canoe Club down at Hanaka'ō'ō Beach Park. I do have the privilege, along with many others in our Lahaina community, to steward this area, and that is why I'm testifying in opposition to this bill. I do believe--especially in Lahaina, as we are facing unknown health risks from our wildfire, which probably won't be seen for years to come--and we've heard previously in other testimony as well, that's what these pesticides do. It's not immediate, it's years down the road that we really need to prioritize, in the entire County, not going backwards, right? We need to prioritize the health and safety of our community. I have the privilege of helping coach keiki throughout the years, and that is our utmost priority. And, you know, we would hate to see any of these pesticides or County parks start to use on our fields that are starting to open up on this side as well, especially given the health risk that Lahaina is already currently facing. I do understand that this ordinance was passed a few years ago with a lot of thought and care, and I think we really need to not go backwards. We're at a pivotable point where we need to continue forward in positive impacts for our community. And, you know, I do want to touch as well on some of the testifiers saying that, you know, these pesticides protect native ecosystems. And I do want to say that when we look at anything that we put on this 'āina, we should really focus on generational ecosystems, right?...like if we didn't have pesticides years ago when this land thrived. And like my hope, and so many of our community's hope, is that we can get this land to thrive like it did hundreds of thousands of years ago. And I don't think we need pesticides for that. So, mahalo for the opportunity to testify.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Thank you, Ms. Austin, for your testimony. Members, do we have any questions for our testifier? Seeing none. Thank you once again for testifying. Staff, would you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Mike Moran, to be followed by Leonard Nakoa.

MR. MORAN: Aloha, Chair Johnson and Committee Members. Mike Moran, I'm...I'm speaking for the Kihei Community Association today. At your last meeting, we expressed opposition to the bill. And when we saw the direction you were going in, Chair, that you were looking at trying to find the compromise, many...many of our...and on many of our discussions there was pretty strong feeling that we shouldn't compromise on...on this. This is...the health of...of...of our children is the primary concern. Honestly, we didn't discuss the golf courses too much. Our focus was on the parks and the health of our keiki. And...but we did agree that if you offering a compromise would...would...would get agreement, that we would go along with it may be somewhat reluctantly, but sometimes we all try to compromise. But my understanding is the Parks Department is not accepting any compromise, so we go back to probably being more vehement in our opposition to this. I mean we've...we've known this for years. I mentioned the last time about *Silent Spring*, a book written before some of you were born, but that was my awakening to the dangers of...of pesticides. And we've seen over the years what happens. And to say well, nobody got sick...they were out there, nobody got sick. You heard a logical testimony that no, it doesn't mean immediate exposure makes you ill. It's long time, repeated exposure that quite often happens. So, we continue to oppose this bill. And thank you for trying to find a compromise. If they can't compromise, then we just reject the bill. Thank you for the opportunity to testify.

CHAIR JOHNSON: Thank you, Mr. Moran. If I can clarify that the Kihei Community Association doesn't really hold water with anecdotal evidence more with the scientific evidence.

MR. MORAN: Correct, sir. Yes, that's it. I mean --

CHAIR JOHNSON: Okay. Thanks for that clarification.

MR. MORAN: -- I still think that when first...and I'm not a scientist, and...but yes, we listen to the scientists, and that's how we make our decisions. Thank you for the question.

CHAIR JOHNSON: Thank you, Mr. Moran. Okay. Staff, will you call the next testifier, please?

UNIDENTIFIED SPEAKER: Here we go.

MS. MCKINLEY: Chair, the next, and currently last person signed up to testify is Leonard Nakoa.

MR. NAKOA: Yessah. Wassup, guys. Yeah. I'm opposed of this bill, okay. I was kind of part of the group that was trying to push for this kine bills because I used to be a pesticide

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

operator for Kapalua Golf Course out here, yeah. But I challenge...I would challenge...I challenge my supervisor because I read...I read, you know, you gotta go get the license, that's one of the hardest tests for take right there, brah. And then, you know, you gotta know the REI, the re-enter intervals, you gotta know how much you spray, when you...when you spray 'em, you gotta...when you pau your tank, you gotta...you gotta...you gotta fill 'em up with water and you gotta spray 'em again, not just dump 'em all over the place. 'Cause at that time, had Save Honolua. And then we was...you know, I...I kind of went help that out because I was telling 'em when Kapalua used to dump all the...they just dump all the chemicals and all that kine stuff. Because all that stuff no good, okay. I've been coaching out here, Nāpili Park, yeah, long time already, yeah, you know. But my bruddah seed only make kids, so we take...we still gotta coach, bruddah probably gonna get wheelchair...wheelchair da kine. But you know what we do? Eh, brah. Only get one...only get one Filipino man. He work hard, that guy. Everyday. Every day he work hard out there in Nāpilihau Park, okay. So, us guys, we...hey, I know get...the Deputy Director is a coach, everybody when get baseball players inside da kine. But you know what? We tell our players no matter what...no matter what age when they play in the aqua (*phonetic*) park, you play first base, take care your area. You play second base, take care your area. If you get weeds over there, you go pull 'em because you no like the bad bounce. You go take care that buggah. You know, same thing with the pitcher, take care your mound. Catcher, take care your...take care the batting place. Main thing, you no more the bad bounces. I going tell you right now, we work so hard for make it...make it work, yeah, and da kine. But I know I heard the bruddah saying about the golf course using seashore, you know, and then, you know, seashore grass. Hey, going back into you can use the salt water for kill the weeds and all da kine stuff. So, we...there's ways to do it with a...just gotta go do 'em. Just gotta go out and get off the 'ōkole and go do 'em, you know what I mean? And just...I just going say, the pesticides...you know, same thing when had the whole Monsanto thing. I went stand up against 'em because of what I knew about 'em, and what the thing can do in the long run...in the long run, gangy. Yep. And that's why. So...and then Kapalua, I left that buggah because--ha--the buggah was always doing dumb stuff, yeah. And let's not make our County do dumb stuff. We are now...
...(*timer sounds*)... we gotta go ahead--I almost pau...almost pau--and we gotta go ahead and challenge our own County again, okay. Let's just...tired have to fight our own County when it's our money, so we lose-lose. Just like the injection wells...just like the injection wells, you know, the County went screw up. And wait, what? We had to go pay for 'em 'cause went go court. And then, what? We lose. We double lose. We...our...our ocean get jam up with all the doo-doo water, and then after that, we gotta pay for 'em. So, let's stop making this mistakes more. Okay? Let's just stop. I'm just frustrated, you know. ...(*timer sounds*)... Right now, looking at my garden. Beautiful, it's so beautiful. Thank you, guys. Mahalo. Just...hey, I'm opposed to this bill. There's ways to do it --

CHAIR JOHNSON: Okay.

