



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

RECEIVED

2021 AUG -2 PM 4:16

OFFICE OF THE  
COUNTY CLERK

August 02, 2021

Council Chair Alice L. Lee  
Council Vice-Chair Keani Rawlins-Fernandez  
Presiding Officer Pro Tempore Tasha Kama  
Councilmember Gabe Johnson

Councilmember Kelly Takaya King  
Councilmember Mike Molina  
Councilmember Tamara Paltin  
Councilmember Shane Sinenci  
Councilmember Yuki Lei Sugimura

Re: Agenda item CR 21-56, FIRST READING of bill establishing Chapter 2.50, Maui County Code, determining the categories of pesticide and fertilizer allowed for use on County property.

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Honorable Councilmembers,

Thank you to CARE Committee Chair King for scheduling & passing this critically important bill. Over the last few years, the vast majority of my constituents have emphasized to me how important it is for their family to breathe clean air, drink clean water, and enjoy a clean & healthy environment.

I appreciate that this bill requires a detailed application for any agency applying for a waiver for use of restricted pesticides or fertilizers on County property. For the sake of transparency and to facilitate future scientific studies, this minimum standard should be instituted statewide for all pesticide use on public and private property.

The people of Maui County have been very vocal about their support for transitioning away from using toxic chemicals altogether, especially in close proximity to our communities and shorelines. Here at home, chemical runoff is a major threat to our delicate nearshore ecosystem. Nationwide, neonicotinoids and pesticides are largely credited for bringing our invaluable insect pollinator populations to the brink of extinction.

A myriad of alternative technologies exist to manage pests in a less harmful way, from heat/steam, to neem oil, citric acid, and so much more. I commend and appreciate organizations like Beyond Pesticides which have offered their expertise to work collaboratively with county departments to find creative solutions that fit the needs for each particular location.

As the Maui Island representative for the Hawaii Invasive Species Committee (HISC), I recognize that the exemption for controlling harmful invasive species allows HISC to continue their important work uninterrupted. I have faith that the hardworking invasive species teams will exercise every safety precaution and do their best to minimize the use of toxic substances in the course of their duties.

With our oath-bound kuleana to protect our public trust resources in mind, I respectfully implore you to pass this measure.

Mahalo,

A handwritten signature in black ink that reads "Tina Wildberger". The signature is fluid and cursive, with the first name "Tina" being more prominent than the last name.

Representative Tina Wildberger  
House District 11 - South Maui  
Kīhei · Wailea · Mākena

**County Clerk**

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**From:** William Greenleaf <bgreenleaf.maui@yahoo.com>  
**Sent:** Monday, August 2, 2021 10:03 PM  
**To:** County Clerk  
**Subject:** CR 21-56

2021 AUG -3 AM 7: 52

OFFICE OF THE  
COUNTY CLERK

Aloha Council Members...

I'm writing in support of Maui County Council unanimously passing CR 21-56

As our road systems grew in the 50's so did the challenges of maintaining safety. The USDA, in the 1950's, began promoting chemicals/poisons to control weeds and pests...Pesticides killed the weeds and with the demand from population explosion, more roads and more schools, Ag Chemicals became a very profitable industry.

Now, after decades, we know that chemical poisons are harmful to all life, especially to children. Developing solutions for roadside maintenance is not going to be easy, but it is doable...it is doable...

Vote in support...it is for the people and the aina

Sincerely,  
Bill Greenleaf

## County Clerk

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**From:** evan ryan <evnryan@hotmail.com>  
**Sent:** Wednesday, August 4, 2021 7:15 AM  
**To:** County Clerk  
**Subject:** Support of CR21-56

I am writing in my support of CR21-56. Synthetic pesticides and fertilizers do not belong anywhere on the earth. They are poisons for our natural environment and all of us living on this land. They poison our reefs and our drinking water and make us sick. We have to find other solutions. As an organic farmer of 25 years producing tens of thousands of pounds of food per year, I can tell you there are other solutions.

Mahalo-

Evan Ryan  
[www.hawaiihomegardens.com](http://www.hawaiihomegardens.com)  
[www.ponogrown.org](http://www.ponogrown.org)  
Sent from my iPhone

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2021 AUG -4 AM 8:08  
OFFICE OF THE  
COUNTY CLERK





RECEIVED

2021 AUG -4 AM 8:08

OFFICE OF THE  
COUNTY CLERK

August 4, 2021

**Re: CR 21-56 Integrated Pest and Environmental Management on County Property**

Dear Council Chair Lee and members of the Maui County Council,

Thank you for the opportunity to comment on CR 21-56. As written the proposed county law does not support the practice of Integrated Pest Management and will have a significant impact on the safety, health, biodiversity and usability of county lands and facilities. For this reason, we ask the Council for an unfavorable vote on CR 21-56.

Our industry supports an Integrated Pest Management (IPM) approach to pest control and management. This approach recognizes four steps: set action thresholds, monitor and identify pests, prevention and lastly control. Only when necessary are pesticides used. This balanced approach to pest management is cost effective, responsible, supported by the University of Hawaii Extension and is widely recognized and practiced. As you are aware there has been a significant decrease in both the use of pesticides and the percentage of land pesticides are applied in Maui County. We can attribute these reductions to IPM, which is adaptive to innovation and new application methods.

The safe application of pesticides through IPM programs helps keep Hawaii's public parks, sports fields, roadsides, utility rights of way, sidewalks, trails, and public parks free of noxious, poisonous, fire-fueling and invasive weeds, as well as free from rodents and insects that cause allergic reactions and other health issues, compete with native species, destroy species habitats, and degrade county infrastructure. Pesticides are utilized in controlling nuisance weeds on public land, such as Pampas grass.

Pesticides are among the most highly regulated products in the United States. Here in Hawaii products are regulated by the state's Department of Agriculture through delegated authority from the United States Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). This co-regulator relationship means residents of Maui County can have confidence in the state's robust and science-based regulation of pesticides that includes product registration, scientific review and enforcement.

The negative impacts to people's health and safety, county infrastructure and ecosystems will be far reaching and costly under the proposed bill. In the Department of Parks and Recreation's correspondence, it noted the estimated cost to implement this law on while protecting public property is more than \$9.5 million for the first year of two project sites.

Turning to the bill's proposed waiver process, we are concerned with the length of time it will take to grant a waiver. When applicators identify a problem, it must be treated in a timely manner. Further, plant health will be jeopardized if judicious use of fertilizers is prohibited,

especially in recreation areas where grass and turf are important features of the facility and landscape. As written, the waiver process would allow pest and plant health problems to grow, threatening resident's health, safety, and shared investment in county infrastructure.

The unique ecosystems located on county lands need to be effectively managed to reduce the spread of invasive plants on Hawai'i and protect native species unique to the island. The solutions available to Maui County should include all Hawaii Department of Agriculture registered pesticides and fertilizers. To keep our native species safe, it's important for the County to have all tools available to manage plant growth in Hawaii, invasive and otherwise.

Thank you for your consideration and for the opportunity to share our perspective on this legislation. At this time, we ask that the council withdraw this legislation and instead pursue a renewed dialogue focusing on IPM and keeping pesticide and fertilizers products in the rotation to manage county lands and facilities.

Sincerely,  
Jon Gaeta  
Director, State Affairs  
**RISE (Responsible Industry for a Sound Environment)**  
[JGaeta@pestfacts.org](mailto:JGaeta@pestfacts.org)

RISE (Responsible Industry for a Sound Environment) is the national trade association representing manufacturers, formulators, distributors and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers.

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Testimony to the Maui County Council 2021 AUG -4 AM 8:08

OPPOSITION TO BAN OF CHEMICALS

OFFICE OF THE  
COUNTY CLERK

August 3, 2021

My name is Matt Lyum and I oppose CR 21-56, the proposed bill which would ban fertilizer and pesticide use on Maui County land. I believe this legislation could jeopardize the health and safety of all Maui County residents. Maui County residents deserve to have safe public green spaces to enjoy, and our island's native ecosystem is unique and warrants protection from invasive species. I urge the Council to consider adopting an Integrated Pest Management (IPM) program for the County.

I am a member of the Landscape Industry Council of Hawaii, owner of Performance Landscapes which 120 employees, and a nationally Landscape Industry Certified Manager. I also am a Composting Consultant and own a storm water pollution prevention company called Erosion Control Specialists.

I grew up in Hawaii and have spent my career working and supporting sustainable operations and protecting the aina. My landscape company recycles over 100 tons of green waste annually. My erosion control company produces a recycled product to prevent pollution from running off construction sites.

Compost and organics are an important part of integrated landscape management. So are fertilizers and pesticides. To those of us who are trained and continually retraining with pesticides, we know the precautions necessary to utilize them safely, effectively, and economically. The County's Parks Department has noted that there has been a significant decrease in both the use of pesticides and the percentage of land pesticides are used on.

Landscape professionals use chemicals along with other tools to protect public health and the environment. Treatments to lawns and green spaces reduce the pest transmission of dangerous and deadly diseases like dengue fever, rat-lungworm disease, toxoplasmosis, and also control invasive species. Unkempt fields and green spaces increase the chance of injuries, allergic reactions and other health issues, and are fire hazards.

I understand that this is scary, but as our elected officials, please review the facts coming from Hawaii Department of Agriculture and scientists who have spent their careers researching pesticides and the environment. As others have testified, pesticides are already regulated at the state and federal level by career scientists, and OSHA has strict guidelines to ensure low exposure risks.

We are seeing today the impact that misinformation has on science as Hawai'i battles COVID-19 and the variants. I ask that the Council votes to withdraw this legislation and focuses instead on an Integrated Pest Management program, making all the tools available to manage plant growth, and ensure there are safe green spaces for all Maui residents to enjoy.

Mahalo for the opportunity to submit testimony.

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2021 AUG -4 AM 11: 12

August 4, 2021

**VIA EMAIL AND ONLINE SUBMISSION**

OFFICE OF THE  
COUNTY CLERK

Chair Alice Lee and Members of the Maui County Council  
County of Maui  
One Main Plaza  
2200 Main Street  
Wailuku, Hawaii 96793

Re: ***Testimony in Support of Mayor Michael Victorino's July 19, 2021 Veto  
of Bill 60 (MORATORIUM ON VISITOR ACCOMMODATIONS  
DEVELOPMENT) (the "Veto")***

Dear Chair Lee and Council Members:

Thank you for the opportunity to provide testimony concerning the above-referenced Veto. My name is Derek Kanoa, and I am Senior Vice President of Sales – Hawaii, for Hilton Grand Vacations (“HGV”). As members of the Council may know, HGV is the owner of the Maui Bay Villas resort presently underway in Kihei, located on the site of the original “Maui Lu” resort. We write to express our support of Mayor Victorino’s Veto, and to request that the Council does not override the Veto.

Bill 60 asserts that its purpose is to stop the increase of carbon-emissions levels, mitigate climate-change impacts, and limit the rate of global warming by pausing visitor accommodation development and the related increase in tourism for a period of two years. While we applaud the desire to preserve our environment, we do not believe that Bill 60 is an appropriate means to obtain the desired protection. Bill 60 provides no documentation, scientific studies or other evidence that would suggest a moratorium on visitor accommodations will actually lower carbon emissions, mitigate climate change impacts, or improve quality of life for residents. Mayor Victorino’s Veto message also highlighted a number of very serious legal and other practical problems with Bill 60. In particular, we believe that Bill 60 has not followed the proper legal process because it was not referred to the Planning Commission, and therefore has not gotten the required community input. Finally, we believe Bill 60 would be harmful to the visitor and construction industries, which are just now beginning to recover from the impacts of the COVID-19 pandemic.

Accordingly, we respectfully request that Mayor Victorino’s Veto of Bill 60 be sustained.

Maui County Council  
August 4, 2021  
Page 2 of 2

Thank you for your consideration and the opportunity to provide this testimony.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Kanoa', with a stylized, flowing script.

Derek Kanoa

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2021 AUG -5 AM 9:13

OFFICE OF THE  
COUNTY CLERK



August 5, 2021

Council of the County of Maui  
Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins- Fernandez, Vice- Chair  
Members for the Maui County Council

**RE: CC 21-377- Veto of Bill No. 60 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".** Hearing date and time:  
Friday, August 6, 2021 at 9:00 a.m.

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez, and Honorable members of the Maui County Council,

I am writing on behalf of Hawai'i Hotel Alliance's ("HHA") member organizations on Maui and across the state in **OPPOSITION** to Bill 60 which imposes a two- year moratorium on building permits for visitor accommodations in South and West Maui.

HHA understands and shares the concerns voiced by those who want to manage the negative impacts of tourism. We, too, have seen the changing trends in visitor behavior – primarily, tourists shifting from hotels in resort areas to vacation rentals in residential neighborhoods – and how it is impacting Maui residents. However, similar to comments voiced by Mayor Victorino, HHA shares concerns that Bill 60 will not regulate vacation rentals. Accordingly, Bill 60 will have severe economic impacts on Maui's recovering hotel industry without properly addressing the fastest-growing segment within the visitor accommodations industry.

In our previous comments on Bill 60, and in response to the numerous other recent moratoria proposals, HHA has offered our clear commitment to work with the Council to understand and address the root causes of some residents' concerns about tourism. However, we cannot support the Council's efforts to rapidly advance Bill 60 which is unlikely to accomplish it's intended objectives.

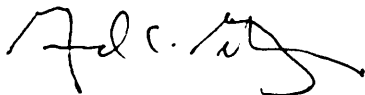
Instead, we suggest reexamining the number of legal vacation rentals allowed by the County, shutting down illegal rentals, and prioritizing responsible hotel development in areas intended for tourism. New projects in resort areas, like parts of South and West Maui, fund new infrastructure and initiatives that benefit the surrounding communities and the visitors they serve – from workforce housing to new bike paths, roads, street lights, water and sewer lines, and replenishing beloved beaches.

Furthermore, HHA shares Mayor Victorino's concerns regarding significant legal issues raised at previous hearings. HHA respectfully asks the Council to carefully consider the legal flaws outlined in the legal opinion submitted by HHA on May 25, 2021. Such legal issues include: 1) violation of Due Process Clause of the Fourteenth Amendment as the bill fails to substantially advance a legitimate state interest; and 2) lack of review by the Maui Planning Commission pursuant to Maui County Charter Section 8-8.4. These legal issues raise the potential for costly litigation to defend Bill 60 at taxpayers' expense.

In sum, HHA supports the Mayor's veto of Bill 60 and **strongly opposes** the measure. HHA welcomes the opportunity to work together toward a more sustainable tourism future for the island. We believe that it is possible to manage the negative impacts of the tourism industry without a moratorium that would jeopardize Maui's fragile economic recovery and hurt local families who depend on a paycheck from a job in hospitality, construction, or a skilled trade.

Thank you for your time and consideration of these comments.

With Aloha,

A handwritten signature in black ink, appearing to read "Jerry Gibson", with a stylized flourish at the end.

Jerry Gibson, President  
Hawaii Hotel Alliance  
Jerry@hawaiihotelalliance.com





## MOLOKAI CHAPTER

Post Office Box 544  
Hoolehua, Hawaii 96729

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2021 AUG -5 AM 9:13

OFFICE OF THE  
COUNTY CLERK

*The Molokai Farm Bureau serves as Molokai's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community. We are also an arm of the Hawaii Farm Bureau Federation, organized in 1948 and comprised of 1800 farm families statewide.*

Council of the County of Maui  
First reading of CR 21-56 (CARE-23)

Date: August 6, 2021

Time: 9:00am

Place: Online hearing via BlueJeans link: <https://maui.bluejeans.com/295235670>

### Written Testimony in OPPOSITION to CR 21-56 (CARE-23)

Aloha Chair Lee, Vice-Chair Rawlins Fernandez, and Councilmembers:

Thank you for allowing the Molokai Farm Bureau to submit testimony in opposition to CR 21-56 (CARE-23).

The Molokai Farm Bureau's purpose is to represent, protect and advance the social, economic and educational interest of the farmers of Molokai; and although this bill is not currently directed at agricultural use on County lands, casting unsubstantiated doubt on EPA federally approved pesticides and fertilizers brings no benefit to Maui County residents.

