

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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

WRITTEN TESTIMONY
OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE
STATE OF HAWAII

BEFORE THE MAUI COUNTY COUNCIL

SEPTEMBER 17, 2021
REMOTE MEETING
9:00 A.M.

RECEIVED
2021 SEP 16 PM 4:30
OFFICE OF THE
COUNTY CLERK

COUNTY COMMUNICATIONS 21-443 AND 21-444 (CC 21-443 & CC21-444).
APPROVING FOR INCLUSION IN THE 2022 HAWAII STATES ASSOCIATION OF
COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTY
REGULATION OF NOISE NUISANCES STRICTER THAN DEPARTMENT OF
HEALTH RULES.

Chairperson Lee and Members of the Council:

Thank you for the opportunity to present testimony on the proposed legislative bill to amend Section 46-17 by allowing the counties to regulate noise nuisances stricter than that provided by Hawaii Department of Health administrative rules. The Department of Agriculture is concerned whether the proposed bill would be inconsistent with the Hawaii Right to Farm Act, Chapter 165, Hawaii Revised Statutes, which seeks to "...reduce the loss to the State of its agricultural resources by limiting the circumstances under which farming operations may be deemed to be a nuisance." The Act recognized and contemplated the future conflict between the development of residential communities through urban expansion and the pre-existing agricultural production activities that are often a source of smoke, odors, dust, noise, and vibration. We are concerned that should counties enact stricter standards than that of the State, this could have an adverse impact on the availability of agricultural lands for agricultural production and be contrary to the State's food sustainability goals and the Counties' policies, plans, ordinances, and rules that support active agricultural production on agricultural lands.

Thank you for the opportunity to present our written testimony.



County Clerk

From: Nikoya Collier <ncollier@KBHMAUI.com>
Sent: Thursday, September 16, 2021 5:44 PM
To: County Clerk
Subject: Written Testimony CR 21-79

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2021 SEP 17 AM 7: 52

OFFICE OF THE
COUNTY CLERK

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

Aloha County Council,

I am not in favor of the 3% TAT increase to the hospitality industry.

I understand that our industry generates revenue the fastest, but as we've seen over the last 18 months, that stream of revenue can be cut at any time. In the early parts of 2021, we saw a rapid increase in tourism, and now are seeing cancellations due to the Governor asking tourists to "stay home." The west side of Maui has seen millions of dollars lost due to cancellations, and O'ahu is on the verge of yet another round of layoffs to their employees. With this increase, it will again cause incoming tourists to think twice about their upcoming trip causing huge strain on our industry and for those of who wo work in it. The outlook is not always so bright.

I know that the tourism industry has brought in some not so desirable domestic travelers in 2021, but what I am seeing right now with this CR is the county putting too many eggs in one basket. Hotels already pay the highest in property taxes as it currently stands. And now we are paying an additional amount of tax to fund more Maui County's projects. Where does that money go currently? And if we give you so much, what does it fund?

If you are going to increase the tax, I would recommend starting off slow at 1 – 1.5% in 2021 and increasing the tax by 1.5 – 2% next year to equal the three percent. Tourism is slow as it currently stands, and 2022 hopefully will be a better year for revenues. With this tax, I would love to see that the majority of the tax money bet put into affordable housing, better water management, and more sustainability initiatives such as agriculture and clean energy.

Mahalo for your time.

Mahalo,



Koy Collier | Sales Account Executive
2525 Kaanapali Parkway, Lahaina HI 96761
p 808.667.0107 | f 808.661.1963
US & Canada 800.262.8450 | Hotel Direct: +1.808.661.0011
e ncollier@kbhmaui.com
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County Clerk

From: Laurie Robello <trackshawaii@gmail.com>
Sent: Thursday, September 16, 2021 5:02 PM
To: County Clerk
Subject: Fwd: Support of Maui Dragon Farm

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2021 SEP 17 AM 7: 52

OFFICE OF THE
COUNTY CLERK

 You don't often get email from trackshawaii@gmail.com. [Learn why this is important](#)
9/16/21

Dear council member:

I am emailing to you to ask for your support of Maui Dragon Fruit Farm's application to extend their conditional use permit.