MR. NAKOA: -- where we don't need use the pesticides. Shoots.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Thank you, Junya. Let me see if we have any clarifying questions. Any questions for our testifier? Seeing none. Thank you, Mr. Nakoa, for your testimony. We appreciate it.

MR. NAKOA: Yessah. Thirsty Thursdays, yessah. Let's go.

CHAIR JOHNSON: . . .*(laughing)*. . . Making me jealous over there. Staff --

MR. NAKOA: Yeehaw.

CHAIR JOHNSON: -- . . .*(inaudible)*. . . any testifiers? . . .*(laughing)*. . .

MS. MCKINLEY: Chair, there are...no one else has indicated a desire to testify. Would you like us to do a last call?

CHAIR JOHNSON: Okay. Members, seeing there's no more...oh, last call for testifiers?

MS. MCKINLEY: If anyone would like to testify, you can either approach the podium or raise your hand on Teams. Chair, seeing no one.

CHAIR JOHNSON: Okay. Members, seeing there's no more individuals wishing to testify, are there any objections to close...closing oral testimony for ADEPT-16?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. I will now close--thank you. I will now close public testimony for this item, and commence deliberations.

. . . END PUBLIC TESTIMONY . . .

CHAIR JOHNSON: Okay. I propose three minutes per Councilmember for each round of discussion. As a reminder, our resource personnel are here to answer any questions that may arise. I hope, after thorough discussion, we come up with a consensus on how the body and Administration can move forward implementing Maui County Code 2.50 while supporting the Administration . . .*(inaudible)*. . . Now, usually we go down the list, but I'm just going to jump real quick and ask one question to Corporation Counsel, Mr. Nunokawa. If you folks don't mind, I just want to just kind of leap the line and ask our Corporation Counsel a quick question. Mr. Nunokawa, what happens if the Adminis...if the Administration continues to spray after the three...after the deadlines? *(pause)*

MR. NUNOKAWA: Can you hear me now?

UNIDENTIFIED SPEAKER: Yeah.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Yes, now we can.

MR. NUNOKAWA: So, that gets into what happens if they go past the time that they're supposed to be in compliance. That might be something that would be better explained in executive session, since it goes to...

CHAIR JOHNSON: Okay. That's...that's all you need to say, Mr. Nunokawa. Understand that, Members, okay? So, understand not only that's...what he just said. So, when you...when we go down the line of questioning, that you want to go to executive session if you follow that line of questioning. Okay. Thank you for that. Now we'll go down the regular scheduled list. Oh, I see Councilmember Rawlins-Fernandez. Go ahead, Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Wasn't sure if you were going to go by hands raised or down the list. So...

CHAIR JOHNSON: I was just going to go down the list. But if you have a burning thing you want to...

COUNCILMEMBER RAWLINS-FERNANDEZ: I do.

CHAIR JOHNSON: Okay. Go...go.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. This question is for...for Parks. And so, in testimony, we heard that Parks was in agreement with--oh, one of our testifiers, I can't remember her name right now. Oh, I think it was the one that we were calling Ms. Proctor.

CHAIR JOHNSON: Doctor, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Not doctor. Where she said that they agreed that they would do a six-month pilot. And so, if that's the case, then are we putting this Bill 131 on hold while that pilot project moves forward?

MR. DUDOIT: We are still seeking the exclusion, but we will be working with SoilThrive.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure.

MR. DUDOIT: We...we gave them one hole at the golf course and our baseball stadium to do it on a larger scale that was done there, but it was done before. And we're going to see how this works. If this works--and Councilmembers, I'm going to say this every time--if you guys think that we don't care about your kids, you absolutely wrong. Absolutely wrong.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, I have another question, and it's for Corporation Counsel. Deputy Corp. Counsel Nunokawa, I looked up the leases on the

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

Kula Ag Park, and it looks like they're all 50-year leases that started in the '80s, early 2000s, and are going to the mid-2030s to the '40s. When they signed a lease agreement with the County, this...this law, the prohibition on pesticides, didn't exist yet. How would that have worked...or how would that look to try to require after the fact, after the leases were signed, with these different farm operations on Kula Ag Park to impose a...a pesticide prohibition on these ag operations?

MR. NUNOKAWA: Thank you for the question. It's a good question. That sort of gets into the contract laws, and the ability for people to contract. Since this would be an after-the-fact change to try to force them, we...we shouldn't try to force them there. If they agree to an amendment of their lease that would be one thing, but trying to do it through legislation wouldn't be the best method. . . .*(timer sounds)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Corp. Counsel Nunokawa. So, that's why it wasn't imposed on the Kula Ag Park. Mahalo, Chair.

MR. DUDOIT: It could have been done.

CHAIR JOHNSON: Okay. Back to our regular-scheduled list. We're going to go down...Vice-Chair Sinenci, followed by Committee Member Nohelani U'u-Hodgins.

VICE-CHAIR SINENCI: Mahalo, Chair. And I...I...I'm kind of intrigued now from your first question to Deputy Nunokawa that we should go into executive session. Can you...because if...should we, the County, be violating our own standard question of him...of Mr. Nunokawa?

CHAIR JOHNSON: Deputy Director [sic] Nunokawa?

MR. NUNOKAWA: I believe the question that was asked was just sort of what would occur if they continued using these pesticides past the time that was allotted via the original ordinance. And so, that --

UNIDENTIFIED SPEAKER: *(Audio interference)*.

MR. NUNOKAWA: -- yeah, that sort of gets into things that would be better discussed in executive session.

VICE-CHAIR SINENCI: Okay. Thank you for that clarification. And then my question for Deputy Dudoit. I know the Chair had suggested the waiver option, and if you could repeat your...your responses to that route of the waiver.

MR. DUDOIT: I...