We live in a tropical climate and the County should have the ability to utilize all reasonable pesticide and fertilizer tools to effectively and efficiently prevent hazards and liabilities, to maintain a quality of life for all Molokai, Lanai and Maui residents.

The Molokai Farm Bureau would like to submit the following items to the Council for consideration:

### ARE "ALLOWED" PESTICIDES AND FERTILIZERS LABELED APPROVED FOR HAWAII USE?

Of all the pesticides and fertilizers listed as "allowed" on the National List of Allowed and Prohibited Substances, listed in title 7 Code of Federal Regulations 205.601, 205.603, 205.605, and 205.606 – **how many labels are actually approved for use in Hawaii?**

We ask this information be provided to the Council and any impacted County departments prior to any decisions. Application scenarios and needs constantly vary, having limited labels approved for Hawaii use may considerably impact the County's management of vegetative overgrowth and insect pressures – causing important safety and liability issues.

The waiver provision provided in this bill may only prove to obfuscate the approved for Hawaii use label requirement. To successfully address any onslaught of detrimental pests or invasive species, the County would not only need the ability to react quickly to contain further spread, the **waiver provision would not alleviate the County's responsibility from having to apply for a Special Local Needs Permit** from the State, if needed, let alone identify the most effective/least impactful product in a timely fashion.



## MOLOKAI CHAPTER

Post Office Box 544  
Hoolehua, Hawaii 96729

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### **DESTROYING NON-TARGETED BUT BENEFICIAL VEGETATION AND INSECTS**

Organic herbicides are mostly **non-selective**, meaning they will also destroy non-targeted vegetation and insects that may be beneficial to the environment (vegetation and insects not intended to be destroyed). This can lead to an unbalanced or off-balanced eco-system and can **negatively impact important native vegetative and insect species**.

As farmers we recognize the importance of beneficial insects to maintain the intricate balance in our fields to prevent damage and disease, and for pollination to occur.

### **IS THIS THE BEST USE OF COUNTY MONIES DURING A GLOBAL PANDEMIC?**

To live and do business in Maui County we all understand being fiscally responsible. We respectfully question if this is the best use for County money when the pandemic is in fact, resurging?

Needed recovery for your longtime Maui, Molokai and Lanai residents and businesses can far outweigh a bill that will cost tax paying residents (approximately \$10 million for the first year for only just the Parks and Rec department). Looking around one can see these monies are very likely needed elsewhere.

### **More BALANCED EDUCATION is needed.**

We all consistently use inherently harmful things in some shape or form on a daily basis. We have learned how to be comfortable with the associated risk because we understand the dosage and/or how to mitigate harm – think electricity, gas, medication, sanitization, travel.

Those of us involved in agriculture understand the apprehension of pesticide use, we also understand that responsible use has positively contributed to an overall better quality of life in Maui County. And as users, we are committed to engaging others about who we are, what we do, and how responsible use of pesticides – like other inherently harmful things – can be an important tool and an asset to our lives.

On behalf of the Molokai Farm Bureau, thank you for your time. We hope you consider not passing this bill.

Sincerely,

Nate Oswald, President  
Molokai Farm Bureau



August 5, 2021

TO: Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins- Fernandez, Vice- Chair  
Members for the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA-Hawaii)

RE: CC 21-377- Veto of Bill No. 60 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".

OFFICE OF THE  
COUNTY CLERK

2021 AUG -5 AM 9:13

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Hearing Date: August 6, 2021 at 9:00AM

(Sent via e-mail to county.clerk@mauicounty.us)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Maui County Council,

Thank you for allowing ARDA-Hawaii to submit testimony in **STRONG OPPOSITION** to Bill 60-AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS.

Bill 60 establishes a two-year moratorium on building permits for visitor accommodations in South and West Maui. The stated purpose of Bill 60 is to reduce Maui's effect on climate change. However, Bill 60 does not adequately address the issues created by the visitor industry and raises significant legal concerns in the establishment of the moratorium.

Primarily, ARDA-Hawaii echoes Mayor Victorino's concerns pertaining to the lack of review by the Maui Planning Commission and constitutional issues raised at previous hearings. Bill 60 has not been reviewed by the Maui Planning Commission as required under Maui County Charter Section 8-8.4. ARDA Hawaii believes that there is other similar legislation which follows the correct procedural steps allowing for proper review by the Maui County Planning Commission and facilitating greater community feedback. Further, Bill 60 raises multiple legal issue including: 1) violation of Due Process Clause of the Fourteenth Amendment as the bill fails to substantially advance a legitimate state interest; 2) lack of rational basis to end the moratorium; 3) violation of vested rights; and 4) violation of Equal Protection Clause as the bill treats similarly situated persons differently. Due to the Council and County's potential liability, the aforementioned legal issues raise significant concerns and could place an unnecessary burden upon Maui taxpayers.

Further, how will stopping the development of transient accommodations keep visitors from coming to Maui? It won't. The proposed moratorium will not abate Co2 emissions or significantly reduce the impacts of climate change as visitors will continue to come. In addition, limiting the growth of hotel units will force them to seek accommodations elsewhere including Maui's residential neighborhoods.

Today the fastest-growing segment within the visitor accommodations industry is short term rental units. As drafted, Bill 60 only addresses the building permits which have no effect on short term rentals in existing buildings. Bill 60 attacks the wrong targets at the worst possible time. If the purpose of the bill is to ultimately decrease the visitor count, perhaps further regulation is needed on the number of legal short term rental units that are allowed. Halting the issuance of permits for short term rental units in residential neighborhoods will prevent an increase in visitors per year and would eliminate "over tourism."

In addition, there is no data to suggest that stopping the development of transient accommodations will decrease the number of visitors to Maui, mitigate environmental impacts or improve residents' quality of life, all of which are stated goals. A moratorium is also not needed to adequately study the impacts of tourism as the county works toward resiliency – this can be done while the industry continues to operate.


As (a member off/chair) of ARDA-Hawaii, which represents the vacation ownership and resort development industries in Hawaii, I'm surprised that the County would want to stop timeshare visitors from coming to Maui. The timeshare visitor has the exact profile of the type of visitor that we should welcome with higher income levels, more spending off property in restaurants and local stores, and are more likely to take care of their property, which for most is a home away from home, as they are owners, not transients. We should be mindful that the timeshare industry could be part of the solution.

Furthermore, the timing of the moratorium is illogical from an economic perspective. It is concerning that the County would deter capital investment in a time where it is still recovering from the impacts of pandemic. The County would risk forgoing substantial amounts of investment from being injected into the economy creating jobs and vital tax revenue. The industry is a strong contributor to Maui's economy, providing more than \$73 million per year in state and local taxes in addition to employment of and income to Maui residents. Additionally, ARDA-Hawaii and the hotel industry supports the community through charitable donations to on-island organizations, such as Maui Food Bank, Maui Memorial Medical Center Foundation and Boys and Girls Club of Maui, among others.

Moreover, adding a layer of government bureaucracy on the permit system with restrictions will cause expensive delays and increase the price of everything constructed here on Maui. When hotels undergo reconstruction, units are already taken out of inventory for up to 2 years. In conjunction, Bill 60 would make less units available during the moratorium further discouraging redevelopment of hotels to maintain their competitiveness and allow them to retreat from sea level rise.

In sum, ARDA-Hawaii supports the Mayor's veto of Bill 60 and **strongly opposes** the measure. Due consideration should be given to the potential legal ramifications and broader economic impacts of the proposed measure. ARDA- Hawaii respectfully ask that you defer this measure and uphold the veto of Bill 60. Thank you for your consideration of my comments.

Respectfully submitted,



Ryan Nobriga  
Maui Task Force Chair  
ARDA Hawaii



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2021 AUG -5 AM 9:13

P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

OFFICE OF THE  
COUNTY CLERK

Submitted via email to: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Friday, August 6, 2021  
9:00 AM

County Council of Maui  
Office of the County Clerk  
200 S. High St.  
Kalana O Maui Bldg, 7th fl.  
Wailuku, HI 96793

RE: First reading of a bill establishing Chapter 2.50, Maui County Code, determining the categories of pesticide and fertilizer allowed for use on County property; "A bill for an ordinance establishing Chapter 2.50, Maui County Code, Relating to Pesticide and Fertilizer Use on County Property"

Aloha Chair Lee, Vice Chair Rawlins Fernandez, and Councilmembers,

The Hawai'i Farm Bureau (HFB) is the state's largest nonprofit general farm organization representing the interests of thousands of farm families, small to large, organic, conventional, and modern, throughout the Hawai'ian Islands. Our farmer and rancher members have become increasingly concerned about the continuous influx to Hawai'i of noxious and invasive pest species that threaten not only the viability of the islands' agricultural industry, but also the health and welfare of Hawai'i's residents, visitors, watersheds, and native species, including many that are endangered.

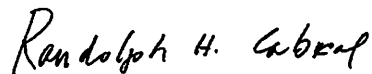
We have carefully reviewed the bill before you, and we are writing today to urge you to consider the big picture while deliberating upon the measure, as it will severely limit Maui County's access to effective tools to control these threats to public welfare and our environment.

For many years, we have worked with the Hawai'i Coordinating Group on Alien Pest Species, the County Invasive Species Committees, the Hawai'i Department of Agriculture, the University of Hawai'i College of Tropical Agriculture, and the Hawai'i Department of Land and Natural Resources to support the work they do to stop the introduction and proliferation of pests that are incompatible with our unique ecosystems and a healthy human environment. Their work is extremely difficult, complicated, and costly, but their mission is invaluable.

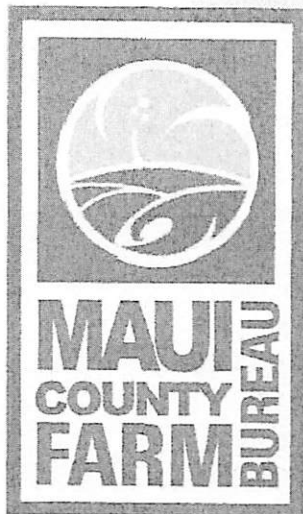
Without effective management of County lands to reduce pest populations and their inevitable dispersal to surrounding properties, our farms and ranches will experience a devastating impact. As you know, Hawai'i farmers are working diligently to reach the goal of doubling food production to help the state become more self-sufficient. We cannot accomplish this if our lawmakers don't understand and take seriously the need to have access to safe, effective, and scientifically vetted methods of pest control, regardless of whether they are considered "organic" or "non-organic". We respectfully suggest that rather than enact an arbitrary ban on non-organic products, the County develop and implement an Integrated Pest Management plan to ensure that the most effective and least risky methods of control are used.

Please send this measure back to Committee for further evaluation. Thank you for your support of Hawai'i's farmers and ranchers.

Sincerely,

A handwritten signature in black ink that reads "Randolph H. Cabral". The script is cursive and fluid, with the first name being the most prominent.

Randy Cabral  
President



PO Box 148, Kula, HI 96790  
mauicountyfarmbureau.org

**Executive Director**  
Warren K. Watanabe

**Board of Directors:**

**President**  
Kyle Caires

**Vice President**  
Joshua Shyloh Stafford Jones

**Secretary**  
Heidi Watanabe

**Treasurer**  
Tim Stevens

**Directors:**

Rodrigo Balala

Brendan Balthazar

James "Kimo" Falconer

Mario Gaggero

Teena Rasmussen

Carver Wilson

Via email to e-mail: county.clerk@mauicounty.us  
Office of the County Clerk  
200 S. High St.  
Kalana O Maui Bldg, 7th fl.  
Wailuku, HI 96793

RECEIVED

2021 AUG -5 AM 9:13

OFFICE OF THE  
COUNTY CLERK

August 6, 2021

Testimony for CR 21-56; Recommending first reading of a bill establishing Chapter 2.50, Maui County Code, determining the categories of pesticide and fertilizer allowed for use on County property;  
"A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY

Aloha Chair Lee and Councilmembers,

Thank you for the opportunity to review and comment on the proposed ordinance to ban non-organic pesticides and fertilizers on County property. Because the bill has implications far beyond County properties, it should be thoroughly and carefully deliberated since its effects will be widespread. And although the ban is purportedly not intended to impact farming in Maui County, we believe this proposal will harm our farmer's ability to grow food and other crops. Taking effective tools away from the County of Maui departments tasked with managing county lands will severely hamper their ability to combat weeds, insects, and species that transmit diseases, and that in turn will affect farms near county roads throughout the Maui county.

The Maui County Farm Bureau supports reducing risk to people and the environment through science and evidence-based policies and regulations that provide well-considered solutions to tangible problems. We are concerned that this bill is not based on those principles. The following are some of our concerns.

- **Lack of scientific rationale** The bill is not based on health and safety considerations. It bans synthetic pesticides and fertilizers without examining the comparative toxicity and safety of the proposed allowable products. Just because something is natural does not mean it is safe. Similarly, just because a product is not organic, this does not mean it is unsafe.
- **Usurps federal and State regulatory authority** The bill does not take into account and is inconsistent with the rigorous, science-based State and federal laws and regulations governing pesticide and fertilizer use. It usurps the regulatory authority of the State

Department of Agriculture regarding pesticide use. How does the Council intend to reconcile the inconsistencies of this proposed ordinance with the existing laws?

- **Road safety** As County motorists, pedestrians, and taxpayers, we are concerned that the Department of Public Works, under this proposal, may be unable to adequately maintain the more than 1,000 miles of Maui County roads and shoulders to control overgrown brush and prevent weeds from impacting drivers' views. Using steam machines for weed control brings its own set of safety problems and ignores the fact that these machines emit additional CO<sub>2</sub> into the atmosphere, the very thing that the Climate Action Committee is trying to curtail.
- **Limited efficacy of allowed products and methods** The Director of Public Works expressed concerns about the effectiveness of the allowed pesticides and fertilizers in hard-to-reach areas, cracks in roads, and under guardrails. Overgrown vegetation can impede mobility on pedestrian paths and bikeways, hinder visibility on roadways, and block drainage corridors causing backups and flooding in drainage structures. Vegetation growing in cracks along sidewalks, curbs, and gutters can damage asphalt and concrete, at great expense to taxpayers. The Department has reasonably asked to be allowed to use minimal applications of conventional products (banned if this law is enacted) in hard to reach areas or in areas where mechanical control of vegetation is difficult to accomplish. The Highways Division has already committed to using the bare minimum of herbicides (10 to 15 gallons annually) to ensure roadways and intersections remain safe and passable with clear visibility of signs, markings, guardrails and intersections. This bill appears to be unnecessary and is too inflexible to be workable.
- **Road worker safety** Dr. Joe DeFrank, a well-respected University of Hawaii College of Tropical Agriculture weed scientist, stated in no uncertain terms that the bill will take away the ability to maintain safe roads. Because effective herbicides will be banned, weeds will proliferate under guard rails, below signs, and within line of sight around turns. He predicted that deaths and injuries will occur due to the failure to control weeds and maintain safe roads. He explained that the proposed allowable pesticides only burn down small weeds, allowing for the perennial grasses and weeds to rebound rapidly. Dr. DeFrank cautions that the bill will require roadway workers to spend more time near traffic, dangerously mowing and spraying weeds that would otherwise be controlled with safe conventional herbicides. The pesticide prohibitions of this bill, he warns, will lead to increased risks of death and serious injury to County workers and residents.
- **Cost/benefit** No funding was allocated to produce a cost/benefit analysis for this new law. Without such an analysis, the Council will



be unable to determine the cost of this ordinance both to the Departments and to the taxpayers of Maui County. It will also make it impossible for Councilmembers and the public to know whether there is any benefit or disadvantage of the proposal. The Departments expressed significant concerns regarding the cost of implementing the proposed law, noting that limiting their use of effective products would necessitate additional equipment and staffing that would double or triple their current budget needs. They warned that if their budgets were not increased, the playing fields would become unsafe. The Department of Parks and Recreation estimated that it would cost approximately **\$6 million extra** for the first year of implementation if this bill is enacted.