I have known Crystal and Lawrence for many years. They are great dedicated farmers and have gone through a lot trying to survive as farmers. As an island community, we need more farmers like them and grow more food locally. Please support them and approve their request so that they can have diversified income source to overcome unexpected obstacles in farming.

Thank you.

Laurie Robello



P. O. Box 235026 | Honolulu, HI 96823
lwwh.org | 808.377.6727 | voters@lwwhi.org

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OFFICE OF THE
COUNTY CLERK

County of Maui Regular Council Meeting

Friday, September 17, 2021, 9:00 a.m.

TESTIMONY

RECOGNIZING SEPTEMBER 28, 2021, AS NATIONAL VOTER REGISTRATION DAY

Donna Oba, President, League of Women Voters of Hawaii

Chair Lee, Vice-Chair Rawlins-Fernandez, and Council Members:

The League of Women Voters of Hawaii strongly supports your proposed Resolution “Recognizing September 28, 2021, as National Voter Registration Day.” Our position is based on the National Voter Registration Act of 1993, whereby Congress reaffirmed that voting is a fundamental right, and it is the duty of governments to promote the exercise of that right.

Truthfully, Hawaii has one of the most modern voter registration systems in the United States, offering voter registration online, voter registration in person on Election Day at Voter Service Centers, and of course, voter registration in person at our County Clerk offices. We acknowledge and thank the Office of the Maui County Clerk for its ongoing voter registration service to the residents of Maui County.

Also, since Act 126, Hawaii’s “Automatic Voter Registration Law,” passed this year, an application for voter registration will soon be part of all state identification card and driver’s license applications. Changes to the names and addresses of people already registered to vote will be automatically updated unless the applicant declines. Voter registration information will be shared only among the counties, Department of Transportation, election personnel, and the online voter registration system.

For 101 years the League has been a nonpartisan, activist organization whose core value is to protect the right to vote and encourage citizens to vote. Though we have worked hard to realize the voter registration conveniences described above, estimates from U.S. census data in November 2020 indicate only 40% of those **eligible** to vote in Hawaii were registered, so we all have work to do to make it easier for the remaining 212,000 eligible but unregistered Hawaii citizens to register to vote.

Registering to vote (and then voting) is core to sustaining our democracy. We thank the Council of Maui County for helping raise public awareness of the importance of registering to vote, and also cooperating with the League of Women Voters, an official Community Partner in “National Voter Registration Day 2021.”

We urge you to adopt this resolution. Thank you for the opportunity to submit testimony.



P. O. Box 235026 | Honolulu, HI 96823
lwvh.org | 808.377.6727 | voters@lwvhi.org

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2021 SEP 17 AM 7:54

OFFICE OF THE
COUNTY CLERK

County of Maui Regular Council Meeting

Friday, September 17, 2021, 9:00 a.m.

TESTIMONY

RECOGNIZING SEPTEMBER 28, 2021 AS NATIONAL VOTER REGISTRATION DAY

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We urge you to adopt this resolution. Thank you for the opportunity to submit testimony.

County Clerk

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From: Crystal Schmitt <crystal@mauidragonfruit.com>
Sent: Thursday, September 16, 2021 10:10 PM
To: County Clerk
Subject: Our response to Mr. Anderson Testimony
Attachments: JeffAndersonResponse.doc

2021 SEP 17 AM 7:53

OFFICE OF THE
COUNTY CLERK

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

Dear Council Members:

Attached please find our response to our neighbors Mr. Anderson's testimonies.

We do want to bring to your attention that dragon fruit is a night bloom cactus. They are all hand pollinated at night. So sometimes we do get into late night for doing that.

Mahalo!

Crystal Schmitt
Maui Dragon Fruit Farm
(808)264-6127

Dear Councilmembers,

This letter is in response to the objections raised by our neighbor Jeff Anderson to our conditional use permit. Our weddings had been shut down or canceled for over a year due to COVID-19. Only recently have we resumed hosting weddings. These have been subdued events and only happen sporadically, about one wedding every two or three weeks. We have been on hand for these events and have observed that they are barely noticeable from neighboring properties. We only hold zipline tours weekdays in the mornings. Only three tours are held per day, starting at 9:00, 10:30 and 12:00. We try to keep these groups small (typically less than 10 people) so everyone can have a better time. The noise from the farm comes from our staff and tenants who are a bit young and energetic. Since dragon fruit is a night blooming cactus, we need staff in the evenings for pollination. Additionally, Launiopoko can get hot in the afternoon, so we try to get work done in the mornings before the sun gets too strong. While we try to have them control their noise and be respectful of our neighbor's desire for quiet, what they do is not related to our conditional use permit in any way. Any additional enforcement of the provisions of the permit or the cancellation of the permit would have no effect on this issue.