CHAIR JOHNSON: Deputy Director.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. DUDOIT: Yes, sure. We have chosen to go the exclusion route with talking with certain people. I will--and I'm sorry. And Councilmember Rawlins, with all due respect, sure, we had...we had 50-lease...-year leases with these guys. But could it have been...could it have been an option to go and try to change their leases or amend their leases? Of course. I'm trying here to amend your ordinance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, point of order. I don't think that was Member Sinenci's question.

CHAIR JOHNSON: Deputy Director, if you don't mind just sticking to what the Councilmembers are asking. They're on limited time. And I feel your passion, Deputy Director, but let's try to keep decorum so we have a really good discussion. So, can you respond to Committee Vice-Chair Sinenci's question?

MR. DUDOIT: Sure. And that --

VICE-CHAIR SINENCI: Yeah. I just wanted...

MR. DUDOIT: -- was tying into what I was saying. The Kula Ag Park is excluded from this ordinance. This is where we eat. This is where we get the food from.

CHAIR JOHNSON: Hold on a minute, Deputy Director.

MR. DUDOIT: I'm answering Shane's question.

CHAIR JOHNSON: I'm sorry. I'm...I'm trying to get...

VICE-CHAIR SINENCI: Yeah. Just why...why didn't the Department consider the waiver option?

MR. DUDOIT: We didn't consider the waiver option because we didn't feel the...number one, spending our County time taking pictures and going through every park, play...playable field, and every inch of that golf course ...*(timer sounds)*... submitting this every...what's...well, a year and three-quarters. And coming to the end of that 90 or the...the two-year waiver, that the person next would have to apply again 90 days prior to the expiration of that. So, that would be going on for the next 30 years.

VICE-CHAIR SINENCI: ...*(inaudible)*... Okay. Thank you. I heard the bell, Chair. Thank you.

CHAIR JOHNSON: Thank you. Okay. Let's move on to Committee Member Nohelani U'u-Hodgins, followed by Councilmember Cook.

COUNCILMEMBERS U'U-HODGINS: Thank you, Chair. I'm wondering if either Parks or SoilThrive can discuss more about their pilot project. Thank you, SoilThrive, though,

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

for willing...be willing to do this for six months. But if you folks can tell us more about what that might look like, I would appreciate it. Thank you, Chair.

MS. PROCTOR: I'd be honored to.

CHAIR JOHNSON: Ms. Proctor, can you come up to the...to the podium?

MS. PROCTOR: Yes, I'm here. Okay. So, it's about find...finding solutions. And with SoilThrive, the company, we specialize in reducing weed pressures on landscapes by improving soil and plant health. And using organic, selective weed control products as needed. And I...and I explained our team is specialists in turf from the mainland that have already transitioned golf courses, like 50 to 70 golf courses in just Naples, Florida from synthetic fertilizers. That's huge. And their response is that this is what is being demanded by the people...by the golfers.

COUNCILMEMBER U'U-HODGINS: Thank you. I was actually looking for more specifics. Like I think Deputy Director from Parks said something about one hole, and that trial period, and a portion of another park. So, that's kind of what I wanted to hear.

MS. PROCTOR: Okay. So, Waiehu Golf Course is going to be hole number 6, and it's going to be the entire length of hole number 6 --

COUNCILMEMBER U'U-HODGINS: . . .*(inaudible)*. . .

MS. PROCTOR: -- for today. And I did include a description of this pilot project in the paperwork today that I handed out.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. PROCTOR: And then for the...there's going to be another weedy park location yet to be determined that has the pokey weeds that people are concerned about. Because we want to really make sure that we are able to tackle the specific types of weeds that people have concerns with. And then the third location is at the Ichiro "Iron" Maehara Stadium for the entire green stadium park. Yeah.

COUNCILMEMBER U'U-HODGINS: So, how are you addressing the pokey weeds?

MR. DUDOIT: To be de...to be determined.

MS. PROCTOR: Yes.

MR. DUDOIT: We're looking at Maui Lani Parkway, which is very unique --

MR. MENDIOLA: Luana *(phonetic)*.

MR. DUDOIT: -- or Luana Gardens.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

UNIDENTIFIED SPEAKER: Chair.

COUNCILMEMBER U‘U-HODGINS: And then we had another testifier, Deputy Director, talk about current reduction in chemicals that was used previously to now. So, I’m wondering if you could kind of talk to me about that.

MR. DUDOIT: Our former golf superintendent, Todd Allen, who is in charge of getting our course to where it is today.

COUNCILMEMBER U‘U-HODGINS: Um-hmm.

MR. DUDOIT: He could talk to you more about that.

COUNCILMEMBER U‘U-HODGINS: Okay. I wonder if Mr. Allen...

CHAIR JOHNSON: Mr. Allen, you want to come up to the podium and speak to that?

MR. ALLEN: Yes, thank you. Thank you, Councilmembers. So, we... . . .*(timer sounds)*. . . a long time ago, I inherited quite a problem, and it was obvious to me that the amount of pesticides and the chemistries that were being used weren’t working and had become ineffective. I actually took a lot of weed samples, and sent them off to weed scientist specialists throughout Cornell University, Purdue, Florida...all over for them to investigate the types of resistance that had been created from spraying the same pesticide over and over and over to eliminate a problem. And at that point, that’s when I went through and implemented a version of BMPs which hadn’t yet been created by Hawai’i Golf Course Association. Even though it was being utilized in many places, our state had yet got there. But we are there now, along with the other 50...along with all the other states in the United States. So, it’s a combination...using a combination of organic products, and reducing the amount of pesticides that you put out, and being more site-specific. And it’s a lot...a lot like SoilThrive, where you’re going and you’re looking at the...the biological beneficial organisms, your bacteria, and your fungi strains, and...and you’re promoting healthy soil. But in addition to that, you still have to use specific chemistries at certain times of the year. So, in doing that, I was able to reduce what we were using at Waiehu, eliminate weedy problems, eradicate something that had been there for decade upon decade upon decade, and then also, in...in just improving the overall health of the soil. I actually--four years ago, five years ago, I don’t remember what it was, it was in the height of COVID--while I was employed with the County of Maui, I came to this particular juncture and submitted science...factual science. I had Dr. Elaine Ingham’s Soil Food Web, I had accredited labs from the Soil Food Web program that were testing the soil that I was submitting--and I’d be willing to allow anyone to do that--and they said it was the healthiest soil biologically diverse that they had ever seen. And I was also using a small combination of synthetic and...and some pesticides when needed. But you...you guys make it seem like we’re just poisoning the earth. There’s no way. I mean I guarantee, no one here can tell you how much...how many ounces we sprayed a year, right? So, on 40 acres...40 acres...to eradicate weeds