- **Public Right-to-Know, Transparency** The outcome of the demonstration projects sponsored by the Beyond Pesticides group to reduce or eliminate pesticide use by the Parks and Public Works departments was never made public. Since the bill appears to be based substantially on the claims of this group and its experiments, the results of them are germane to the Council's deliberation on this bill and could provide a clearer picture of the projected costs to implement this measure. We urge the Council to publicize the results of these projects in advance of Council deliberations on this matter.
- **Experts ignored** The testimonies from the UH CTAHR weed scientist, the County Departments of Parks and Recreation and Public Works seem to have been ignored. The Parks Department testified that it is no longer using *any* pesticides or fertilizers at County beach parks and most passive parks. Out of over 3,000 acres of land that the Department is responsible for, pesticides or fertilizers are used on less than ten percent of the properties, when necessary. Importantly, the Department testified that there are currently **no** proven or effective "Organic or Natural" pesticides to control the major grassy weed species in the parks and that the Department is continuously trying new and potentially safer products as the science and technology becomes available. This strategy would no longer be practical or timely under the bill since new tools would be unavailable for use by the County, unless the Council (non-experts) grants a waiver for a specific product based on very limited criteria. The 180-day process would allow fungal, bacterial, and pest outbreaks to jeopardize the safety and use of fields and surrounding areas.
- **Integrated Pest Management (IPM) is a realistic alternative** MCFB echoes the Department's request that any new legislation provide enough flexibility and tools to manage vegetation in order to keep our roadways safe. Along with the Department, we also respectfully request that as an alternative to a ban, the Council consider development and implementation of an Integrated Pest and

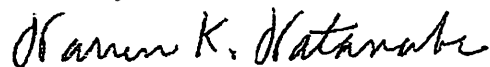
Vegetation Management Plan, as used successfully in other municipalities to manage vegetation at acceptable levels to provide healthy public recreational opportunities with the minimum use of fertilizers and pesticides.

- **Establishment of weed seed banks and impact to agriculture** The Departments warn that in Hawaii, unlike on the mainland, our typical warm weather conditions allow weeds to flourish and germinate new seeds year-round. This results in the continuous production of weed seeds that create a huge weed seed “bank” that is nearly impossible to control and prevent from spreading into residential and agricultural lands. Even if the proposed measure does not *directly* apply to agriculture lands, it will negatively impact farming on Maui as farmers and ranchers battle to prevent the take-over of productive lands by weeds, insects, and diseases.
- **Justification for the bill** We respectfully question the justification for this bill. Non-organic pesticides and fertilizers can be used safely and they *are* being used safely in Maui County. The Departments noted that no environmental study has been done showing that the pesticide and fertilizer use at the Waiehu Golf Course or County playing fields is causing adverse effects to the environment on the property or adjacent properties. There has been no ecological study performed on or around Waiehu Golf Course showing that the pesticide and fertilizer usage has impacted living organisms or their environment. If the County Departments’ staff requires more pesticide use education and training, the State Department of Agriculture provides that service. It also provides enforcement for any improper use of pesticides. This proposal attempts to create a solution for a problem that does not exist.

MCFB hopes that our concerns will be addressed. We note that Councilmember Sinenci, the introducer of this bill, stated during the Committee meeting on July 21<sup>st</sup>, that the bill is *not* intended to apply to agriculture. Due to the above-mentioned concerns, however, we believe that this bill *will* in fact negatively affect farming and ranching on Maui.

Thank you for your thoughtful consideration of our concerns and comments. We urge you to send this matter back to Committee for further study.

Sincerely,



Warren K. Watanabe  
Executive Director

**From:** David Simonson <advertisingdave@yahoo.com>  
**Sent:** Thursday, August 5, 2021 7:57 AM  
**To:** County Clerk  
**Subject:** County Communication 21-392

2021 AUG -5 AM 9:13

OFFICE OF THE  
COUNTY CLERK

To the honorable members of Maui County Council,

I am writing this, in regards to the County Baseyard in Makawao (Maui County Highway Division Garage - 1295 Makawao Ave, Makawao, HI 96768). I was a resident of 3500 Burns Place, for seven years (2011-2018). During the time I resided there, I experienced numerous incidents and issues with the County Baseyard. The worst issues and incidents that I experienced were as follows;

a.) **Excessive Machinery Noise:** Large air tools being used, honking of truck horns, back-up beepers, testing of garbage truck equipment/mechanisms, general heavy equipment machinery, and the moving-around of heavy loads.

b.) **Excessive Human Noise:** On a DAILY basis I would hear the employees calling to (more like yelling to) each other. This was a result of their wearing ear protection or trying to talk over the general loud noises of their work. Unfortunately, I also heard on a DAILY basis, an ARRAY OF PROFANITY (especially F-Bombs) being used amongst workers. This resulted in my making dozens of phone calls to the office and also calling over the fence to the workers asking them to stop swearing. During this time, my neighbor had just given birth and also had a 3 year old son at home. It was not language that a mother and young children should be subjected to. Despite the best attempts of the office in talking to the workers to keep their voices down and NOT use profanity, this would sadly occur the next day and every day after.

c.) **Personal Use On Weekends and After-Hours:** I heard and observed County Employees bringing in their personal trucks, horse trailers and other equipment to use County facilities to work on their personal vehicles. I used to look forward to the whistle that would indicate closing time of the Baseyard. After enduring the loud and annoying noises of the Baseyard, it was after hours and weekends that could at least provide some respite and peace for me. So it was incredibly annoying to have those times interrupted by County Employees who were using the facility for their own personal use. This occurred on an almost abusive level. It was shocking to me that this facility could be used for "personal use" when it was a County-funded facility and the workers could bring in their trailers and vehicles to work on them.

d.) **Excessive Idling of Vehicles:** On a daily basis, there were vehicles being left idling for long periods of time. Especially in the early-morning hours. The trash/garbage trucks were typically the worst culprits. However, even heavy equipment vehicles were left idling in some cases for close to an hour. This also resulted in my calling the office to complain. Both the noise and the diesel fumes would carry directly into the windows of my house. I would often have to shut all the windows that faced towards the Baseyard just to make life tolerable.

During my seven years on Burns Place I became very good friends with neighbors. When I moved to Kula, I was very sad to leave them. However, I was not one bit sad to leave the noise and chaos of the Baseyard! When I go back to visit these friends, I am really shocked at how this noise level has only increased and gotten worse. Even more shocked to see just how much larger the baseyard use has grown-out towards Makawao Avenue. I used to be able to walk my dogs in what I used to call "the park" (in front of the gates of the Baseyard). It used to be a lovely open, grassy area, but now it looks like an eye-sore. It appears that it is being used for added Baseyard storage for dirt, gravel and other materials. It is shocking to see how this County Baseyard growth is encroaching upon the homes on the upper-side of Burns Place.

Having a facility like this, located so close to residential homes, is simply not a sensible long-term plan. Something should be done to relocate this facility or enact much stricter guidance and limitations

that could be put in place to have some level of harmony between the facility and the residents that have to live next to it.

Respectfully yours,

**David Simonson**

(808) 276-8289

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**County Clerk****RECEIVED**

**From:** Cynthia <aktestkits@aol.com>  
**Sent:** Thursday, August 5, 2021 4:45 AM  
**To:** County Clerk  
**Subject:** Petition to overturn veto

**2021 AUG -5 AM 9: 13****OFFICE OF THE  
COUNTY CLERK**

My name is Cynthia Lebowitz and my husband and I moved from Oahu first to Haiku and now Makawao. After living on 4 islands Maui shows to have much growth and potential to be a shining light in self-preservation. Feeding the school children local quality meat, the growth of local farmer's markets and the new crops being planted show the potential Maui has to produce.

During the last 2 years we have taken a pause in tourism and seen some positive effects such as locals being able to leisurely travel to Hana and around the north coast, less soil erosion on trails, and according to [ultimategwhalewatch.com](http://ultimategwhalewatch.com) "the lack of tourism during the Covid-19 pandemic restrictions, less boats have been on the water, and whale watching tours have been postponed. Past research has shown that some noises from vessels may disturb whale behavior, so fewer boats on the water may be giving them more opportunity to proceed with their daily activities. During tour operations, our offering smaller boat charters is a big part of our overall vision to minimize the size of vessels on the water, their noise as well as creating that intimate experience with marine life. Also with fewer of us in the water, we have sunscreens affecting the coral reefs."

In 2018 Maui News Now wrote: "Overtourism results in long commutes, day and night shifts with unattended children, multiple jobs, overcrowded schools, a shortage of doctors, dangerous intersections, wastewater finding its way into the coral reefs, lost views, pesticides draining from golf courses, brown-water advisories, etc... Tourist industry salaries do not keep up with housing costs; families have to co-habit residences....Maui now has a mature tourist industry that needs to protect itself from overtourism."

From skimming through The Maui Island Plan passed in 2012 in 1970, the ratio of tourists to residents was approximately 1 to 20. This number has risen dramatically; by 2000, the ratio was approximately 1 to 3.

When I read about Bill 60 and its 2yr pause on construction in the tourist sector I was saddened that it was overturned by Mayor Victorino. I wrote a petition and sent it to various Facebook groups of which I was a member asking if they agreed with the pause and would like to submit the petition along with those signatures including mine to support item CC 21-377 to overturn the veto.

Thank you for your consideration in this.

Cynthia Lebowitz

450 Hoopalua, Makawao, HI 96768

Here is the link for the said petition which has garnered, as of now 208 supporters <http://chnng.it/28SfrMny>

Cynthia Lebowitz

AKTestKits@aol.com

970 201-7406

**County Clerk**

RECEIVED

**From:** Sandra brissette <sandra\_brissette@yahoo.com>  
**Sent:** Wednesday, August 4, 2021 7:45 PM  
**To:** County Clerk  
**Subject:** Veto to override item CC 21-377

2021 AUG -5 AM 9:13

OFFICE OF THE  
COUNTY CLERK

Dear Council,

It's to my disappointment that the Mayor has vetoed bill 60 after all us have submitted countless testimonies and have shown our full support for bill 60 , (pause on vacation type buildings permits). Not only did he say incorrect statements of its legal ramifications but he also said he knew a faster way to stop the multiplying of tourist that our island simply can not handle. To this day there has been no action, just talk.

Please override his veto. We have countless businesses that cannot find enough workers because the ratio of tourist to residents is way off. It feels like an amusement park on our island. With long lines at restaurants, crowded beaches covered with hotel lounge chairs, traffic jams, blocked roads due to tourist illegal parking to get to beaches and waterfalls. With drought conditions currently all over the island how could we even think of building for vacationers, when we can't even supply water to those who live here now?!

We really need to pause this type of building and build for the children of our community and supply more buildings that supply the community with what they need. I once again please plead with you to help our island heal and to override the Mayor's veto on bill 60.

Sincerely Yours  
Sandra Brissette  
245 Mahie Pl  
Kihei, Hawaii

August 4, 2021

RECEIVED

2021 AUG -5 AM 9:14

Name: David Marts

OFFICE OF THE  
COUNTY CLERK

Address: Piilani Villages, Kihei

I am a full-year resident of Maui, tax payer and voter, and I submit this testimony urging the Maui County Council to reconsider the vote upon Bill No. 60 and override the Mayor's veto.

Bill No. 60 represents an opportunity for Maui government to act responsibly to protect the Aina for Maui residents by restricting new commercial development of visitor lodgings.

How will Bill No. 60 protect the Aina?

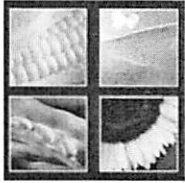
- Limit the number of people who can reserve commercial lodging on Maui and it will bring relief to the congestion and damage to our streets, beaches and parks. It will also slow the rapid consumption of vital resources like water, power and emergency services.
- Restrict new commercial development of visitor lodgings and it will save the Aina from urbanized blight where businesses abandon older, existing buildings for newer, more modern properties developed on virgin land.

Through the simple principle of supply and demand, Maui can control the number of visitors arriving to its shores. When the existing inventory of commercial hotels, resorts, time-shares and legally permitted vacation rentals does not expand, there will be a natural restriction of visitors traveling to our island home.

A limited inventory will drive up prices and yield higher tax revenues for the County while forcing existing commercial enterprises to:

- invest in their properties through renovation and modernization, which could provide local construction jobs;
- compete for the loyalty of its employees who best demonstrate Aloha by paying realistic wages and offering liberal benefits;
- engage in other best business practices to ensure preservation of visitor market share; or
- sell to entities more interested in the privilege of doing business on Maui.

I urge the Council to override the Mayor's veto on Bill No. 60.



# HAWAII CROP IMPROVEMENT ASSOCIATION

## TESTIMONY FROM THE HAWAII CROP IMPROVEMENT ASSOCIATION

In opposition to CR 21-56  
(CARE-23)

Council of the County of Maui

Date: Friday, August 6, 2021  
Time: 9:00 am  
Place: Via Video Conference

RECEIVED  
2021 AUG -5 AM 9:14  
OFFICE OF THE  
COUNTY CLERK

Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers:

Thank you for allowing the Hawaii Crop Improvement Association (HCIA) the opportunity to provide testimony in opposition to CR 21-56 (CARE-23) which establishes Chapter 2.50, Maui County Code, determining the categories of pesticide and fertilizer allowed for use on County property.

We understand the interest regarding pesticide and fertilizer use and embrace the opportunity to engage in discussions to promote transparency and education. However, this measure will establish undue burden and needless risk for County & State agencies, homeowners, farmers, landscapers, pest control professionals, and the public, without substantive data necessitating the need. Contemporaneously, the measure stands to circumvent State and Federal regulatory authority without the necessary resources to accomplish the required results.

As in all professions, pest managers need the ability to use the correct tool for each situation, as directed by the label. Casting unsubstantiated doubt on the necessary use of pesticides or fertilizer not listed under Title 7 Code of Federal Regulations 205.601, 205.603, 205.605, and 205.606 will severely impact Hawaii's unique ecosystem by promoting breeding grounds for invasive species and detrimental pests. Although Section 2.50.050 of this measure establishes a waiver provision, the process is not only overly burdensome but dangerous due to the timeliness and lack of resources to establish credible conclusions on complex chemistries.

For reference, the U.S. Environmental Protection Agency (EPA) evaluates and registers pesticides against a standard of reasonable certainty that the use would cause no harm to human health or the environment. To make this determination, the EPA considers how much product residue is contributed to daily intake for users and then combines it with the amount of residue consumed by other routes of exposure. These routes include food, drinking water, and residues from pesticide use in residential and non-occupational environments. Relevant routes of exposure are analyzed within aggregate exposure assessments, these include the oral, dermal (absorption), and inhalation. Once calculated, the total consumption of residues is compared to the acceptable daily intake (ADI). The ADI for each product is set by toxicity studies that look at effects, such as acute toxicity, chronic effects, sub-chronic effects, carcinogenicity,





## HAWAII CROP IMPROVEMENT ASSOCIATION

developmental and reproductive abnormalities, and mutagenicity. The ADI is then set at a minimum of 100 times lower than any dose level that presented harmful toxicity, ensuring the safety of the product.

Notwithstanding the evidence demonstrating the safety of pesticide products when used as directed by the label, cost projections provided by the City & County of Honolulu and the County of Hawaii found that a shift from synthetic products to non-synthetic products would result in an increase in spending unfeasible for either of their proposed budgets, especially without evidence demonstrating the need to necessitate a change. Also, any replacement product would yield subpar results; meaning, banning synthetic pesticides would not only be unwarranted, but also financially reckless.

Aside from the practical, logistical, and regulatory concerns with this measure, the provisions included are arguably preempted by the State law, specifically Chapter 149A, HRS. While Section 2.50.060 states that "Nothing in this chapter will be interpreted or applied so as to create any requirement or duty in conflict with any federal or state law.", if allowed to proceed, the measure could jeopardize the cooperative agreement between the State and Federal government under FIFRA. In addition, the language may manipulate both market allocation and free commerce.

Mahalo for the opportunity to testify in opposition to CR 21-56 (CARE-23). If you have any questions, please feel free to contact me at your convenience.