Sincerely yours,

Crystal and Larry Schmitt
Maui Dragon Fruit Farm



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

September 17, 2021

TESTIMONY

21-443 2 and 21-444 2 "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTY REGULATION OF NOISE NUISANCES STRICTER THAN DEPARTMENT OF HEALTH RULES":

Chair Lee and Members of the Maui County Council:

My name is Kyle Caires, President of the Maui County Farm Bureau. I am here on behalf of Maui's commercial farm and ranch families and organizations **in opposition** of the matter regulating noise in the Ag District.

MCFB is concerned about the many unintended consequences to agriculture in general if this initiative is passed. The matter initiating this measure has been reviewed by the State Department of Agriculture as well as the Hawaii State Legislature.

In 2020, a measure was passed by the Legislature requiring the Department of Agriculture to review practices associated with hemp, resulting from the case that initiated the measure before you. After review, the Board of Agriculture passed interim rules relating to Hemp culture in September of 2020 with a caveat that further research into lighting, odor and noise was needed. In January of 2021, the Board decided not to amend the interim rule based on technical information provided by the Department of Health and moved to have it go to public hearing. The measure is scheduled to go to the Governor and then to the public for comment. The comments will be considered and the rule amended as needed for final passage. The public comment period will allow those concerned an opportunity to suggest changes in the rule.

We also understand that a mediation process is underway between South Maui Gardens and the neighbors. Proceedings are confidential so we do not know the current status. Ag producers normally work with their neighbors to resolve these problems. Creating a law due to one grower that affects the entire industry does not seem prudent.

The interim rule as passed by the Board of Agriculture is attached. MCFB respectfully requests that the measure be **filed and instead encourage participation in the Hemp interim rule process by the Department of Agriculture.**

We appreciate this opportunity to provide our opinion on this important matter.

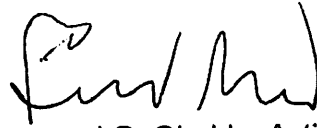
Attachment: Hemp Interim Rule

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COUNTY CLERK

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leonard G. Obaldo'.

Leonard G. Obaldo, Acting Administrator
Quality Assurance Division

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to read 'Phyllis Shimabukuro-Geiser'.