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

on 40 acres of fairways, we were spraying less than 240 ounces of product to eradicate weeds, and it was successful. Two hundred and forty acres...240 ounces spread over 40 acres is miniscule, it's like a...a...it's like nothing. And...and I was being crucified for...for the work that we were doing. And it's...it's just...all I can do is preach. Look at the best management practices that I submitted five years ago, whatever it was. Look at the...go back and review all the documentation that I provided. I...I had people with doctorate degrees talking...speaking on our behalf, weed scientists. I worked with...with a lot of different people. Dr. Frank Rossi, who is a well-know, renowned environmental scientist in the turf grass industry. I even utilized some of his practices. He...he had a Bethpage practice...Bethpage study that he did in 2009 where they went...they had three golf courses at Bethpage. One of them they went all organic; one of them they went splits, half...half-synthetic, half-organic; and then the...the best one, they just kept synthetic, right?...using old-school traditional thought processes. At the end of the third year, the one that was treated with completely organic fertilizer, chemicals, and products was used as a...as a parking lot.

CHAIR JOHNSON: Okay.

MR. ALLEN: Now, I'm not saying that organics are bad, in no way shape or form. I love organics. And at every juncture that I have to implement an organic product instead of having to choose a synthetic product, I'm going to do that. But by creating this bill --

CHAIR JOHNSON: Okay. Mr. Allen, I beg your pardon.

MR. ALLEN: -- you've restricted...you...you've handcuffed my...someone's ability to...

CHAIR JOHNSON: The Councilmember's are on a limited time.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR JOHNSON: So, I think you're over...

COUNCILMEMBER U'U-HODGINS: Chair, if you would allow me a request.

CHAIR JOHNSON: Sure.

COUNCILMEMBER U'U-HODGINS: May I please request a copy of the...their BMPs?

MR. ALLEN: Absolutely.

CHAIR JOHNSON: Mr. Allen, you okay with that?

MR. ALLEN: Absolutely.

CHAIR JOHNSON: Okay. Can you send it by email to the Committee?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. ALLEN: Yes. It is...it can be found on...online on the web as well. Hawai'i Golf Course Superintendents Association Best Man...Management Practices. And --

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

MR. ALLEN: -- every other state in the United States you can find the same thing. And it's extremely extensive, from start to finish, from construction to operations.

CHAIR JOHNSON: Okay. Thank you for that. We do have a...a Chair Lee, you have something?

COUNCILMEMBER LEE: Todd, could you stay up there at the podium? I wanted to ask you...

MR. ALLEN: Yes...yes, I'm here.

COUNCILMEMBER LEE: Okay. I wanted to ask you--and by the way, you know, congratulations on doing an outstanding job. People...some people say that the course is just now becoming excellent. Heck, no. It was...when you were there like three or four years ago, that's when it happened. And I should know. I'm there every weekend. But I wanted to ask about one...

MR. ALLEN: It's...it's the training of the staff. It's the folks that are still there that are still trying to grind out and proceed with my vision.

COUNCILMEMBER LEE: Right.

MR. ALLEN: The thought process, right, of implementing everything that everyone up here is discussing, but doing it on --

COUNCILMEMBER LEE: Can I...

MR. ALLEN: -- a reasonable...

COUNCILMEMBER LEE: Appreciate...but we really appreciate your...your efforts to try and minimize the use of chemicals. But I did want to ask you, did you test the water, let's say, along 6, 7...holes 6 and 7, see if any...what was the water quality results?

MR. ALLEN: I...I could not get the funding to do water testing when I was there. That was something that I was strongly encouraging. So, I'm not positive, but I thought that the local University had done some testing. Along with that, Councilmember Lee, I also planted sunshine vetiver grass, which the crew that's there now is continuing. If no one's familiar, sunshine vetiver grass is a noninvasive species, it's negative-9 on Hawai'i State standards. But it is a...a grass that's been used for over 250 years, possibly 300 years, as a bioremediation plant. And it puts roots that are 14 to 15, 16 feet deep, and...and it binds up anything that could possibly be leaching into the ocean. So, I've

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

encouraged them, through many phone calls and conversations, to continue planting that along the entire shoreline. And not only for erosion --

COUNCILMEMBER LEE: Yeah...yeah.

MR. ALLEN: -- control, but for bioremediation.

COUNCILMEMBER LEE: Well, thank you very much for that because its...it stopped many of my balls from going out of bounds. . . .*(laughing)*. . . Appreciate that.

MR. ALLEN: . . .*(laughing)*. . . That's not what it's intended for, but that's good . . .*(inaudible)*. . . secondary benefit.

COUNCILMEMBER LEE: Well, thank you. Thank you.

CHAIR JOHNSON: All right. Thank you, Chair Lee. Let's go back to Councilmember Tom Cook, followed by Councilmember...Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER COOK: Thank you, Chair. I was going to ask Todd, but if I could ask Ms. Proctor?...did I get your name correct?

MS. PROCTOR: Yes.

COUNCILMEMBER COOK: Dr. Proctor?

MS. PROCTOR: Yes, doctor. No, I'm just kidding.

COUNCILMEMBER COOK: What you...what you said about the weeds and soil compaction resonated with me.

MS. PROCTOR: Uh-huh.

COUNCILMEMBER COOK: People may not know in '82, when the construction industry was down, I sold organic fertilizers for Homestead Maui for two years, and practice organic. So, I...I am a fan of compost. I'm like...besides...Gabe and I might compete with who loves compost more.

MS. PROCTOR: . . .*(laughing)*. . .

COUNCILMEMBER COOK: So, is aeration--and I was going to ask the golf course--basically aerating and augmenting the soil part of like best management practices to minimize...if you minimize and mitigate compaction, then that's making the soil healthier.