Sincerely,

*Emmanuel Zibakalam*

Emmanuel Zibakalam  
Executive Director, Hawaii Crop Improvement Association

*The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.*

## County Clerk

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**From:** Stillys <stillys@hawaii.rr.com>  
**Sent:** Thursday, August 5, 2021 9:20 AM  
**To:** County Clerk  
**Subject:** Testimony Aug 6, Agenda Item 21-377, Bill 60 (2021)

Aloha esteemed council members, I encourage the council to override the mayor's veto of Bill 60 (2021). The county needs to take immediate action to stem the potential development of more visitor accommodations until the community plans are updated and implementation plans are in place. This is a 2 year moratorium at best, not a forever stay on building. The mayor's idea of waiting for something different will likely take more time than that to be enacted, meanwhile nothing changes. Resort hotels are nowhere near 100% capacity, so where is the need for more at this time? Let's get started on something constructive now.

Thank you for your service.

Patricia Stillwell  
227 Kamakoi Pl, Kihei 96753



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2021 AUG -5 AM 9:41  
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DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE MAUI COUNTY COUNCIL

AUGUST 6, 2021  
9:00 A.M.

RECEIVED  
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COMMITTEE REPORT NO. 21-56  
A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2, ARTICLE 50,  
MAUI COUNTY CODE, RELATING TO CATEGORIES OF PESTICIDE  
AND FERTILIZER USE ON COUNTY PROPERTY

Chairperson Lee and Councilmembers:

Thank you for the opportunity to testify on Committee Report 21-56, that would establish a bill determining the categories of pesticide and fertilizer allowed for use on County property. The Hawaii Department of Agriculture (the "Department") recognizes the challenges the County has with maintaining County owned property and offers the following comments with concerns for the Council to consider.

The "List of allowed and Prohibited Substances" (Title 7 CFR 205.601, 205.603, 205.605, 205.606) are lists of products which are synthetic and non-organic products allowed for organic crop and livestock production, organic processing, and as additives. It is not a comprehensive list of organic pesticide products and is only intended to be used for crop production or crop processing, not for landscaping, maintenance, golf courses, nurseries, etc. The Department has concerns with the List of Allowed and Prohibited Substances rather than using a third-party list of approved organic products.

In reference to 2.50.040 A.3.b., insect repellents are a wide-ranging category of pesticides. The Department comments that the County needs to define which insect repellents are allowable, such as mosquito repellent or other more specific insect repellents.

In reference to 2.50.040 B.3. the Department comments with an amendment to proposed language; "Invasive species that are likely to cause economic or environmental harm or harm to human health". The original language may be interpreted as focusing on only newly introduced invasive species.



COMMITTEE REPORT NO. 21-56

August 6, 2021

Page 2

The Department is also concerned with the final section of 2.50.060. The rule implementation and enforcement by the Director of Public Works contemplated by this bill may conflict with the Department's federally mandated duties. Although these rules and ordinances may be more restrictive than federal or state law, overlapping duties may jeopardize the Department's funding from our cooperative agreement with the U.S. Environmental Protection Agency.

Thank you for the opportunity to testify on this measure.

## County Clerk

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**From:** Makawao Neighbors <makawaoneighbors@gmail.com>  
**Sent:** Wednesday, August 4, 2021 9:09 PM  
**To:** County Clerk  
**Subject:** Written testimony CC 21-392  
**Attachments:** Baseyard Community Grievance Report March 2021.pdf

Aloha,

Attached you will find detailed information concerning CC 21-392 for the August 2, 2021 Maui Council meeting.

Thank you,  
Makawao Baseyard Neighbors

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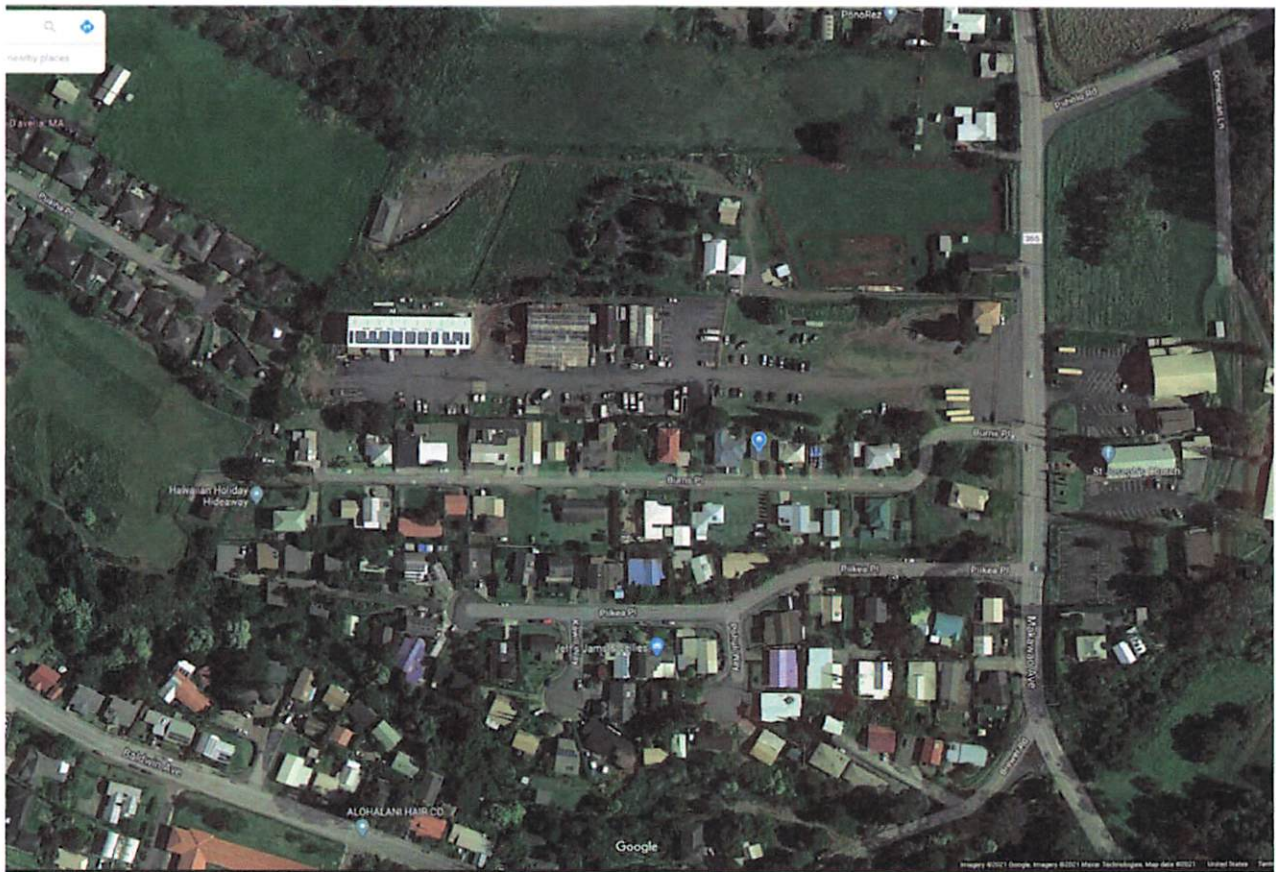
**MARCH 2021**

**MAUI UPCOUNTRY BASEYARD**

# **COMMUNITY GRIEVANCE REPORT**

## UPCOUNTRY BASEYARD REPORT





**Upcountry Baseyard**  
**1285 Makawao Ave, Makawao, Hawai'i**



# COMMUNITY GRIEVANCE REPORT

**T**his report and filed complaint has been compiled using gathered, observed, and experiential data from years of County of Maui Upcountry Baseyard activity and projects.

This report will be submitted to the local leaders, county department heads, health department, and other concerned parties on behalf of the long time neighbors of the County of Maui Upcountry Baseyard, including residents bordering the property lines with the Baseyard. The residents who have helped build this report have attached their names to the bottom of this report.

Many activities of the County of Maui Upcountry Baseyard, hereafter referred to as "Baseyard", violate the laws and statutes of the County, State, and Federal Government as pertaining to:

ZONING / IMPROPER LAND USE

NOISE POLLUTION

AIR POLLUTION

ENVIRONMENTAL POLLUTION

The intent of this report is to make our leaders aware of the nuisance and damage inflicted on the community by the Baseyard activities and demand immediate change to the most egregious offenses and timely change and remediation of the other offenses. The community recognizes that some time will be needed to amend the practices of the Baseyard and relocate the unpermitted activity. But the community is prepared to take legal action if steps are not taken soon and in full communication with the community.

## BRIEF AND RECENT HISTORY



*Tax Map of the Upcountry Baseyard from March 2021*

This particular County Baseyard is unique in our islands because it is situated in the middle of a residential neighborhood and shares property lines directly with 21 homes, and the most noxious activities are within 200 feet of an additional 15 other homes. There is no significant buffer to separate county activity from the neighborhood homes. Most surrounding neighbors have lived in their homes for their lifetimes, and the few new imports plan to do the same. This is an area with very little turnover, and mainly owner-occupied homes. This list of concerns are not being brought forth because of affected house values, but because of the diminishing quality of life and serious health concerns of all of us who live here near to the Baseyard.

Very little has been done over the last fifty years to mitigate the impact of the Baseyard on the surrounding neighborhoods, and activity has only steadily increased. In 1991, for example, the county completed an environmental impact study on installing new fuel tanks. No negative impacts were expected (!), and the study claimed that the county would plant trees on the perimeter of the "new" baseyard to minimize the appearance and impact of the industrial look of the baseyard<sup>1</sup>

<sup>1</sup>[http://oeqc2.doh.hawaii.gov/EA\\_EIS\\_Archive/1992-02-08-MA-FEA-Makawao-Public-Works-Baseyard.pdf](http://oeqc2.doh.hawaii.gov/EA_EIS_Archive/1992-02-08-MA-FEA-Makawao-Public-Works-Baseyard.pdf)



**2017:**



*2017 Aerial Footage of Baseyard Activities Closest to Makawao Ave*

**Now:**



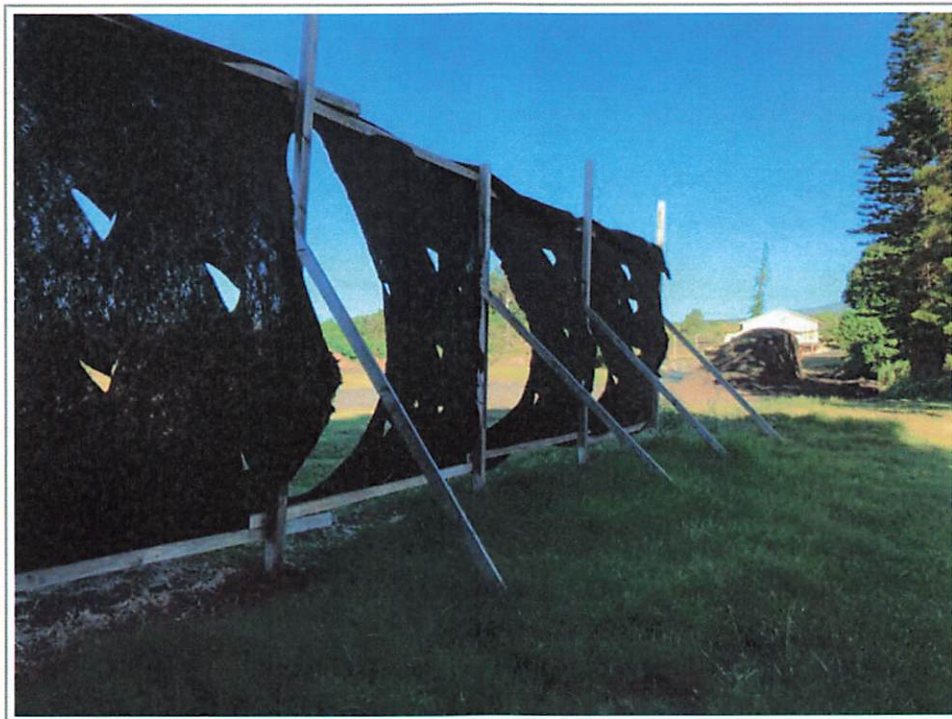
*2020 Footage of Baseyard Activities Closest to Makawao Ave*



## UPCOUNTRY BASEYARD REPORT

Specifically in the last ten years, activity has significantly increased at the baseyard. Where only a few trucks used to be parked at the Baseyard, now there are a few dozen. Where there were trucks parked, now there are large asphalt piles that are dug into daily. Where there was a grassy field for parking, now there are large piles of fill material and a mini-crushing plant. For residents who have spent their life next door to the baseyard, they can attest that things have gone out of control. The added activity, piles, construction, and crushing means that the trucks that park at the baseyard are packed in tight. It means that construction equipment and trucks are parked on the property lines, and the exhaust fills neighboring homes and yards.

In addition, over two years ago, and according to employees at the Highways Department, T. J. Gomes Trucking Co. leased the large grassy field just outside of the Baseyard for a road construction project. Prior to this temporary land lease, the land outside of the fenced-in county facilities was simply used for employee parking. T. J. Gomes used it for at least one year as a staging area to dump debris, sift dirt/asphalt, and tree stumps, and to store heavy equipment and construction material. The area became a non-stop loud, dusty, dangerous mess. They did not use any dust containment for almost 18 months until they received enough complaints to erect a flimsy fabric dust barrier,



*2019-2020 Dust Barrier Erected After Neighborhood Dust Complaints*

## UPCOUNTRY BASEYARD REPORT

which quickly fell apart (after about six weeks) and then collapsed during storms and was left in a broken pile for months before repaired and re-erected.

After T. J. Gomes was done with the project, the area continued to be used in such a way that it was an unceasing muddy, dusty mess where once a grassy field was. They also left behind a massive mountain of torn-up asphalt that was only recently removed.

Unfortunately after T. J. Gomes finished and left, the County began using the land for the same construction activity. The Baseyard has been constant construction activity for over two years, with no end in sight.

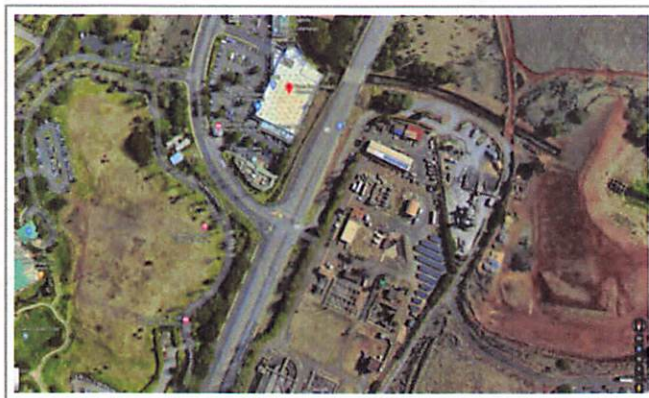
There is no other baseyard in the county that is surrounded by a residential area like the Upcountry Baseyard. In fact, Molokai just had their baseyard moved and enhanced. We ask that the Makawao Baseyard be similarly seriously addressed.