Phyllis Shimabukuro-Geiser, Chairperson
Board of Agriculture

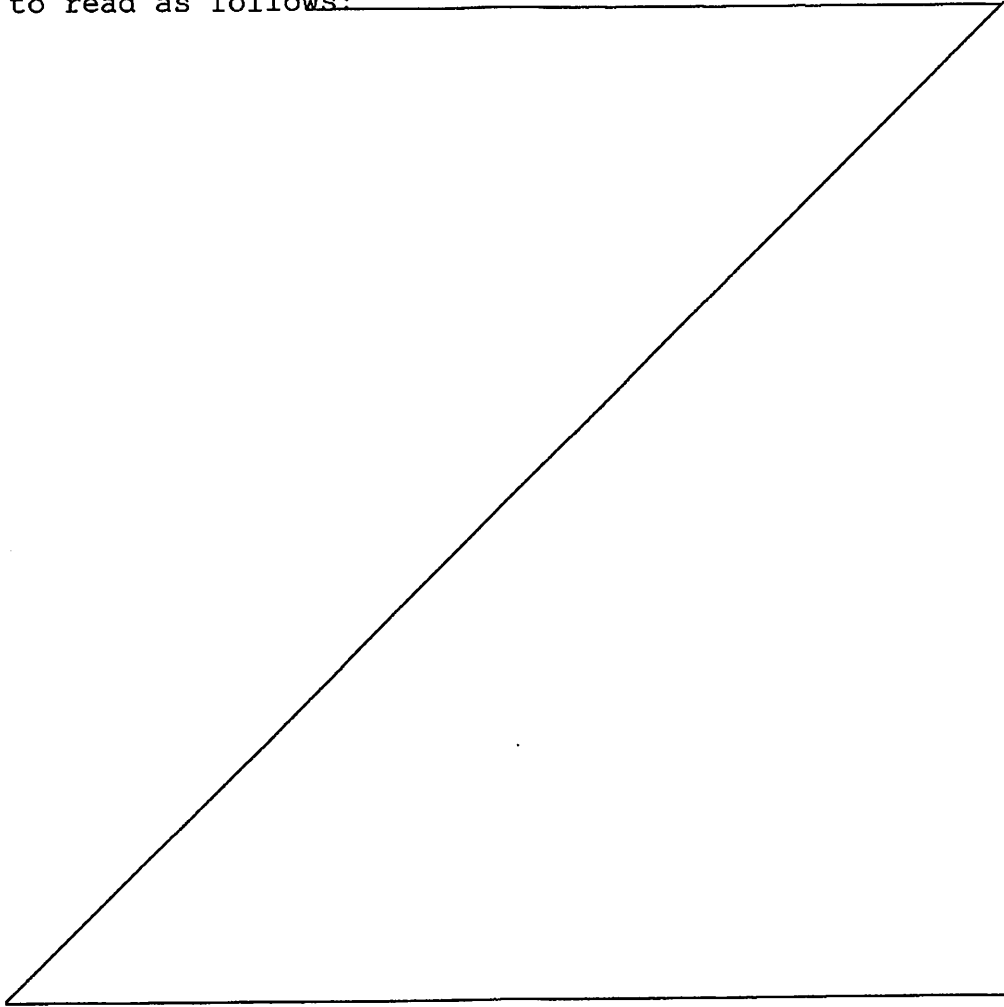
Attachment

DEPARTMENT OF AGRICULTURE

Adoption of Chapter 4-161
Hawaii Administrative Rules

September 22, 2020

1. Chapter 4-161, Hawaii Administrative Rules, entitled "HEMP PRODUCTION INTERIM RULES," is adopted to read as follows:



HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 7

QUALITY ASSURANCE DIVISION

CHAPTER 161

HEMP PRODUCTION INTERIM RULES

§4-161-1	Definitions
§4-161-2	Transportation
§4-161-3	Nuisance
§4-161-4	Inspection
§4-161-5	Violations/Penalties

§4-161-1 Definitions. As used in this chapter:

"Board" means the board of agriculture or the board's designee.

"Cannabis" means the genus of flowering plants in the family Cannabaceae. For the purposes of this chapter, cannabis means any form of the plant where the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

"Chairperson" means the chairperson of the Hawaii Board of Agriculture.

"Decarboxylated" means the completion of the chemical reaction that converts delta-9 tetrahydrocannabinol's acids (THCA) into delta-9 tetrahydrocannabinol. The decarboxylated value may be calculated using a conversion formula that sums delta-9 tetrahydrocannabinol and eighty-seven and seven tenths (87.7) per cent of THCA.

"Delta-9 tetrahydrocannabinol" or "THC" is the primary psychoactive component of cannabis.

"Department" means the department of agriculture.

"Dry weight basis" means the method of determining the percentage of a chemical in a

substance after removing the moisture from the substance.

"Dwelling unit" means a structure which is intended to be used primarily as a place of residence, meets all applicable zoning and building code requirements, and which is one among several individual residences within a single larger structure which has a solid base, exterior walls that encircle the entire structure on all sides, and a roof that protects the interior units from the elements of the weather.

"Entity" means a firm, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.

"Export" means shipment to any point outside of the State.

"Grow area" means the area authorized to be utilized for hemp production under a license issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United States Code section 1639q.

"Harvest" means the termination of the cultivation process at a grow area for usage rather than disposal.

"Hemp" means cannabis and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 per cent on a dry weight basis, as measured post-decarboxylation or by other similarly reliable method. "Hemp" as used in this chapter does not include hemp products.

"Hemp product" shall have the same meaning as in chapter 328, Hawaii Revised Statutes.

"House" means a structure intended to be used primarily as a place of residence and which meets all applicable zoning and building code requirements. It must have a solid floor, rigid exterior walls that

encircle the entire structure on all sides, and a roof that protects the interior from the elements of the weather.