MS. PROCTOR: I'm not sure with the aeration on the golf courses, that's something I refer to our specialists. But I would start with the calcium...adding the calcium mixture, the solution that we put with our biologicals, our compostees.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

COUNCILMEMBER COOK: When you do that...

MS. PROCTOR: Because that works.

COUNCILMEMBER COOK: When you do that, do you do surface application only, or do you run like the spikes in the pukas so they can get in the soil?

MS. PROCTOR: We do the spikes, yes. So, it's really getting in there, not just on the surface. But, yeah. We really like to soak it good.

COUNCILMEMBER COOK: Okay. Thanks. If I have just another minute, I'd like to ask the Department...if I may, Chair?

CHAIR JOHNSON: Please.

COUNCILMEMBER COOK: Do you keep like a spray schedule and application records for the various products that you put on the turf?

CHAIR JOHNSON: Department.

MR. MENDIOLA: The...I can speak for Parks, not golf course. But the parks, we do keep a log of all...of dates, spray times. That's kind of the requirement for our spray type. So, we have everything documented...fertilize, spray.

COUNCILMEMBER COOK: I was going to focus mostly on the parks. We've talked a lot about golf courses, right, the parks. Do the...does the parks do...you have to give it time out sometimes. You catch a lot of heat because people want to play year-round, but you have to give the turf some time. Do you guys do aeration or any...any augmentation for the parks?

MR. MENDIOLA: Yeah. We...aeration, we actually do fraze mowing every five years on some of our heavier-used playing fields, like War Memorial Stadium, "Iron" Maehara. That's something we haven't been able to implement because we don't have the...we don't have the tools to keep the weed bed from popping back up. So, we haven't been able to implement some of the mechanical tools that we usually use because of the ordinance.

COUNCILMEMBER COOK: So, do you do...do you do soil testing for pH and fertility?

MR. MENDIOLA: We've just at...as I've taken over two years ago, we've just started to do some pretty solid . . .(timer sounds). . . testing across our heavier-used fields. But like Todd said, funding, we can...we only keep it to the really heavily-used fields.

COUNCILMEMBER COOK: Okay. Well, it's --

CHAIR JOHNSON: Okay.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

COUNCILMEMBER COOK: -- let the...let the Council know what you need for that. But that's...my time's up. Thank you, Chair.

CHAIR JOHNSON: Thank you, Councilmember Cook. Okay. Let's move on to Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I want to just kind of go back to Kula Ag Park, and appreciate that this is not going to apply to the existing tenants because they are going full blast. And this would be like us telling them we're going to take down the fencing, and all the axis deer are going to come back. I mean, it's that serious. So, leave that alone, and we look towards the final completion of the second Ag Park to maybe implement this with those farmers. So, thank you for that discussion. I do know that I was here when Todd Allen came before the Council and was asking for support. And I saw the before pictures--I mean the pictures at that time--and I went to visit the golf course. And I've been there now. I mean, it is amazing. So, Todd, since you're in the audience, thank you very much for what you've done to bring pride back to the community on something that's now a treasure. I mean before it was pretty buss up. And I just want to make a comment that, you know, we think that things that we do in the Council, the community may not know. But when I go shopping, and I have a golfer stop me and say, please don't destroy our...our golf course. It made me stop and think what we're doing here today. Because the golfers out there are paying attention to this action. And so, I...I wonder if there's a way of doing some community outreach so that the greater community can have a better understanding of what this is about or, you know, what we're trying to do. Because it is health and safety, as well as in terms of just what goes on the golf course. But it's also the players who go there with such great pride, you know, just like Chair Lee, who love the golf course and...and want to know what's going on. And I think that they...they deserve to hear, you know, what's going on. Like Art Rego, you know, the first testifier early on. So, yeah, we had a discussion with our, you know, Council when this...when this law was put into place, but I don't even know if the greater discussion of, you know, how it impacts the community either way was shared. And so, I...I think that we need to do that. Any comments?

CHAIR JOHNSON: Any comments from the Department, or any of our resource folks? Okay.

MR. ALLEN: Yeah. I'm here.

CHAIR JOHNSON: Oh, we do have one.

COUNCILMEMBER SUGIMURA: Here's Todd Allen.

CHAIR JOHNSON: Is that right? Okay.

MR. ALLEN: Yes. Thank you. I...I completely agree with that, that there should be some more outreach. . . .*(timer sounds)*. . . Unfortunately, a lot of the...a lot of the scientific documentation that they're using to make it one-sided is...is from the agricultural

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

industry. And again, going back to what the Deputy Director was talking about, this isn't food. What the research, and...and the...the poisoning, and the organophosphates, and the quantities that they're talking about, that's from ag. That's from high industrial ag creating the food that the majority of the world eats...which I agree needs to be corrected, but it has to be in a thoughtful, scientific way that doesn't impact the economy as great as something like this would do. I...I talked about all the quantities that I was putting out. I talked about the long-chain carbons, talked about how the nitrogen that we were applying two times a year on a broad scale was utilized within ten weeks...and then once the ten weeks was exhausted, so was the product. It was utilized by the turf grass, and it's not leaching into our water table or...or into the ocean. So, those...those things...science is here. Unfortunately, we still have more hurdles to go before we can become completely organic and completely pesticide-free. And it...and I welcome and encourage all the testing because if there are viable resources that fit within the budget constraints that we have, or that the County has, then I...I would high...highly support it and welcome it. I've been using compostees since 1998.

CHAIR JOHNSON: Yeah.

MR. ALLEN: I was a weird guy, right?

COUNCILMEMBER SUGIMURA: . . .*(laughing)* . . .

MR. ALLEN: I was the oddball, the...the anomaly. But I was born and raised as a farmer, 11 generation.

CHAIR JOHNSON: Yeah.

MR. ALLEN: So, you see...

CHAIR JOHNSON: Okay.

MR. ALLEN: You know what happens.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: Thank you, Mr. Allen, for your testimony there. All right. So, we'll move on to myself now. I did ask one question, so, Staff, if you just give me like a two-minute timer so I can just quickly ask a few questions. So, basically, for the Department, who signs off on the purchases for these...for these chemicals?

MR. DUDOIT: It would be our Beautification Department or our golf course superintendent.