*Wailuku Baseyard*



*Moloka'i Baseyard*

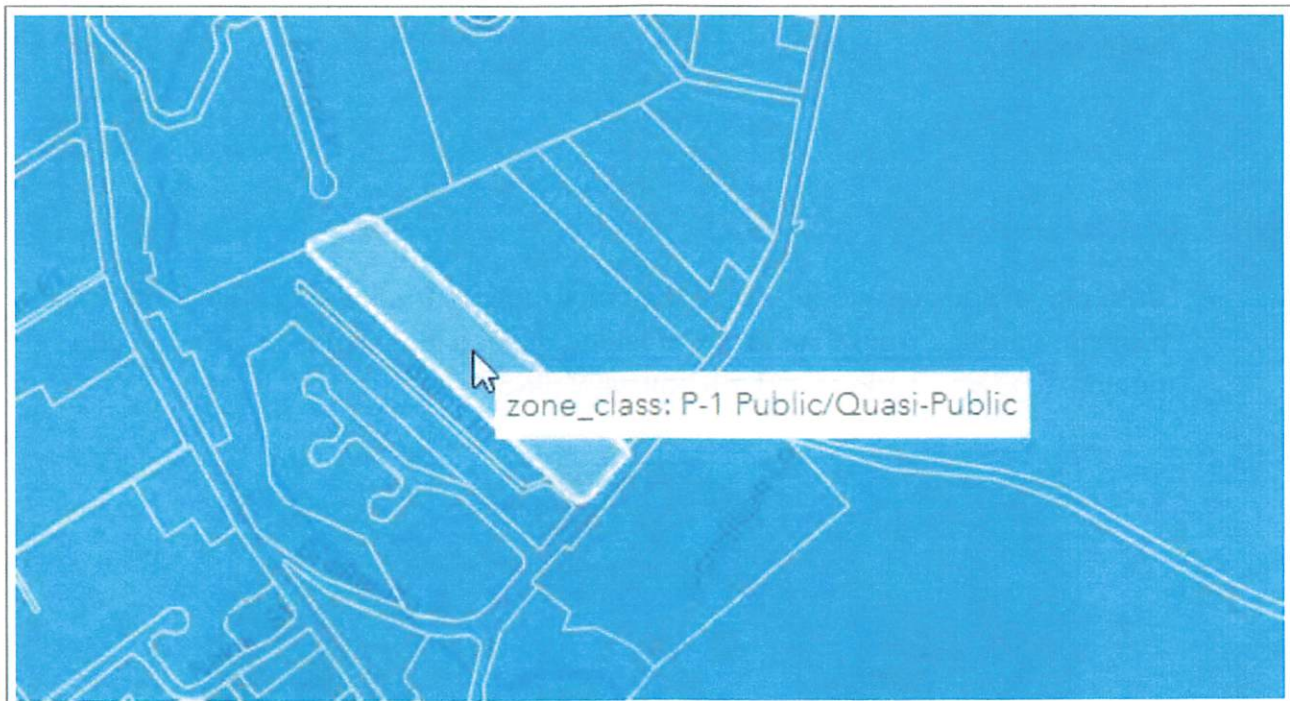


*Lahaina Baseyard*



## DETAILED EXPLANATION OF OFFENSES

The offenses caused and committed by the Baseyard's activities fall into these categories:



### 1. ZONING / IMPROPER LAND USE

- A. This Baseyard land is zoned P-1 Public/Quasi-public. According to General Ordinances of Maui County 19.31.020<sup>2</sup>, the intended use for P-1 is for churches, community centers, fire and police stations, schools, libraries, etc. Government buildings and facilities, private parking lots and structures serving public purposes are included in the list of uses, but no use of P-1 land should be hazardous or a nuisance to the surrounding areas.

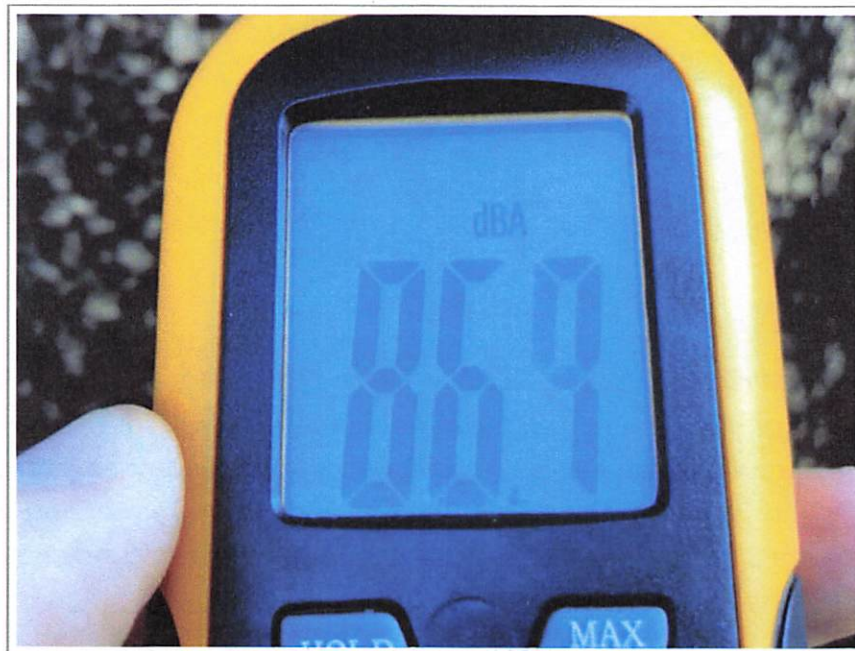
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<sup>2</sup> [https://library.municode.com/hi/county\\_of\\_maui/codes/code\\_of\\_ordinances?nodeId=TIT19ZO](https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT19ZO)

- B. At the very least, the Baseyard activities fell outside of the “spirit of the law” in regards to P1 Zoning surrounded by Residential Zoning. It has allowed private companies to lease or freely use the property to store materials, store machinery, and do business. And the nuisance and health safety concerns brought about by the Baseyard are antithetical to the surrounding zoning.
- C. Under local and state regulations, the said activities exceed the allowed time for construction and transport, beginning in the very early morning hours on all weekdays.<sup>3</sup>

## 2. NOISE

- A. Under local and state regulations, the construction, truck traffic, idling, material moving, garbage trucks, and rock crushing exceed legal limits in duration and decibel reading continually during all weekdays.<sup>4</sup>



<sup>3</sup> <https://mauinow.com/2019/01/20/ask-the-mayor-is-there-an-ordinance-to-regulate-noise/>

<sup>4</sup> <https://health.hawaii.gov/irhb/files/2013/07/noiserefmaui.pdf>



- B. Under local and state regulations, the said activities exceed the allowed time for construction and transport, beginning in the very early morning hours on all weekdays. (Hawaii Administrative Rules, Title 11, Chapter 46)<sup>5</sup>
- C. Little is done to limit noise pollution, and trucks are often left idling or in reverse so that their reverse alarm sounds at above the allowed decibel level for longer than three minutes.
- D. While noise has always been a concern of the neighbors of the baseyard, the increased traffic and activities in the baseyard parking lot that has increased dramatically over the last two years has made the noise incessant, meaning that there is noise at or exceeding allowed decibel levels from 4:45 a.m. until mid-afternoon. Sometimes the noise begins as early as 3:15 a.m.
- E. With all of the neighborhood children forced to stay home because of the pandemic, their virtual school days are exceptionally disrupted by the noise that enters their homes, regardless of closing the doors and windows. The reverse beeping alarms are especially disruptive.

### 3. EXHAUST AND IDLING

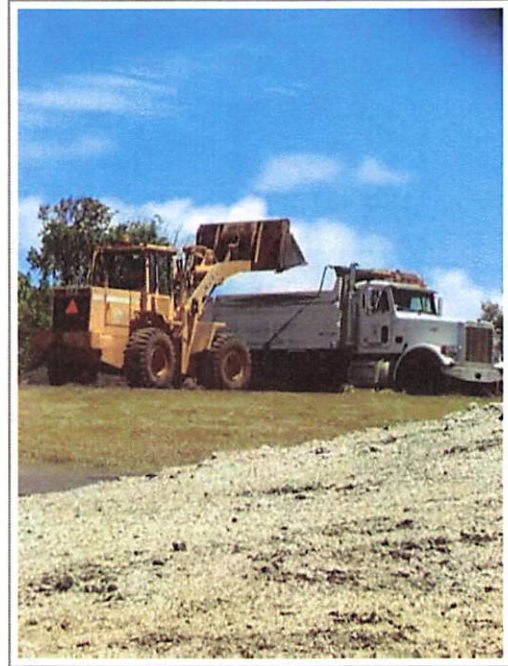
- A. Trucks, heavy machinery, and personal vehicles continually idle longer than the Federally-allowed three minutes, and always longer than the State allowed time, which is only to allow an engine to briefly warm up or cool down. (Hawaii Administrative Rules §11-60.1-34)<sup>6</sup>
- B. The vast majority of parking areas for the large trucks, heavy machinery, and personal and county vehicles is on the property boundary lines of the local residents, and most of the parking areas are less than 20 feet from the actual homes of these residences (which have been there in most cases for longer than 50 years). Therefore, the exhaust from driving and idling trucks enters the homes of the residents throughout the day, every day of the week, usually starting around 4:45 am, but recently starting as early as 3:30. Even on hot days, windows

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<sup>5</sup> <https://health.hawaii.gov/opppd/files/2015/06/11-46.pdf>

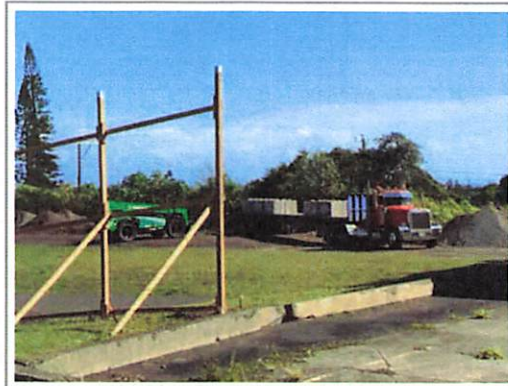
<sup>6</sup> <https://health.hawaii.gov/opppd/files/2015/06/11-60.1.pdf>





have to stay closed, but exhaust still enters. This is a major health concern, and at least one normally healthy resident has fallen ill with a chronic lung disease since moving next to the Baseyard (EPA Diesel Exhaust Report<sup>7</sup>

- C. Machinery is often idle while the operators sit in the air conditioned cabs and fill out their end-of-day reports, check their phones, or relax. This is also at cost to the County in fuel and engine wear (Hawaii Administrative Rules §11-60.1-34)<sup>8</sup>.

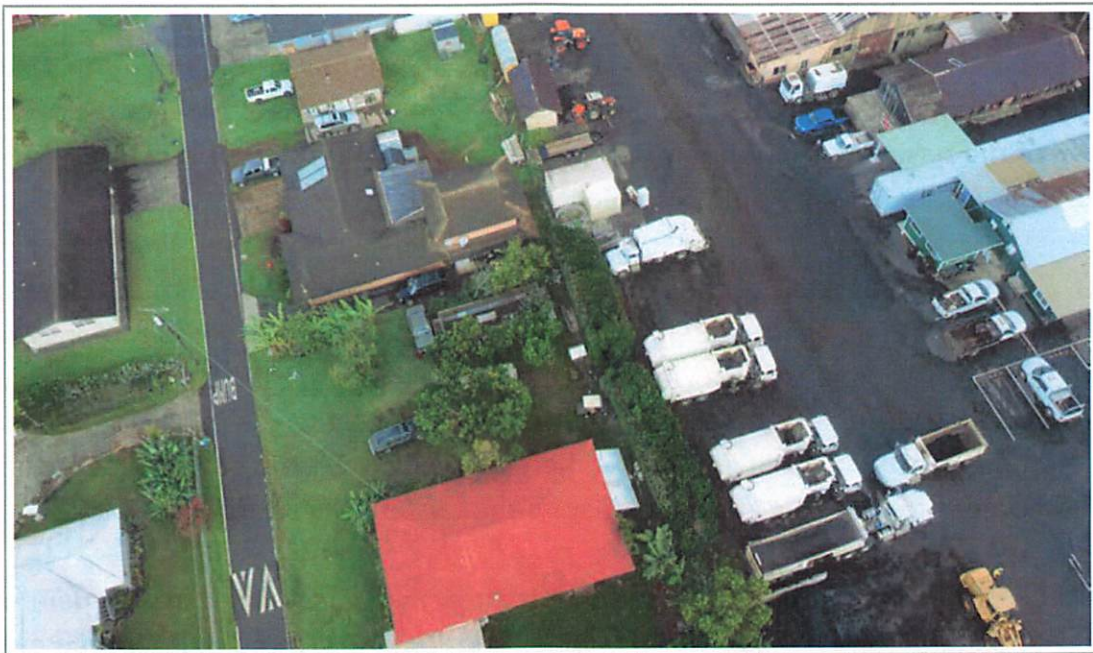


<sup>7</sup> <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=29060>

<sup>8</sup> <https://health.hawaii.gov/opppd/files/2015/06/11-60.1.pdf>

## 4. FUMES

- A. Fumes and smells from the garbage trucks waft into the neighboring yards and homes, especially on the weekends.
- B. Fumes from the asphalt piles located less than 30 feet from the residences of two families, fill their homes with asphalt fumes throughout the day. Asphalt has been proven to be extremely hazardous for health when airborne (Hawaii Administrative Rules §11-58.1-03,-04,-19<sup>9</sup>)(CDC Asphalt Report<sup>10</sup>)(EPA Asphalt Report<sup>11</sup>)



*Typical Afternoon: Notice trucks parked and idling in close proximity to homes. This is only half of the trucks that are stored in this area, and the comings and goings adds significant fumes to the air.*

<sup>9</sup> <https://health.hawaii.gov/opppd/files/2015/06/11-58-1.pdf>

<sup>10</sup> <https://www.cdc.gov/niosh/docs/2001-110/pdfs/2001-110.pdf?id=10.26616/NIOSH-PUB2001110>

<sup>11</sup> <https://www3.epa.gov/ttnchie1/ap42/ch11/related/ea-report.pdf>





*Windows Facing Baseyard*



*Windows Cleaned Every Other Week*

## 5. SOOT AND DUST

- A. The aforementioned asphalt pile, exhaust, and fumes added to the dust, grit, and dirt from construction activities and movement continue to afflict the residences of the baseyard's neighbors, despite the recently erected dust barrier. Asphalt falls under Hawaii Administrative Rules, §11-58.1-01
- B. In the adjoining residences to the baseyard, the sides of the homes closest to the asphalt and dirt piles are afflicted with enough soot and dust to require window washing once or twice a week. Furthermore, the internal walls, exterior walls, baseboards, and furniture inside the homes closest to the piles are regularly coated with black silt and dust, whereas the walls on the other sides of the homes are not. This is, again, despite the current dust barrier.
- C. Longtime residents have noted that their homes, even when freshly painted, are becoming dingy and covered in black soot and dust more quickly than ever before. We believe this is because of the increased activity over the last two years.



*Common Backyard Sight in Yards Surrounding the Upcountry Baseyard*

## **6. GARBAGE AND LITTER**

- A. Neighbors to the baseyard are constantly combatting litter and garbage being blown into their yards and structures from the Baseyard.
- B. Litter blowing into yards is often greasy and stinks of raw meat and trash, probably comes from the garbage trucks, and poses health risks to the neighbors who have to pick it up out of their yards.