"Licensee" means a person or entity that has obtained a license to produce hemp in the state of Hawaii, issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United States Code section 1639q.

"Law enforcement" means any federal, state, or local law enforcement agency or drug suppression unit.

"Person" means an individual.

"Playground" means any public outdoor facility, including any parking lot appurtenant thereto, that is intended for recreation, with any portion thereof containing three or more separate apparatus intended for the recreation of children, including but not limited to sliding boards, swing sets, and teeterboards.

"Post-decarboxylation" means testing methodologies for THC concentration levels in hemp, where the total potential delta-9-tetrahydrocannabinol content, derived from the sum of the THC and THCA content, is determined and reported on a dry weight basis.

"Processor" means a person or entity with a valid certificate of registration issued by the department of health allowing them to legally process hemp to manufacture a hemp product in the state.

"Produce" or "production" refers to the propagation or cultivation of hemp.

"Residential structure" means a structure that contains one or more individual dwelling units intended for usage as a residence, and which meets all applicable zoning and building code requirements. Residential apartment shall have the same meaning as residential structure.

"School" means any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, high school, or university.

"State" means the State of Hawaii.

"USDA" means the United States Department of Agriculture.

§4-161-2 Transportation. (a) The reporting requirements of this section apply to:

- (1) Harvested hemp flowers and leaves in their raw botanical form, whether wet or dried, which were produced in state by a licensee; and
- (2) Living hemp plants or plant parts which can be used to propagate a new plant, and viable hemp seeds which were produced in state by a licensee.

(b) The reporting requirements of this section do not apply to:

- (1) Mature stalks or mature stalk material if the stalk material has been stripped of leaves and flowers with only a de minimus amount of leaves and floral material remaining attached;
- (2) Sterilized hemp seed incapable of germination;
- (3) Rhetted hemp fiber; or
- (4) Hemp products.

(c) Hemp in the forms specified in subsection (a) shall not be transported outside of a licensed grow area except by a person or entity that holds a license to produce hemp issued by the USDA.

(d) A person or entity that has a license to produce hemp issued by the USDA may transport hemp in the forms specified in subsection (a) outside of a licensed grow area, provided that:

- (1) The hemp is transported to an authorized processor within the state;
- (2) The hemp is transported to a licensed grow area within the state; or
- (3) The hemp is exported.

(e) Any hemp to be transported shall have passed all compliance testing required by the USDA and comply with all other applicable state or federal laws or regulations, including those found in chapter 4-72, Hawaii Administrative Rules.

(f) Any hemp to be exported shall comply with all applicable state or federal laws and regulations

relating to exportation, including the laws of the state or country that the hemp is being exported to.

(g) No hemp in the forms specified in subsection (a) shall be transported outside of a licensed grow area unless a licensee files a transportation report with the department at least three business days prior to the intended transportation date.

(h) The transportation report shall be in a form and submitted in a manner prescribed by the department and shall contain the following:

- (1) The licensee's name and USDA hemp producer license number;
- (2) Date of transportation;
- (3) Method of transportation;
- (4) Identification of the person transporting the hemp;
- (5) Address of the grow area that the hemp is to be removed from;
- (6) Address the hemp is to be transported to with contact information for recipient;
- (7) Kind and quantity of packages, or if in bulk the total quantity of hemp to be transported;
- (8) Documentation confirming the specific hemp to be transported has passed all compliance testing required by the USDA; and
- (9) Any additional information or documentation required by the department or law enforcement.

(i) During any transportation of hemp, the licensee or employee of the licensee shall carry with them a copy of the transportation report, the licensee's USDA hemp production license, and any other documentation required to be included with the transportation report by the department or law enforcement.

(j) Licensees shall complete and submit to the department all required reports and statements relative to the licensee's transportation of hemp at least three business days prior to the intended transportation date. A failure to timely complete and

submit any required report may result in the penalties set forth in section 4-161-5.

(k) Licensees shall allow the department or law enforcement to inspect and sample harvested hemp cargoes prior to and during transport, including at ports of origin or arrival.