CHAIR JOHNSON: Okay. And then...let's see. I...I...I want to call up Mr. Allen again. And I'm sorry, he...he just sat down. But basically, in regards to the idea that you said you're very close to actually making an organic golf course. Can you get specific on what is very close?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. ALLEN: Thank you, Councilmember Johnson. I'm not personally very close, but our industry as a whole is...is working --

CHAIR JOHNSON: Oh, I see.

MR. ALLEN: -- diligently towards that, yes.

CHAIR JOHNSON: I see. Okay. That's great info.

MR. ALLEN: But we do...you know, as a...as golf course superintendents or licensed users through the Hawai'i Department of Ag, we are required by law to keep records. And any diligent superintendent, or assistant superintendent, or whoever's applying it has to keep those records on hand. You're required --

CHAIR JOHNSON: . . .*(inaudible)*. . .

MR. ALLEN: -- I think, three years. So...

CHAIR JOHNSON: Do you...do you have like a...I mean you might have already answered it just by you saying that it's a industry-wide, but would you...could you give maybe a percentage of how close...you know, what percent is organic. I mean. of the...of the golf course?

MR. ALLEN: Currently there are no golf courses that I am aware of that are totally organic because it's --

CHAIR JOHNSON: Okay.

MR. ALLEN: -- not sustainable. But they...

CHAIR JOHNSON: But I guess...

MR. ALLEN: 80 percent, maybe? There's golf courses out there that...80 percent?

CHAIR JOHNSON: Okay. I...I mean here in, you know, Waiehu.

MR. DUDOIT: None.

MR. ALLEN: I...I...sorry, I don't work at Waiehu anymore, so I can't speak to --

CHAIR JOHNSON: Oh, okay.

MR. ALLEN: -- what they're using. I imagine they're staying on the same program. . . .*(timer sounds)*. . .

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Yeah. Okay, same program. And I...I saw Ms. Wirt raise her hand. So, Ms. Wirt, can you respond?

MS. WIRT: Hello. I did send a link to the email that has resources that have organic golf courses listed.

MS. MCKINLEY: Chair, that information has been uploaded --

CHAIR JOHNSON: Okay.

MS. MCKINLEY: -- to Granicus under item number 14.

CHAIR JOHNSON: Oh. okay. Great. Thank you for that. Thank you, Ms. Wirt. All right. So, that was my time. Let's move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I have to disclose that I have one additional individual, another unnamed minor human. And then if my time can start now. Mr. Allen, I'm not...I can't really see if you're up, or maybe Mr. Mendiola. Would you agree that like maybe there wouldn't...if the golf course doesn't expand in acres, there would be no need to increase the synthetic pesticide beyond what you got it down to?

MR. ALLEN: I would --

CHAIR JOHNSON: Mr. Allen.

MR. ALLEN: -- completely agree with that statement, yes.

COUNCILMEMBER PALTIN: Okay. And then my next question would be for Ms. Proctor. Is it the pilot project on the golf course and the kids' playing fields, you're doing both of those, and it's a six-month time frame. And is it at no cost?

MS. PROCTOR: No, there will be a cost.

COUNCILMEMBER PALTIN: Oh, okay.

MS. PROCTOR: The golf course is free, so we're doing that part. That was what I said at the first testimony that I did. We'd offer that, but it makes sense to do more than one spot.

COUNCILMEMBER PALTIN: Okay. And then I think my next question would be for Deputy Counsel Nunokawa. So, if Ms. Proctor's group, SoilThrive, is able to do what our own County Parks workers are unable to do, would it be okay to RFP them, or is that against collective bargaining? Because if our workers can't do it, is it not allowed for us to find somebody that can do it?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

MR. NUNOKAWA: I would have to know more about the specific situation, and look more...so, if you wanted to submit that, I...I could take a look into it. But it's not something that I feel I have enough information about to answer at this moment.

COUNCILMEMBER PALTIN: Chair, is that something that our Staff could do in writing to Deputy Counsel Nunokawa?

CHAIR JOHNSON: Sure. Certainly. Staff, did you understand the question?

MS. TANCK: Yes, Chair.

CHAIR JOHNSON: Okay. We'll put it down.

COUNCILMEMBER PALTIN: And then, if we could get what the current usage is on the golf course of substances that are not in compliance with this bill. And I guess, as a compromise...failsafe if we don't have the votes to kill this bill, that would be my amendment, not to allow unbridled usage of these substances, but to not increase it on the golf course. I won't allow it for the kids, you know...kids' playing fields.

CHAIR JOHNSON: And who would that . . .*(timer sounds)*. . . question be addressed to, Councilmember Paltin?

COUNCILMEMBER PALTIN: Your Committee Staff, as legislative intent to draft the ASF.

CHAIR JOHNSON: Okay. Staff, did you get that?

MR. DUDOIT: Can I comment on that?

COUNCILMEMBER PALTIN: I don't have a question for you, Deputy Director. Somebody else wants to ask your opinion, they can, but this is my time frame.

MR. DUDOIT: Oh, okay.

COUNCILMEMBER PALTIN: So, I'm not asking the question. I'm asking a question to the Chair right now.

CHAIR JOHNSON: Okay. So, what we're going to do now, Staff, you understand the question. We're going to take a ten-minute recess, and then we'll come back at...let's see, 3:12. But before...before we come...before we take this recess, is it my understanding that Deputy Director Dudoit is...is...has to leave soon?

MR. DUDOIT: Yes.

CHAIR JOHNSON: Okay.

MR. DUDOIT: And Mr. Mendiola.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Okay. If you want to respond, go ahead and respond, and we'll take a recess after that.

MR. DUDOIT: Okay. Just real quick. What SoilThrive is going to do for us. If their product...they're going to work, and they're going to do the soil...the testing, and the application of the process. If it works, they're going to train our staff on how to use their products to make our fields better. It's not that the County can't do it.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: I stand on my request. Thank you, Chair.

CHAIR JOHNSON: Yeah. Deputy Director, you...you mentioned that both of you guys are leaving from Parks; is that correct?

MR. DUDOIT: Yes.

CHAIR JOHNSON: This is a pretty important bill, and you guys aren't going to be here for the decision? Okay. The time's 3:03. So, let's take a ten-minute recess. Oh, go ahead. Were you saying something?

MR. DUDOIT: No. We...I did not understand. I thought we were coming off from last week, and we were already in deliberation. You guys...the Council's already talking about it.