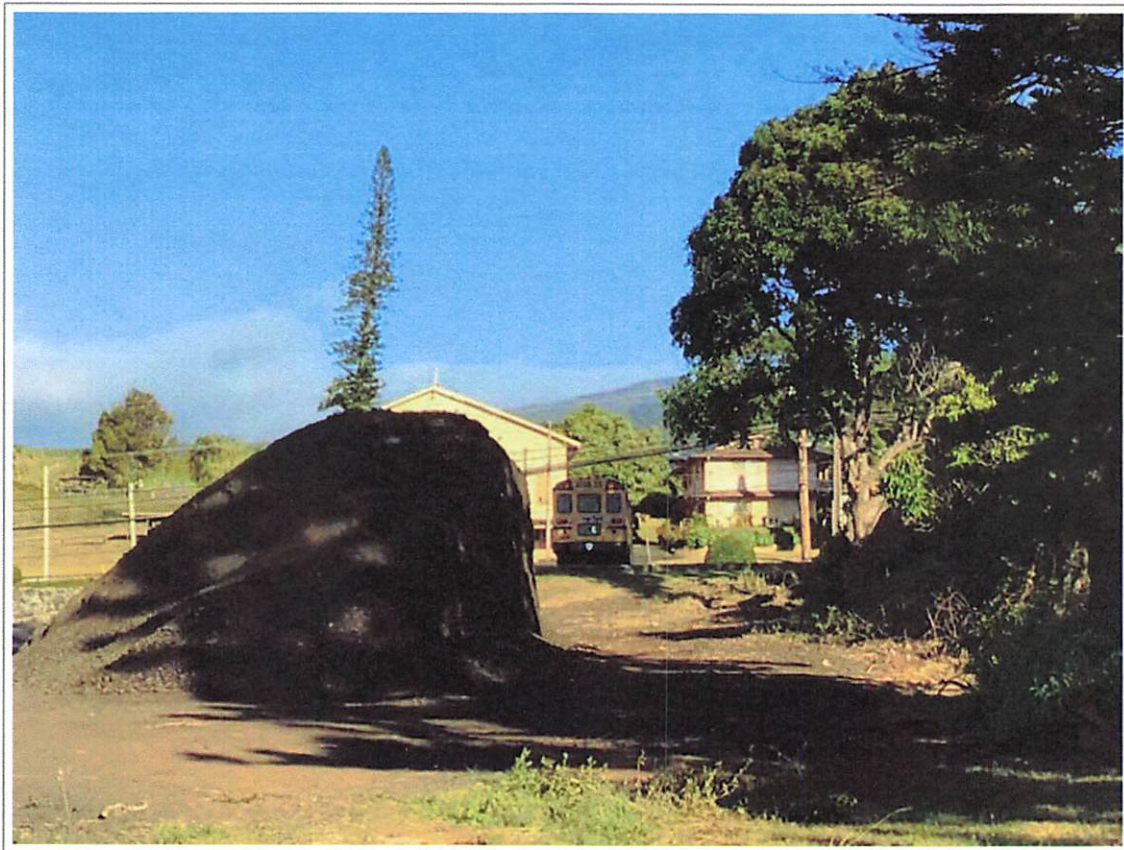


## 7. UNSECURED AREA ALLOWING ILLEGAL ACTIVITY

- A. The Baseyard's parking area is unsecured and unpatrolled. There are police reports and eyewitnesses to frequent illegal activity taking place there, including drug sales, sex trafficking, violence, illegal dumping, theft of county materials, and drag and off-road racing.
- B. After closing hours, dirt bikes frequent the grassy area, making loops up and over the large dirt piles that arrived in the Baseyard less than two years ago.

## 8. SAFETY OF COMMUNITY IN UNSECURED AREA

- A. The unsecured parking area of the baseyard puts the community at risk, as there are dangerously tall dirt piles left unguarded. Unknowing users of the parking area could be buried by playing on or around the piles.



*Unsecured Dirt and Gravel Piles are Common in the Baseyard Parking Area*

- B. There is no fence or guard when trucks are crushing boulders or screening material, and even 300 yards away, there is grit in the air when crushing takes place, even with the dust barrier. Homes and people close to the crushing plant are at risk of flying or falling debris. The dust barrier only would protect neighbors directly downwind from the crushing, but flying debris actually comes closest to the upwind side of the crushing plant. Furthermore, grit and small rocks have flown above where the current dust barrier is located.
- C. There is no attempt to secure machinery or materials in the parking area, and the rest of the baseyard is only protected by a single padlock and chainlink fence. During theft events, which have happened in the baseyard in the past, a criminal could startup and use machinery in a way that could seriously endanger the surrounding households. But even without that nefarious outcome, the unsecured Baseyard provides no barriers between the Baseyard's activities and the residences, and most neighbors are concerned that it would only take one distracted front-end loader driver, or one refuse truck parking a few feet back further than usual to greatly endanger the adjoining neighbors, their properties, and their homes.

## 9. ENVIRONMENTAL HAZARDS

- A. Multiple environmental hazards have been observed over the years. For example, recently sludge and sewage waste was cleaned out of a side-dump truck onto the grass in the front parking area. Multiple similar truck washings have been observed, and surely many more happen without the observance of the neighbors.
- B. During at least two time periods in the last ten years, chickens and cats have been poisoned on Baseyard property, and the animals then come and die on neighbors' properties. Multiple neighbors on all sides of the Baseyard have reported full grown chickens coming into their yards and dying gruesome, digestive failure deaths. Cats have also died on neighbors' properties with uncharacteristic and gruesome digestive failures. These are consistent with antifreeze poisoning, which is done by leaving out a bowl of antifreeze which is





*Trucks and Their Waste are Frequently Cleaned Onto the Dirt,  
Sometimes Smelling of Chemicals or Fecal Waste*

enticing in aroma and sweet to the taste. Whether the poisonings were intentional or accidental, the environmental damage is not just to the animals that died, but also to the neighbors who have to dispose of the corpses, and to the pets and children who might inadvertently come in contact with the sick or dead animals.

## 10. TRAFFIC

- A. Traffic driving in and out of the baseyard is a great nuisance to the surrounding neighborhood and the Makawao Community. The baseyard uses Makawao and Baldwin Avenue, which are both two-lane roads with excessive local traffic. The trucks frequently short-cut through Brewer Road as well, which is a poor-visibility, two-lane residential road without side medians. As this is the path for most of the Baseyard's neighbors to walk to school, this report would like to draw attention to

the many instances where baseyard vehicles nearly caused accidents on Brewer Road with their speed and taking the top corner very quickly.



*County Trucks Add to the Heavy Makawao Morning Traffic*

- B. It is outrageous that the county is attempting to mitigate traffic, find ways to decrease traffic in residential areas and has adopted the Net-Zero traffic campaign, and allows their own operators to fill the middle of Makawao at one of Upcountry's most used and traffic-congested intersections. This Baseyard should be located where there is direct access to the highway, and it should be located in a commercial or industrial zoned area so that it does not interfere with residential and school traffic.
- C. The part of Makawao Avenue that the Baseyard opens onto deals with constantly worn out asphalt and line markings from the trucks and machinery quickly peeling out of the parking lot. Also, the trucks do not enter the roadway at one point along the Baseyard's parking lot, so it is very dangerous for passenger cars to maneuver this part of Makawao Avenue if they are pulling into one of the residential streets.





Piles of Material, Asphalt and Dirt Overflow the Historically Grassy Parking Area

## 11. CONSTRUCTION ACTIVITY

- A. The construction activity that happens in the Baseyard falls outside the intended use of a P1 Public/Quasi-Public intended use. The worst construction activity is the crushing plant that took residence on the grassy parking lot just over two years ago, but other construction activity has come and gone.



## 12. BAD NEIGHBORS

- A. While most of the Baseyard managers and office staff and even operators are very friendly and attempt to be helpful, in general, nothing is ever improved. The neighbors have to frequently remind Baseyard employees to keep their music down, stop honking, stop yelling profanities at each other early in the morning (4:30 am-7:30 am), turn off idling trucks, or wash out the refuse trucks to decrease the bad odors.



*County Green Waste Piles Up Near Makawao Ave*

- B. When major projects affect neighbors, the neighbors are never told ahead of time or consulted. Trees have been removed by the Baseyard workers off of neighbors' private property without permission. Changes are made to activities without consultation. When neighbors make suggestions about how the Baseyard could be less of a nuisance, the neighbors are mocked, called bad names, or told, "it's always been done this way."



- C. A shoddy dust barrier was erected when the huge asphalt pile was put in the parking area, which then blew over and was left half up for months. This was a safety hazard at the least. But also, the neighbors were told that it would be taken care of, even though it took multiple calls and visits and months to get the dust barrier taken down and replaced. But it was replaced with a looming and unsightly 13 foot dust barrier. No usual residential neighbor would be given a permit for a structure that tall on or near the property line.



*The "new" dust barrier was put up, but not until the County, unannounced, removed a tree on the boundary line that had historically blocked a neighbor's yard and home from the dust and fumes from the asphalt piles. The further irony is that the dust barrier doesn't even block the dust from the worst parts of the Baseyard.*

## **UPCOUNTRY BASEYARD REPORT**

- D. The poisoning mentioned above is the only attempt ever made to control the chicken and cat population in the Baseyard. Neighbors will frequently trap cats to have them spayed or neutered and returned to the Baseyard colony and this has decreased the number of cats significantly, but it has basically been the time and money of the neighbors who have got the Baseyard cats and chickens under control after years of efforts. People also frequently come and dump cats and chickens in the baseyard parking lot.
  
- E. The Baseyard is a bad neighbor all day long, every day. The Baseyard activities have started earlier and earlier over the years, so that the start time is now 4:30 a.m., and it starts even earlier some mornings. Then, there is never any regard for noise, exhaust, idling, fumes, or traffic during the day. To top it off, at the end of the day, the employees often have parties in the parking lot area, which then adds more loud music, drinking, yelling, and impaired driving home afterwards. The Baseyard has become everyone's worst nightmare neighbor. But it is more than a nuisance. Our health, safety, and environment is being harmed in the worst ways.

## RECOMMENDED ACTIONS

The surrounding neighbors have continually asked the Baseyard managers, Departments, and even the Mayor's office to change these practices. At one point about a year ago (early 2020), the Baseyard Manager for the Highways Department said that the Mayor's Office was concerned with the Baseyard and looking for solutions. However, the solution they came up with was to fence off the grassy parking area. Period. There was no mention in this solution of moving or stopping the illegal and non-permitted activities.

Furthermore, the temporary dust barrier that is fronting the worst of the big dirt piles does not actually prevent dust and exhaust from entering and affecting neighboring residences. In fact, dust and exhaust has become worse since the erection of the dust barrier, as it seems the construction, dust moving, and screening activities have increased now that the workers do not see how the dust hits the homes directly.

The dust barrier also does absolutely nothing for the other homes that are affected by the fumes and asphalt pile, as the dust barrier only shields the dirt piles. The asphalt exhaust, dust, and construction machinery fumes and exhaust, and garbage truck exhaust are not in any way helped by the county's decision to fence or dust barrier the front parking area. In other words, the very worst and most prevalent of the increased activity is not addressed at all by the county's current plans.

The neighbors have worked together for many months to discuss solutions to the Baseyard's nuisances, illegal, and unpermitted activities.

## WHAT THE COMMUNITY WOULD LIKE TO BE DONE IMMEDIATELY

1. Move all dirt and asphalt piles and storage out of the Baseyard. The old Makawao Dump off of Ahualani Road in Makawao, near to the Haleakala Highway, would be an excellent site for this construction material storage, as it is not in a residential area and is a large area currently underutilized by the County. Furthermore, because of its



history as a dump, there should be no further concern about ground pollution with the advent of asphalt.

2. Organize parking in the Baseyard so that the most fume producing and frequently used (large construction machinery) and smelly (garbage trucks) vehicles are parked away from the downwind homes so that the residences do not fill every day with exhaust and smells. Also, this should decrease the amount of soot on the homes. Currently, they are parked as close as possible to downwind homes.
3. Cease all rock crushing and material screening on the Baseyard Property
4. Remove the temporary dust barrier after the dirt piles are moved and maintain the grass and landscaping that is currently overgrown and harboring large rats on the other side of the dust barrier, which is still county property, but totally unmaintained.
5. Consult and inform the community, especially the affected neighborhoods, before making major changes or starting projects. Cease the assumption that the county has carte blanche permission to do whatever it pleases, regardless of its own rules or the state and federal rules.

## **WHAT THE COMMUNITY WOULD LIKE TO HAPPEN IN THE NEAR FUTURE**

1. Fund an exploration of moving the Baseyard activities entirely. As this Baseyard services Keokea, Kula, Pukalani, Makawao, Haiku, Hali'iMaile, and a part of Paia, the larger majority of the population per capita served is actually southwest of the current baseyard. A location closer to Haleakala Highway would save in gas and time for the workers and the trucks. Furthermore, the traffic on Makawao Avenue and Baldwin Avenue cannot continue to maintain the excessive and heavy machinery traffic from the increased activities at the Baseyard.

2. Move the Baseyard to a better suited location that is not surrounded by residentially zoned neighborhoods, such as the old Makawao Dump or near the intersection of the Kula and Haleakala Highways. As the development continues in Pukalani and Kula, it will be necessary to increase Baseyard operations to meet the growth demands, and it simply will not fit or be legal in the current location. It also does not make sense fiscally to maintain or renovate a Baseyard in a residential area that is not the geographic or population center of the area it serves!
3. Allow the property to exist as its zoning dictates, and make it a safe and non-nuisance community area. The surrounding community would support a park and playground (Makawao/Haiku/Haliimaile/Paia area has no county-funded playgrounds(!!!)), or County Service and office area (as it was originally used). It could be a fire station or police station or both. It could even continue to be used as a Baseyard, but its operations need to be scaled back significantly so that it is not a nuisance to the surrounding area, so that it stops breaking state laws pertaining to noise and air pollution, and so the surrounding residents, neighbors, and families can once again have peaceful and healthy use of their homes and yards.

## APPENDIX

### LETTERS FROM NEIGHBORS, MARCH 2021

*Note: this is not an exhaustive list from concerned neighbors. A full list can be given if kept in confidence for now: most neighbors feel concerned about retaliation based on previous experiences with voiced concerns about the Baseyard. The neighbors who submitted these letters are willing to attach their names publicly except where missing last names.*

To Whom it may concern:

I live on Burns Place in Makawao, Maui County. I am writing today in hopes that the situation is abided by within your own standards set in place regarding noise start/stop times. It is supposed to be 7 am to 6 pm, but the baseyard definitely starts earlier than trash pick-up which is about 4:30 am on some days. Maybe every day and I don't notice it because I sleep with earplugs some nights. Idling engines and then the fumes are the biggest complaint I have. They're busy at work, I get that, but it's the constant coming and going. It would be great to not have a baseyard so close to a residential street. What we're breathing in and the noise decibel issues addressed would be great for peace of mind and healthy conscience for quality of living on Burns Place. Appreciate your time for considered changes.

**Cheri & Jonathan Thurgood**

Burns Place, Makawao

To Whom It May Concern:

I just moved into the corner unit of 3596 Burns Pl. on January 1st, 2021. Our landlady lives on Oahu and did not allude to any noise we might hear from the baseyard before we moved in. I'm already thinking of getting out of our year lease at 6 months because between the baseyard and street noise I can't handle! We moved from 5 corners in Haiku so are not used to the "city noises". I have been wondering how homeowners on this street can put up with the constant beeping and truck noises 5 days a week starting so early. The large gravel pile should not be so close to a residential area! I'm even seeing/ hearing trucks pull in after 6 pm too. Not to mention the school buses which are idling for up to 30 minutes at 5:30 a.m. On the weekends guys on motorcycles are speeding up and down the entrance to the baseyard because the gate is so far back. They think it's a track. More than once I've gone out and asked people to leave.

Surely there are restrictions on industrial practices in residential areas?

Sincerely,

**Lisa Hotchkiss**

3596 Burns Pl.



## UPCOUNTRY BASEYARD REPORT

Dear Mr. Molina,

My pride and joy is a little plantation home in Makawao town, designed and originally owned by Hannibal Tavares in 1952. We've even framed the signed plans for the home and have them hanging in the hallway. This house has original wood floors, windows and a big avocado tree in the back yard that we generously share from. However, as much as I love this house, what sold me was the neighborhood. I literally fell in love with this community the moment I turned the corner on the narrow, one-lane, dead-end street.

Most of my neighbors have been here for decades. The couple across the street have lived here all of their lives, and they're in their mid-80s. Their yard is meticulously maintained. Two of their kids live on the street, too. There's a police officer on this street. A plumber. All hard working people.

Every Christmas Eve, we exchange homemade baked goods and hand-written Christmas cards. We lend tools. We share fruit. We know how everyone is doing because we talk to each other often. Kids are always playing in the street, riding bikes or making up games and pretending, as kids are supposed to do. We walked our rescue dog into Makawao town every single day and know every employee at the Rodeo General Store.

We moved to Makawao from Kula in 2017, with the feeling of "we made it." It's the first home we bought together. We purchased the house from a couple that lived here for 30 years and raised three children here, one even getting married in the back yard. I love living in a home and environment where so much joy has been had. It just feels right here. To us, it was perfect.

Unfortunately, one neighbor has been less than perfect. It's a noisy, dirty, neighbor spewing toxic exhaust into our bedrooms and breaking the law. It's a neighbor that is being a nuisance to us and disturbing the community greatly. We simply are at a loss as to what to do.

### **Who is this neighbor? The Makawao County Baseyard.**

The Makawao County Baseyard shares a property line for those of us that reside on Burns Pl. Frankly, it's right smack dab in the middle of a residential neighborhood, stretching from Makawao Ave. back to Puaina Pl.