(l) Licensees shall comply with any direction of the chairperson with respect to the transportation of hemp when the circumstances require. [Eff: Upon approval] (Auth: Act 014 SLH 2020)

§4-161-3 Nuisance. (a) Hemp shall not be grown within 500 feet of a preexisting playground, childcare facility, or school; provided that this restriction shall not apply to a person or entity:

- (1) That was licensed to grow hemp under the state industrial hemp pilot program prior to August 27, 2020;
- (2) Whose licensed area to grow hemp under the state industrial hemp pilot program is within 500 feet of a preexisting playground, childcare facility, or school; and
- (3) Who is growing hemp under a license to produce hemp issued by the USDA in the same area approved under their industrial hemp pilot program license that is within 500 feet of real property with a preexisting playground, childcare facility, or school.

(b) Hemp shall not be grown within 500 feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the licensee; provided that this restriction shall not apply to a person or entity:

- (1) That was licensed to grow hemp under the state industrial hemp pilot program prior to August 27, 2020;
- (2) Whose licensed area to grow hemp under the State industrial hemp pilot program is within 500 feet of any pre-existing house, dwelling unit, residential apartment, or

other residential structure that is not owned or controlled by the license; and

- (3) Who is growing hemp under a license to produce hemp issued by the USDA in the same area approved under their industrial hemp pilot program license that is within 500 feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license.

(c) Hemp shall not be grown in any house, dwelling unit, residential apartment, or other residential structure.

(d) Hemp shall not be grown outside of a state agricultural district.

(e) Licensees shall comply with all applicable regulations, including nuisance regulations, environmental regulations, and county land usage ordinances.

(f) Upon notice from the regulatory agency with primary enforcement authority over nuisance, environmental, or land usage regulations, as applicable, that a licensee who was previously licensed to grow hemp under the state industrial hemp pilot program is not in compliance with nuisance, environmental, or land usage regulations, the department may issue a notice of violation and assess fines for the violation in accordance with section 4-161-5.[Eff: Upon approval] (Auth: Act 014 SLH 2020)

§4-161-4 Inspection. (a) All licensees shall allow federal, state, and county law enforcement authorities to inspect the records, growing area, equipment, facilities, and areas incident to the production or transportation of hemp to verify compliance with the requirements of this chapter.

(b) The department, law enforcement, and third party agents authorized by the department may enter during business hours upon any growing area or place of business associated with a licensee to inspect the records, growing area, equipment, facilities, and areas incident to the production and transportation of

hemp to ensure compliance with the requirements of this chapter.

(c) An authorized representative of the licensee or the licensee shall be present during the inspection.

(d) Licensees shall pay the department or third-parties authorized by the department a fee of \$50 an hour plus mileage for the performance of inspections to ensure compliance with section 3 of Act 14, Session Laws of Hawaii 2020, and the purposes of this chapter. [Eff: Upon approval] (Auth: Act 014 SLH 2020)

§4-161-5 Violations and Penalties. (a) For any violation of this chapter or section 3 of Act 14, Session Laws of Hawaii 2020, the department may impose civil penalties up to \$10,000.00 and disciplinary sanctions, including denying or suspending any transportation, and issuing cease and desist orders.

(b) In addition to other violations of this chapter or section 3 of Act 14, Session Laws of Hawaii 2020. The following acts and omissions by any licensee or authorized representative thereof constitute violations:

- (1) Refusal or failure by a licensee or authorized representative to fully cooperate with the department or law enforcement regarding any inspection or sampling;
- (2) Failure to provide any information required or requested by the department for the purposes of this chapter; or
- (3) Providing false, misleading, or incorrect information to the department by any means, including but not limited to information provided in any form, report, record, or inspection required or maintained pursuant to this chapter. [Eff: Upon approval] (Auth: Act 014 SLH 2020)

2. The adoption of chapter 4-161, Hawaii Administrative Rules, shall take effect upon board approval.

I certify that the foregoing are copies of the
rules, which were adopted on _____.

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

APPROVED AS TO FORM:

Deputy Attorney General



Maui Hotel & Lodging

ASSOCIATION

September 17, 2021

To the honorable Chair Alice Lee, Vice-Chair Keani Rawlins-Fernandez and our Maui County Council Members,

The Maui Hotel & Lodging Association would like to make the following comments regarding the bill to establish a new Chapter 3.47, Maui County Code, to create a 3 percent transient accommodations tax (TAT) on all gross rental, gross rental proceeds, and fair market rental value considered taxable under the definitions of Section 237D-1, Hawai'i Revised Statutes.