CHAIR JOHNSON: Uh-huh.

MR. DUDOIT: So, I did have a flight out that I cannot --

CHAIR JOHNSON: Okay.

MR. DUDOIT: -- change. Of course, it is important. I can go on Zoom and be there...be available, or...

CHAIR JOHNSON: All right. Okay. Chair Lee, you have a question?

UNIDENTIFIED SPEAKER: Chair Lee.

COUNCILMEMBER LEE: Yeah. Since he's leaving...so, apparently, there may be a proposed compromise to...to keep the level of use of pesticides at Waiehu at the level it is now or less, yeah? Okay. Is that something that you guys could find acceptable?

CHAIR JOHNSON: Are you asking me, Chair Lee, or are you asking the Department?

COUNCILMEMBER LEE: No. I'm asking the Department, since he has to leave.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: Okay.

MR. DUDOIT: Yes, Chair. That's...that would be acceptable.

COUNCILMEMBER LEE: That would be acceptable?

MR. DUDOIT: Yes.

COUNCILMEMBER LEE: Okay. All right.

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: I just needed to know that. He has to leave at 3...3:00. Oh, now. He has to leave now.

CHAIR JOHNSON: So, we'll...right. And Mr. Mendiola, are you leaving as well?

MR. MENDIOLA: Just to clarify, I'll be here until 3:30.

CHAIR JOHNSON: 3:30, okay. Time's now 3:04, let's take a recess until 3:14. The ADEPT Committee is in recess until 3:14. . . .*(gavel)*. . .

RECESS: 3:04 p.m.

RECONVENE: 3:17 p.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Will the ADEPT Committee of 10/24 come back...10/24/24...2024--that's a lot of 24s--come back from our short recess. The time is now 3:17. And Members, we were on our second round of questions. And...let's see, why don't we...why don't we do hands. If you folks have hands...or have questions, just raise your hand and we can do it...take it in that order. So, Members, do you guys have any questions? Chair Lee.

COUNCILMEMBER LEE: I would like to ask Member Paltin if she was going to propose what she was starting to talk about as a possible compromise. Because it...it sounded very reasonable to me. So, I wanted to hear it.

COUNCILMEMBER PALTIN: I am not. Because my understanding is I don't make motions as a Non-Voting Member.

COUNCILMEMBER LEE: Oh.

COUNCILMEMBER PALTIN: Or can I? I don't know.

COUNCILMEMBER LEE: Oh, yeah. . . .*(inaudible)*. . .

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

COUNCILMEMBER PALTIN: I guess that's a question for Corp. Counsel.

COUNCILMEMBER LEE: No, no, you can't...you can't.

CHAIR JOHNSON: Right. Yeah.

COUNCILMEMBER PALTIN: Well, then, that's your answer. But I guess I could, at maybe the Council meeting, at which time I would also strike the one about our kids' playing fields.

COUNCILMEMBER LEE: Okay.

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: Can I take...when it's time, Chair Johnson, I would like to make a proposal to amend the bill and...

CHAIR JOHNSON: Okay. Chair, what I...what I would like to do today is to defer the bill, and ask the Administration to work with Council and...pick a Councilmember, work on a bill, and come back with another bill.

COUNCILMEMBER LEE: Okay. Okay.

CHAIR JOHNSON: If...but before that...before that happens, I do want to test the air on our Council. Is...if filing this bill...would you have the appetite to file this bill? Because I have that appetite. And those are...that's kind of where I'm at, but I'd like to, you know, discuss this a moment amongst us.

COUNCILMEMBER LEE: Well, the problem with that...the problem with that is then...then the Parks Department will not be in compliance. So, what we're trying to do is rectify that issue, yeah, and we could do it with an amendment. And so, you know, we didn't go into executive session, so we don't know the full extent of the legalities of this, just leaving it alone. But I...I just thought that Member Paltin's suggestion was a very good one, you know--excellent one, actually--because the course...the folks at the course already trying to reduce the use of pesticides. So...and...and apparently they've got it down to a...a real...you know, an acceptable level, I believe. And they're willing to go even further to do a pilot project with Dr. [sic] Proctor. So, you know, I...I think that's a good thing, you know. Although it doesn't solve the problem with the fields, but I thought maybe...maybe we could deal with that later...bifurcate those two if there's a way to do that.

CHAIR JOHNSON: Well, I remember the fields had even a shorter time to get this done. So, that was only a year . . .(timer sounds). . . .(inaudible). . . and that's the time. But I see other hands. I see Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER LEE: Okay.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. First, a disclosure, I am at my private residence, alone. And then...okay. So, I thought that your proposal, Chair, of just doing the waiver and not amending the law, I...I think that...you know, I...I think I commend the managers of the golf course for, you know, getting the pesticide use down as low as it has gotten to. Awesome work. But it's pesticides. It's poison. So, I would...I remain in support of zero, and would like to see the results of the pilot project with Ms. Proctor with Soil Wise [sic], and...and see what comes out of there. And so, the...the timing of the pilot project and the waiver...the waiver would give the Parks enough time to do that, and address the issue of noncompliance. Amending the law is not necessary, and that's why the waiver is in there. And so, I am strongly opposed to amending the law. I...I think the community worked far too hard to get this law in there to do what we can, as a County, to take responsibility for not poisoning our community. And...and...and I thought it was far...hard-fought, and I...I...I refuse to go backward now. And so, I think the waiver is the better route to go, and I would...I would be supportive of that. I would support filing the bill, and I would be happy to make that motion at the appropriate time. Mahalo, Chair.

CHAIR JOHNSON: Thank you for that. Okay, let's go...oh, we're going to go to Member Sinenci, and then to you, Chair Lee, okay?