Having the baseyard behind our house really wasn't too much of an issue at first. Sure, sometimes the garbage trucks would start up at 4AM (instead of 7AM) and idle putting exhaust into our bedroom, and the asphalt pile located just fifty feet from our bedroom window would spread fumes into our home (and home office) so we'd have to shut our windows...but we simply put up with it. We were trying to be good neighbors by not complaining, and it was a small price to pay to stay in the community that we loved so much. Plus, on a typical day, work started at 7AM, ended at 3:30PM, and after that we just had a grassy field behind our house.

Then, the land was leased to TJ Gomes. It was a nightmare of dust and noise and trucks. Later, after the lease was up, the Highways Division lost a storage area near the dump, and so

the nightmare continued. To be honest, it's been a soul crushing experience, especially having experienced this during 2020, a year that has been already so ruthless to all of us.

Mr. Molina, I won't go into all of the zoning violations, the noise ordinances, or possible health risks that go into being so close to what turned into a construction zone. I know that some of my neighbors will be offering you the details on that and you can review that in depth with their reports. Instead of going into the data, let me explain to you how it feels to lose that deep love that I once felt for this neighborhood.

I work from home. I depend on a reasonable amount of peace and quiet to do this. I have a creative job and prefer to work with the windows open, as it's warm here in Makawao. Trying to work while truck exhaust is pouring through your window is not easy. Trying to work while asphalt fumes are filling up your office isn't easy. Trying to work while boulders are being crushed, while beeping trucks are constant...isn't easy.

Mr. Molina, kids are trying to do their virtual classes. Kids are trying to learn, under these extremely unique pandemic-era circumstances, and parents are trying to set up an environment void of distractions. It is impossible with the activity in the baseyard. I have neighbors with lung issues that are exasperated by the fumes and dust and exhaust. Neighbors that are elderly and trying to live their best retired lives at home that cannot rest in the afternoon due to all of the nuisance. In addition, the neighborhood children have been just walking into the unsecured baseyard and playing on the huge piles gravel (so dangerous!), plus there has been documented illegal activity (like drug use), and I myself have heard a woman screaming for her life one night in the darkness (yes, the police were called.)

Truthfully, and this is the hardest thing to admit: I am falling out of love with this neighborhood. The place I'd often brag to my friends about...my little "Mayberry" kind of neighborhood. There is no longer peace, no longer that feeling of nostalgia and warm and fuzzies. This is my home, and because it also the place that I work, **the environment within this home directly related to my livelihood**. The loss of these feelings, my creative energy, and my ability to be productive in my own home makes me incredibly sad.

I have done research and have found that this baseyard is the *only* baseyard with garbage trucks, asphalt and this kind of activity right next to people's homes! Why? And how can we possibly tell the county that they need to follow their own rules? We've tried. We can't. Our hands are literally tied. The county isn't going to police itself, so Mr. Molina, you are our only hope.

I am not asking for the county to get into trouble or pay fines. **Please, please move the baseyard to an industrial-zoned area, away from residential homes, away from people trying to live a normal life.**

There's a county-owned lot near the Haleakala Highway that would be perfect for staging road work materials, smelly garbage trucks, and the like. Would it be too much to ask to just move the disruptive activity there? I am not asking to move it all, just the activity that impacts us all

## UPCOUNTRY BASEYARD REPORT

so much. I would **love** to keep the county offices as neighbors, as we have never had any problem with them. This would literally involve moving the trucks and piles of asphalt and rocks to an area that is not only in a non-residential neighborhood, but would be an easier access point for the trucks to go to the dump, etc. It is a truly a win-win!

Maybe the empty lot could become a simple playground for the dozens of children on the streets flanking the baseyard. Makawao does not have a single playground! I know there's that one near Giggle Hill but I think that was funded by a private group or something. This playground would be blessing in so many ways! Plus, there are areas upcountry that are more conducive to the construction activity that has been taking place. Plus, the roads in Makawao really could use a break from all of the heavy trucks coming through.

You are the only one that can really help us bring back the magic of this perfect little neighborhood, and make it even better. Mr.Molina, I really want to love living here again. So many of us do. **Please help us.**

Sincerely,  
**Darlene Lesiak**  
Burns Place, Makawao

Dear Mr. or Ms. Baseyard person,

Let me tell you about the Baseyard. It is in my backyard. It has trucks. It has cats. It has people. It has a big, ugly fence around it.

The trucks are super annoying and loud. This year I have to do school at home and so you guys have to move somewhere else because I can't hear my teacher on Zoom.

The Baseyard looks like a junkpile and dustpile. Also the Baseyard has a very bad name to it. I have to walk to my cousins' house sometimes and there are lots of trucks driving out of the Baseyard, and it is very scary.

Can you leave this place and go somewhere where there are not any houses?  
Please put your trucks where there are not any kids because it is very loud.

My name is Ezra, and I just turned seven years old. I go to Makawao School, but not actually at school every day because of Covid. Mostly I have to do Zoom.

Thank you,  
**Ezra, Age 7**

## UPCOUNTRY BASEYARD REPORT

Dear Baseyard President,

I would like to complain about my backyard. It is very noisy at like 3 am, and I am not growing because I don't get enough sleep. I am only like 3'4". By the way, I am ten.

Whenever I am playing outside with my friends, I can hear you guys in the backyard yelling to each other, like, "Hey bruddah!" But also sometimes bad words. But also I wake up a lot of mornings to the talking and yelling.

There is also a lot of dust. One time there was so much dust, my friends and I had to go inside. It just smells like dust, and like trucks, like exhaust. It also smells like a trash can in the backyard. Are you keeping trash in the Baseyard? Because it smells really bad, especially on Mondays and Saturdays.

Can you also please stop poisoning chickens? Sometimes a lot of chickens die in our yard all at once. And there are a lot of cats in the Baseyard.

The big dust barrier fence is really ugly. The old one was better. And besides I can still hear beeping all day long even with the fence there. Usually when I unmute my speaker on zoom class, the teacher cannot hear me because of the Baseyard trucks.

Please ask the trucks to not be so noisy, smelly, and early in the morning.

Thank you,

**Poem**, Age 10

Dear Baseyard person,

Let me set the scene: you are having a wonderful dream, interrupted by, "beep beep beep beep!" Is that your alarm clock? No. Your alarm clock is not supposed to go off at 4:20 am in the morning.

I have lived here in this house since I was four, but I feel like I am a vampire, because I don't like going outside because of the smelly smells of trash trucks, the loud noises, and the lung burning exhaust. I have to clean the windows, that is one of my chores. And the windows by the Baseyard get so black and dusty very fast. And sometimes when I go outside, I get dust in my eyes. I really only like going out in the late afternoon or night when the Baseyard is closed.

## UPCOUNTRY BASEYARD REPORT

Even inside the house with all the windows closed, it is very noisy and annoying. On multiple occasions, I have heard the Baseyard workers swearing very loudly to the point where I am sure everyone in the neighborhood, which is full of small children, can hear it.

I used to walk to Makawao School when I was younger, and it was very scary because the big Baseyard trucks would drive by very fast on my way to school, especially as they took the shortcut on Brewer road. My mom would never let us walk alone on Brewer because of the construction trucks from the Baseyard.

Don't even get me started on the dust barrier fence. It is the ugliest fence in the history of the world. Why are you using it as a permanent fence? Those types are supposed to be temporary, especially when they are that ugly. It really makes our cute street kind of gross.

I have some ways I think you can fix the problems, but I really think a lot of these trucks just need to be moved. Please contact me if you want more information.

Mahalo,

**Elsie**, Age 14

To whom it may concern,

My husband and I bought our home here on Burns Place nearly ten years ago. We moved here from Kula. This home had previously been in the same family since it was moved here in the 1950s, and prior to that it was a county tax office, and prior to that it was a plantation home in Pu'unene. We love our home and plan on living here for the rest of our lives.

Our back property line is shared with the county baseyard. We are the **ONLY** property on the street that has a barrier between us and the baseyard, which is a mock orange hedge that we spend considerable time maintaining. The hedge is 15 feet from the back of our house, and directly on the other side is where the baseyard parks about 12 trucks. So basically, the baseyard trucks are at a minimum of 15 feet from our home's back wall. Other neighbors have trucks as close or closer, without the benefit of the hedge. However, we are directly downwind from the majority of idling trucks, so we probably have it the worst of anyone, or at least we are tied, if it is a competition of awfulness.

Before we bought this home, we did extensive research on the Baseyard. My husband even got permission to camp out in this home's yard to make sure the trucks wouldn't be so loud before we bought the house. We talked to **ALL** of the

neighbors. Everyone said it was a nuisance, but not that bad, and that the roosters were louder than the trucks. Most of the neighbors here on Burns had lived here their whole lives. But back then, the three or four garbage trucks left around 6:30 am, and came back around 2pm. That was the extent of the noise. There was also a dump truck parked at the eastern end of our property that would rattle and bang when the wind blew. The noise was doable.

However, over the years that we lived here, the activity, noise, and nuisance increased. The county added to the small asphalt pile at the eastern end of our yard until it was two massive piles, and our windows started getting black with soot. Trucks started idling longer and longer. I actually have a log of egregious idling over the last seven years, because I would call and talk to the Highways Department about it periodically. I also had to make a complaint to the mayor's office and Clean Air Maui because trucks were commonly idling for 30 minutes or longer, filling my home with exhaust. I have five kids, two of whom were babies in this house, so I was necessarily protective of the air quality. Idling got really bad about five years ago, and the reverse beeping noise also increased. I didn't know why until I saw drone footage of the baseyard recently and compared it to the photos I have of the baseyard from when we first bought the house: there are AT LEAST twice as many trucks as there were ten years ago.

I love my neighbors and my street. I love this street so much, as do my neighbors. We are all invested in keeping this the best street on Maui. We help each other out, get together, our kids play together, and most if not all of us plan on being here until we die. So, I have had to put my neck out there for my neighbors when the Baseyard has been especially horrible, and especially over the last few years. I am the one who calls when a truck has been idling for an hour, when a horn is blasted over and over for almost ninety minutes, or when the garbage trucks reek of rotten meat and trash. I am the neighbor that yells at the workers to stop swearing on the property line of my elderly neighbor's home. I help clean up all the trash on the street from the baseyard after a wind storm. The neighbors call or text me when something bad is happening, asking me to use the baseyard phone numbers I have taped inside of my kitchen cabinets. I'm sort of the point-lady for concerns and complaints.

Most of the neighbors are actually AFRAID of complaining. Some of the neighbors have submitted grievances about exhaust, soot, and smells over the last thirty years, and then have had bad things happen, or their trash doesn't get picked up, or their cat goes missing. They believe they will be retaliated against if they stand up to the baseyard. Further complicating the issue is that some neighbors get favors from the baseyard, in exchange for putting up with the bad stuff: one neighbor was pumping his septic refuse over into the county's septic. Another

neighbor was allowed to throw his yard waste over into the baseyard for looking the other way when the county employees had parties.

I actually SHOULD be afraid of complaining. I have twice been brought to tears from my experiences with talking to the managers at the baseyard. Usually people are nice, even if they don't change their bad behavior, and the workers in the baseyard often invite me to their pau hanas in the grassy field on Friday afternoons. But one time, about four years ago, I went over to speak to the refuse manager about how disgustingly gross the trash trucks had been smelling, and inviting him to come to Burns Place to smell what the neighbors had been complaining about. He said to me, and I quote (the County Refuse Manager had me write the exchange down), "You stupid haole! Why do you think we should change just because you moved here?!" (I had lived here in this house for six years at this point). He then actually yelled at me (I was at least ten years his senior, and had not raised my voice at all) for awhile and closed with, "This is where the trash trucks have ALWAYS parked, and if you don't like it, you should just move." (Not true, the trash trucks only started parking there a few years before we bought our house). Through tears, I got the County director's name (George) and number, and he assured me that he would make sure the workers cleaned out the fancy new catches on the brand new garbage trucks (which is why they were smelling all of a sudden). That was great, but now I have to text or call George every time the trucks reek (which is about every other weekend) to ask him to ask the workers to clean the trucks. This has been going on for about four years.

The second time I was brought to tears was last year, 2020, at the start of the pandemic when the truck activity and construction significantly increased for the second time in three years. My recently painted house was COVERED in black soot. My elderly neighbors across the street, one of them a retired Marine with the cleanest house and yard in Makawao, said he was sad at how dirty his house had become all of a sudden (and he's lived here for fifty years). Neighbors started coming outside aghast at the dust and soot in the air, even with the dust barrier up. My kids began complaining that they didn't want to go outside anymore because it was too dusty. The neighborhood kids were pouring into my house because our large grassy yard was uninhabitable and unplayable during the day. And this was all at the start of the pandemic when my teenagers still needed to do their schoolwork online, but couldn't find anywhere in the house quiet enough to work because of the non-stop truck and construction noise. I made a written complaint in the office at the baseyard. The office assistants were nice, but basically said that the baseyard was going to do what they want to do, they didn't have anywhere to move the new construction and dirt piles, and the community couldn't do anything about it. I asked them to please consider what it would be

like to live next door to the constant construction and trucks idling. They said sorry, but the neighbors didn't really have any control or say over what they were doing. That made me cry, right then and there. I'm not a cryer, but that is a depressing thing to hear when your whole life and peaceful home is being turned upside down. When they realized how upset I was, they promised that the director would contact me so we could discuss all that was happening and the timeline for it changing, which never happened. Within a week after I made the complaint, they also cut down trees on the boundary lines of my neighbors and put up a dust barrier up the street without talking to us. It felt like a direct attack.

I would like to bring up one more very personal concern. My husband was diagnosed with a very serious and life threatening chronic lung condition just four and a half years ago, which coincides with the increase of truck/machinery storage and truck idling. The doctors don't know what caused his lungs to start acting like they were 85, even though he is only in his early 40s. I don't want to blame the 12 hours a day of exhaust and asphalt fumes being blown into our property and home, but it is tempting. At the very least, the exhaust and asphalt fumes exacerbate his condition, and my once vibrant and energetic husband fights daily for every breath. We do not have healthy use of our own home.

Put another way, we married the baseyard when we moved here. But I want a separation. The baseyard has become unruly and illegal. I am prepared to do whatever it takes to support my family, my neighbors, and my community to make sure we have peaceful and normal usage of our homes, yards, and neighborhood. The County's actions as the Upcountry Baseyard is concerned is deplorable.

Please contact me with further questions, I'm sure the report that the neighborhood has prepared covers many of my other concerns, which are many. I also know of at least five other households who are willing to make reports, if they are not included in this initial report. We were told we will have other opportunities to plead our case if we didn't get a letter in for this one.

Thank you for your time,  
**Aja Eyre**  
Burns Place, Makawao, HI



## UPCOUNTRY BASEYARD REPORT

Aloha Mr. Molina,

First let me thank you for your time and attention to this serious issue.

Our once quiet and safe neighborhood has become a never-ending nightmare. Imagine every day beginning as early as 3:30am when you are woken up by garbage trucks that weighs 20 tons idling less than 100 feet from your bedroom window. Idling that is loud enough to rattle your windows and furniture. This is just the beginning to a long and loud day.

If you manage to fall back to sleep you will be awoken again by a 20 ton tractor only 20 feet from your bedroom scooping and dropping a pile of asphalt repeatedly, for the purpose of stirring it. The toxic asphalt fumes are so overwhelming you can literally taste them, even with the windows closed.

You spend the rest of the day trying to work from home, or worse yet watching your kids trying to learn remotely, with the constant sound of reverse warning beeping. You have to keep your windows closed all day, no matter how hot it is, but the windows are no match for industrial beeping, massive truck engines, exhaust and thick dust.

24 hours a day an ugly 13 foot "temporary" dust barrier (that does not stop dust) looms over your house.

This is the short version of what the county has done to our neighborhood for over two years now. If I took the time to tell you everything it would take 10 pages, so I will spare you.

It's important to note that this activity is illegal, as our report will show, but more importantly it's just wrong. It was not like this prior to the county leasing land to T. J. Gomes Trucking for a road construction job. Once they finished the county continued with the illegal activity and there is no end in sight. Enough is enough.