VICE-CHAIR SINENCI: Mahalo, Chair. And I, too, am supportive of your suggestion to pursue the waiver. You know, I remember distinctly during...while we were passing this bill, and I don't think anybody today can promise us that nobody will get cancer. And that was the discussions back then that, you know, they were just throwing up oh, everything causes cancer. But for...for this...for this bill, you know, we had Mr. Dewayne Johnson come on. He had contracted cancer, he won a \$250 million settlement from...within California. And so, those are the things that those...I don't think a lot of people were...were there. Some of the Members in this Committee weren't there when we had these really important discussions and presentations. What the waiver does is...and...and again, Chair, you brought...you brought up that then-Mayor Victorino was...was afraid of...of litigation against the County--this was to protect the County from any lawsuits, just like Member...Mr. Dewayne Johnson--and...and also to protect our workers, you know. I can...as...as a Hāna resident, I can tell you how many . . . *(inaudible)*. . . County workers that we lost through cancer. And so, what the waiver does is...yeah, it's a lot of...it seems like a lot of work, and I'm okay with Member Paltin's suggestion, but it's also to protect us. You're...you're telling us where the location is. You're telling us should we ever get...go to trial to litigation over this, this is...this, the waiver, and all of the things in the waiver will tell us...and will kind of help to protect us because it tells you where, what kind of soils. You know, it's even to protect Mr. Allen, as he's...you know, if he's using any of these chemicals. So, the waiver, you can continue to use these pesticides, but it comes with, you're right, a lot of responsibility. But I think as...as Members of the...the County Council, this is a responsibility that we...we have to...to our residents, Chair. Thank you.

CHAIR JOHNSON: Thank you, Committee Vice-Chair Sinenci. We're going to move on to Chair Lee. But I will say something to what Member Sinenci said. And, you know, I worked

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

in an industry where the folks got cancer all the time, I'm a lung cancer survivor, right?...I got lung cancer when I was 23 years old. This little poster back here is the Guardians, one of my favorite...my favorite baseball teams, they didn't make it to the World Series. But that's...you know, you guard, you're a guardian, you...you protect the...the kids when...when they play on the field. As...as Councilmembers, we should guard and protect our communities. If I was playing golf, and there was signs and posted that said they're spraying, hey, I'll skip that hole. But right now, we keep...that's...that's not...that's not what's happening. So, that's my feelings on what Member Sinenci mentioned in regards to protecting our workers, protecting our community. Okay. Chair Lee.

COUNCILMEMBER LEE: Yeah. I request a public hearing. And so, all I need is two other people to agree, and so it's going to happen. The...the thing is, we haven't opened up this discussion to everyone, and we need to do that so that everybody--because look at the people that are...that came today. They came the last time, but except for a few people, like Mr. Rego and Todd Allen, where's the public? Not really. There's...they're not here. So, we need to open it up, have a public hearing, and then listen to what they have to say. Thank you.

CHAIR JOHNSON: Now, Chair, I would support a public hearing. But let's move on to Councilmember Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: I think you could tell from what I said in my earlier testimony that--or deliberations--that I agree, for people stopping me when I'm shopping, you know, talking about this. So, I think a greater discussion would be very helpful and, you know, we can reach out to the Little Leaguers or, you know, people that...you know, families that really use our facilities more than us sitting in this room. So, I agree. Thank you, Chair Lee. Thank you, Chair, for agreeing.

CHAIR JOHNSON: Okay. So, why don't we defer the item, have a public hearing, and then see what comes from that. Is that every...is...I see some nodding heads.

COUNCILMEMBER LEE: Good idea.

CHAIR JOHNSON: All right. All right, Members. We could...we could take it to...we could end it on this. I...I kind of feel that's pretty fair. Councilmember Paltin.

COUNCILMEMBER PALTIN: You know, I requested to be a Member of this Committee, and I was not allowed to be. Is the public hearing in this Committee, or does the Council have the public hearing?

COUNCILMEMBER LEE: The Council has the public hearing.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR JOHNSON: The ball will be in Chair Lee's court.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

COUNCILMEMBER PALTIN: And I just had a further comment for Member Cook.

CHAIR JOHNSON: Sure.

COUNCILMEMBER PALTIN: He and Member Johnson can fight over who likes composting more, but I'm the one that actually proposed the legislation to help composting. So, just putting that on the table.

CHAIR JOHNSON: We have a winner, Councilmember Paltin.

COUNCILMEMBER PALTIN: And you guys can feel free to propose more legislation to help composting because they need all the help they can get. If you love it so much.

CHAIR JOHNSON: My hands are in the dirt, she's writing the bills. Love it.

COUNCILMEMBER COOK: Ankles are very strong and important. We are a triangle, the three of us.

COUNCILMEMBER SUGIMURA: . . .*(laughing)*. . .

CHAIR JOHNSON: All right. Well said. So, Members, why don't we end it on that, okay? So, we look forward to Chair--oh, I see Councilmember Rawlins-Fernandez's hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I would be happy to support a public hearing. Yeah. It will be done at the Council level, so everyone...and it would be put into the newspaper, there would be a public notice, and all of that. I would request that the public hearing is done after work hours, so that it can --

COUNCILMEMBER LEE: Oh, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- okay...okay. All right.

COUNCILMEMBER LEE: Oh, yeah. That's automatic.

COUNCILMEMBER RAWLINS-FERNANDEZ: For all the reasons that it sounds like you all know and agree with, so that's wonderful. And I will be sure to bring my blanket and pillows because it's likely going to be a long one. So, we'll be prepared. Mahalo, Chair.

CHAIR JOHNSON: Okay. Okay, Members. Everybody's good with the discussion we're led to. I understand that there's a fire at Pi'ihana --

COUNCILMEMBER LEE: Yeah.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CHAIR JOHNSON: -- so please take care, everybody out there. And it's a mandatory evacuations. So, if you're out there watching, please take care. The time is now...oh, I would like to...without any objections, I'd like to defer this item.

COUNCILMEMBER LEE: No objections. And I hope we...I hope we have an arson squad.

UNIDENTIFIED SPEAKER: I think we get that.

CHAIR JOHNSON: Man, I tell you.

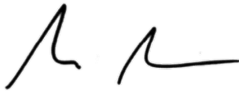
COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR JOHNSON: Man, I tell you. Okay. The...so, the item has been deferred, and that takes us to the end of the agenda. The time is now 3:31. The ADEPT Committee of 10/24/2024 is now adjourned. . . .(gavel). . .

ADJOURN: 3:31 p.m.

APPROVED:



GABE JOHNSON, Chair
Agriculture, Diversification, Environment,
and Public Transportation Committee

adept:min:241024min:mll:cvk

Transcribed by: Cheryl von Kugler

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

October 24, 2024

CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 41 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 27th day of November 2024, in Wailuku, Hawai'i



Cheryl von Kugler