Our neighborhood is home to elderly people who have lived here for decades, some their entire lives. There are over 20 young children who live in homes that share a property line with the baseyard. They are subjected to the same constant noise, garbage smells, asphalt fumes and dangerous conditions. This alone is just shameful.

I am writing this letter to implore you to help end this 2+ year nightmare for our community. Would you allow this in your back yard? Would you allow this in your family's back yard? This is an excellent chance for you to do something truly amazing for hundreds of people. We need your help!

By the way, the entire time I was writing this multiple trucks are beeping only a few feet from my desk. I feel like I'm losing my mind.

Thank you,  
**Kent Rayhill**

## UPCOUNTRY BASEYARD REPORT

To whom it may concern:

As we live very close to the upcountry base yard, we'd like to express some concerns. We have three small children and the cars constantly going in and out of the baseyard (some quite loud) from 7-3:30 every day is difficult as we try to leave our driveway and walk towards Makawao town.

The exhaust and dust drummed up from the massive vehicles constantly going in and out, the beeping when the trucks are in reverse, the engine breaks are all noticeable. I think the exhaust and dust is very frustrating for our neighbors and something they shouldn't have to deal with (especially those on Burns Place) as the trucks are right by their houses.

The baseyard put up a big black dust barrier but it is an eye sore and looks really bad. It doesn't fit in the community surroundings (church, residential houses, a cemetery and a church). I guess the question is, why is the baseyard right in the middle of a residential community?

There is so much empty land on this island and upcountry. I understand there is an unused county dump lot right by the highway - why not move the operations there and let everyone who lives in the proximity of the existing baseyard a sigh of relief. Put our tax dollars to use with a nice park or playground (where are the playgrounds in Makawao?!).

I understand these trucks in the baseyard serve an important purpose, but please house them somewhere else that isn't in the middle of our community.

Thanks for you consideration

**Eli and Julie**  
1305 Makawao Ave

To whom it may concern,

I grew up here on a property bordering the Upcountry Baseboard. There has been a major increase in activity at the baseboard that negatively effects my peaceful enjoyment of my home and property, and the home and property of my large family. Some of the worst aspects are the following: Garbage trucks routinely wake me at around 4 am. There is a build up of rock and pavement work, which has made the Baseyard very loud. I also do not appreciate the workers sitting along my property line way before 3:30 pm, talking stories on our tax dollars.

Thank you so much for your time, and I look forward to the community discussions about what can be done to improve this area and our neighborhoods.

Thank you, **Anonymous**

## UPCOUNTRY BASEYARD REPORT

To the County fo Maui Elected Officials and Employees,

Before we bought our house here on Burns place back in 2009 I got permission from the realtor to come stay in the property overnight to assess how the base yard effects the property and the street. I remember waking in the morning and standing outside at 630 am and waiting for the noise and commotion that was bound to come from a county run yard that houses county operations. I remember hearing the gate open as some commotion started and hearing the horn at the beginning of the work day at 7am. Our purchase of this house for our young family hinged on the impact of the piece of land known as the "base yard".

My report back to my wife was exactly what I had experienced and we determined that the house was for us. We have poured our hope and love into this house and street with its great community and careful care of yards and homes.

As the years have passed the base yard grass where we picnicked in the afternoon and flew kites with the kids after closing time became first a hang out spot after work then a gravel pit, then a staging area for repaving that benefitted a private company that was contracted to repave Kaupakalua. Somehow that staging area has become something of a permanent fixture smack dab in the middle of a quiet residential neighborhood.

The ghastly twelve foot dust barrier is such an eyesore and the movement of mountains of asphalt has created exponentially more dust than has ever been encountered on this street in it's known existence. Our good friends the Rego family who live in three houses on our street with two generations have numerous times commented how dirty their houses now get. The meticulous care of their great vintage houses require four times more cleaning than they did before. The black grime that collects on the sides of houses and windows is undoubtedly entering our lungs and lives.

This is a street where if a neighbor goes into the hospital someone tells someone and their lawn gets mowed and their house gets looked after. We have created an ideal community where if there is a need and an older couple needs groceries someone on the street makes sure their pantries are stocked.

Ten years later from our perspective, the operations of the base yard have changed markedly:

The work day begins at 330 or 4am marked with lots of loud talking and steering of diesel trucks that are idled for far too long. A holdover from the old days when it was important to idle a diesel engine before pulling out.

The backhoe moves asphalt less than twenty feet from our lanai. The garbage trucks which are sometimes cleaned out and sometimes it seems not even dumped stink enough to penetrate the walls of our 1921 plantation house.

I would suggest a rethink of the operations at this base yard. Perhaps finding a place to park the trucks that are not so close to a residential neighborhood. Perhaps relocations the yard to another locale that will put operations in a more convenient location to their largest responsibility. The old Makawao landfill is a suggestion that has been made. The operations that are now taking place are really intolerable and not within your own county regulations.

Your exasperated neighbor,  
**Jonah Eyre**, Burns Place, Makawao

## UPCOUNTRY BASEYARD REPORT

Dear Elected Person in charge of taking care of us citizens and listening to our concerns,

The base yard has caused heaps of problems here on Burns Pl. I'm Camden Eyre and I'm 17, and am subject to the downgraded living conditions due to the county base yard being right next to my house.

The base yard generates a ton of sound. On a street that is very quiet and relaxing during the afternoons, it sure is a circus until 3:30 pm. A lot of the time my family and I have to talk really loudly to hear each other, and when I'm in calls or online classes, I am afraid to unmute because I fear the people in the call will have their ears blasted out by the sound.

My family says that they are often woken up early due to the loud noise early in the morning. Personally, I have never noticed this sound early in the morning because I'm a pretty deep sleeper. I have, however, noticed an increase in grumpiness from the people in my family when they say the trucks start up early in the morning.

I am always really annoyed because the guys always leave their trucks idling for like 30-40 minutes at a time. I don't understand why they do this. It is really annoying and seems like it would be a waste of fuel and county money.

The second biggest problem in my opinion is the dust that it generates. We have to clean our house (especially our windows) far more frequently than we should have to, and my very extensive LEGO collection is always covered in dust. I also always have really bad allergies when I'm home, and not when I'm away, which is probably an effect of all the dust in the air all the time.

I wish you guys would move the baseyard or at least greatly tone down the procedures that happen there. I don't understand why they are doing these fairly large scale operations in such an urban area. There are houses on both sides of it and a church across from it. Plenty of people have to deal with all the crap that goes on in there. That land is in a really good spot for a bunch of other things, and I don't see why we're wasting it on a baseyard that would be much better off somewhere else.

Thanks for Listening,  
**Camden**, Burns Place

August 5, 2021

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2021 AUG -5 AM 11: 24

OFFICE OF THE  
COUNTY CLERK

To Whom it may concern,

I am writing this testimony today because I feel passionate about the beautiful Island of Maui. I have lived on this island since August 31, 2015. I retired from my accounting job in Illinois and came here to have a calmer, warmer and safer life. I have enjoyed meeting people that have lived here all their life and am very interested in learning about the amazing culture here on Maui.

In the past 16 months I have watched as these people that have lived here and worked hard to take care of their families. We went through the lock down and quiet time on this beautiful island, which was good and bad, but it made us all appreciate the calm and beautiful empty beaches, roads and we heard how the ocean was beginning to thrive again from not being abused. People waited in long lines to just get a box of food to feed their families, but I saw that the people here took care of each other and cared about each other.

You opened up to some of the most ignorant, self serving, selfish people from the mainland in late fall. And it has continued to grow to the point that we are staying in our home and trying to avoid tourists at all costs.

We did what we were supposed to do and stayed home, wore masks when out, kept our distance from people and GOT VACCINATED. We took my 95 year old mom out for the first time to airport beach on Mothers Day. We watched where we sat, made plenty of room around us and we were trying to enjoy sunset, which she really enjoys. We weren't there 15 minutes and two couples came, no masks and sat down right in front of us and lit up cigars... We asked them to please move over and they refused and said they could do what ever they wanted. They were staying at the Westin KOA and called themselves residents and we all had the right to enjoy the beach area. They continued to smoke cigars the whole time. I said it bothered my mom and they said then take her home.

My partner received a ticket for not having his seatbelt on, he was coming out of a private residence and had taken his belt off to reach something on the seat. The police officer said sure, here is your ticket for \$102.00. I have been on the roads especially Honoapiilani and there are visitors in rental cars, doing u turns, going through red lights, going in the left turn lane and pulling back into traffic just to get in front of other cars, where are the police then. Oh that's right, we don't have enough to take care of the roads that we have.

I clean vacation rentals, not as many as I used to because there are certain resorts that I won't go to because there is no control of the rude unmasked people. I asked a person to put on their mask and he looked at me and shouted in my face, "mind your own business".

I have friends that work at some of the major resorts here on Maui and they tell me that they have been told by management to not question the guests and if they are not wearing a mask or behaving, tell management or just ignore it.



My other concern is that the amount of people coming here and being allowed to buy up all the properties and then renting out short term is disgusting. So many people that live here can not afford to buy a home and now these people come here and turn it into a profit for themselves and raise the prices of homes.

My point is, why the heck would we want to encourage more vacation lodging to an island that only has limited roads, limited hospital care and limited water and should I mention the problem with the sewers and wells on the West side. We really do not need or want anymore lodging growth. Please let's use some common sense and show some care for our island and its real residents.

Thank you for your time.

Dorothy Jakubek

808-868-1552

Lahaina

## County Clerk

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**From:** Molly Jacobson <molly@mollyjacobson.com>  
**Sent:** Thursday, August 5, 2021 11:13 AM  
**To:** County Clerk  
**Cc:** Kelly King; Tamara A. Paltin; Alice L. Lee; Keani N. Rawlins; Gabe Johnson; Tasha A. Kama; Mike J. Molina; Shane M. Sinenci; Yukilei Sugimura  
**Subject:** I Support Overriding Mayor's Veto of Bill 60

Dear Maui County Council Members,

I am writing to express my deep, heartfelt desire that you override Mayor Victorino's veto of Bill No. 60 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".

Please, override the Mayor's veto as provided for in Subsection 4-3.1 of the Revised Charter of the County of Maui (1983), as amended.

The people of Maui have overwhelmingly spoken, and the Mayor's stated reasons for veto are misleading at best. I support this bill, and similar bills, to give the county the break it needs.

As our elected representatives, I appreciate your work and efforts. Please continue to speak for us and override the Mayor's veto of Bill No. 60 (2021).

Thank you for taking the time to read this testimony.

Molly Jacobson  
Kihei

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COUNTY CLERK

## County Clerk

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**From:** jim@mauiarch.com  
**Sent:** Friday, July 30, 2021 3:30 PM  
**To:** County Clerk  
**Subject:** Testimony - Bill to Amend Section 2.80B, Maui County Code

It seems a bit disingenuous to add hollow words to the already overburdened Code. After all, actions speak louder than words. This is the County that pollutes the nearshore waters with our sewage, sets unenforceable goals to limit the hordes of ill-mannered visitors, speaks of resilience when our prime agricultural land again goes to marketable crops that have little to do with food resilience for our residents, and, recently, constructed perhaps the largest heat island in the state by repaving the nearly 400 stall War Memorial parking lot with black asphalt while completely ignoring any consideration of its contribution to climate change as well as its own rules requiring one shade tree for every 5 stalls. Time to lead by example. Time for true action, not feel good wordsmithing.

Respectfully Submitted,  
Jim Niess

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2021 AUG -2 PM 2:10  
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COUNTY CLERK

## County Clerk

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**From:** Karri Ayasanonda <karrija@gmail.com>  
**Sent:** Thursday, August 5, 2021 11:30 AM  
**To:** County Clerk  
**Subject:** Please pass the moratorium on building permits for visitor accommodations

Aloha,

I am writing to encourage and emphasize the need for a moratorium on the building of visitor accommodations. For the last several years, with the exception of during closures during Covid, Maui has been receiving more visitors than can be accommodated for with the visitor to resident ratio far above what it should be. Maui was once "no ka oi", the place that valued family and health above all and a great place to live. On our days off of work we could relax at the beach, go for a hike, maybe visit Hana for a weekend. This has changed drastically. Even the years before Covid we sat in literal gridlock on some days trying to drive around Lahaina. On an average day 7-8 cars out of 10 on Honoapiilani Road through Lahaina are rental cars, many driving erratically. We have visitors walking with beach gear across traffic, groups of moped riders swerving down busy roads while taking selfie pictures, there's no parking at the beach, Hana is off limits due to overcrowding, we can't get reservations to go to Haleakala, eating out in a restaurant is impossible. There are too many visitors and it's negatively affecting the lives of residents and the tourists' experience. Now we are told to conserve water as there is not enough, again we are in a drought. Somehow there is enough water to keep building. There is not proper sewage treatment and we don't have adequate roadways. The community plan needs updating first. No building should take place without first completing proper environmental studies and each and every developer should make improvements to infrastructure. My husband and I have been discussing for last few years that we will move away from Maui as it is no longer a place for residents and the feeling of community is disappearing. My husband is a healthcare provider and I am a former nurse. After 15 years it is simply not worth it to live here anymore if we cannot even enjoy our lives on days off and the cost of living is becoming unsustainable. It has become unpleasant to even go grocery shopping, let alone go for a hike or to the beach. Maui needs to do some serious management of tourism and development. Please stop building any further visitor accommodations and decrease the amount of visitors moving forward.

Mahalo,  
Karri Ayasanonda  
Lahaina

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2021 AUG -5 PM 12:37  
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COUNTY CLERK



## County Clerk

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**From:** Madolin Wells <wellsmadolin@gmail.com>  
**Sent:** Thursday, August 5, 2021 3:24 PM  
**To:** County Clerk  
**Subject:** PLEASE OVERRIDE THE MAYOR'S VETO OF BILL 60

Greetings Council members,

Many thanks to all of you working so hard for the needs of the community! The pause in new building and necessary limitations on extending leases is critical if we are to save our way of life here and of Maui's future economically as well as environmentally and in terms of quality of life.

Preventing Mayor Victorino's veto of Bill 60 is critically important. He must be held to his word that he too is concerned about over-tourism. With expert legal support and overwhelming community as well as council support for pausing new vacation building, now it the time to enable re-thinking how we go about planning for the future - and for managing the sagging infrastructure for what is already burdening Maui.

Mahalo nui loa,

Madolin Wells

Kihei

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2021 AUG - 5 PM 3: 24  
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COUNTY CLERK

## County Clerk

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**From:** Thomas Mellin <tmellin@yahoo.com>  
**Sent:** Thursday, August 5, 2021 3:31 PM  
**To:** County Clerk  
**Subject:** CC 21-377, Bill No. 60 (2021)

Aloha,

Please override the Mayor's veto. There are too many tourists already, and if we are going to solve this problem, the first thing we have to do is stop making it worse.

Mahalo,

Tom Mellin

40 Halili Ln., Kihei

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COUNTY CLERK

August 5, 2021

Council of the County of Maui

RE: MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS (Bill 60), item CC 21-377

Hearing date and time: Friday, August 6, 2021 at 9:00 a.m.

Aloha Chair and Council Members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **strongly supports** Bill 60, the proposed moratorium on building permits for visitor accommodations, and is also in strong support of overriding the Mayor's veto. We also wish to thank those councilmembers who have voted in support of this important measure and encourage you to continue this support.

This proposed bill would amend the building code to place a moratorium on visitor accommodations development in West and South Maui, an action which would help ensure the County stays on track to implement critical plan action items relating to the visitor-industry impact on the County's environment. By doing so, this bill would help preserve the County's environment and efforts towards climate change mitigation and resilience-building.

Earlier this year the State Legislature followed Maui County's lead and officially declared a Climate Emergency for Hawaii. But it is not enough to acknowledge the crisis we face, meaningful actions to address the climate crisis must be taken. This moratorium would do just that by providing the County with clear policy direction to mitigate climate change and work toward resilience.

Mahalo for the opportunity to testify in support of overriding the Mayor's veto for the proposed moratorium on building permits for visitor accommodations.

Sherry Pollack, Co-Founder, 350Hawaii.org