THE MHLA respectfully requests that this new TAT collection start date be delayed until after October 1, 2021, and preferably sometime in 2022.

The reason for this is that guests book in advance and prepay in full for their stays when booking online – in such cases they have received a “paid in full” receipt – and adding an additional charge after the fact may create legal and ethical issues, changing price after a quote and or payment collect is an issue. At minimum a 60-day notice is needed to allow for adjustment to the tax rates, notification to affected guests and collection of additional tax.

When the State of Hawaii increased the TAT for the State notice was given allowing time for notification and changes to be made.

Changes in a tax rate with a same day affective date (no notice) will affect guests already in-house causing a change in what balance they signed for upon arrival and a different negative balance upon check-out.

It also takes time to adjust all the Hotel, Transient Rental and other computer systems to change the new tax, the law requires the tax to be disclosed and it takes time to make the software changes needed.

Third-party sales agents must update their computer systems with the new taxes, internal pricing, websites etc.

Travel Agents who have booked clients will need to reach out and advise those clients of changes.

Website disclosures in addition to the pricing changes will have to be updated this takes time it cannot be done the same day to be affective that day.

Sincerely,

Rod Antone

Executive Director of the Maui Hotel & Lodging Association

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2021 SEP 17 AM 9:30
OFFICE OF THE
COUNTY CLERK

Elyssa S.L. Tsolis
10 Mikiola Street
Makawao, HI 96768
(808) 276-2796

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2021 SEP 17 AM 10:34

OFFICE OF THE
COUNTY CLERK

Public Testimony
RE: CC 21-453 Bicycle Tour Public Safety

Aloha Maui County Councilmembers,

My name is Elyssa Tsolis and I am a resident of Makawao. We are now in year two of this thing we call the pandemic. It has been trying on all of us citizens of Maui County. I know most of you have been going above and beyond in keeping Maui safe and I thank you for that.

My current concern, well one of many, is the bicycle tours utilizing Baldwin Avenue. My nine year old son attends Kula Kaiapuni at Pa'ā Elementary. Traffic in the morning and afternoon can get quite busy especially during school hours.

Why are bicycle tours being allowed to operate during school drop off and pick up hours? Baldwin Avenue is a narrow two lane road with no shoulders. In some areas of the road there aren't any guardrails as well. There have been so many times where we would have to come to a complete stop; going around them create a huge risk of a head on collision because of all the blind turns. A lot of these cyclers are oblivious to traffic and take up the whole lane not allowing any room to pass when safe. This also goes for the cyclers traveling in the opposite direction that possibly are training for cycling events. They create traffic jams as well as high risks for major accidents.

We have witnessed cyclers fall off their bikes. We have also seen bikers flying down at speeds they can't control because of the decline. A lot of them are kids, inexperienced and unguided. I don't understand how a group of tourists are allowed to bike down an island that they have no knowledge of without a guide. Where is the accountability for the tour companies?

There needs to be some ordinance in place with restrictions of times. The whole upcountry is being affected by these bicyclers being able to 'bike down a volcano' during peak school hours. Take into account how many schools are being affected; Makawao School, Seabury Hall, St. Joseph's, Pa'iā Elementary, Dorris Todd not to mention all the preschools along the way.

Parents, guardians and caregivers are trying to get their kids to school safely and in a timely manner and get themselves to work safely too. Something needs to be done. There are much more reasonable hours during the day that will allow these tours to operate.

We live in a time where uncertainty has been our daily life. We have become adjusted to rules constantly changing because of this pandemic. We have a divide going on in our community that is so huge because everyone is right and no one wants to listen, just talk.

This is one thing that I believe most of Maui residents would agree on. An ordinance in place restricting bicycle tour companies from operating during school traffic hours in the morning and afternoon. What is it going to take before action is taken? There have been so many accidents in Maui county this year already involving tourists. I am not asking to stop bicycle tours altogether. Limiting their hours is justifiable in helping to prevent bicycling accidents.

Our keiki deserve to go to school and return home from school safely and on time.

Mahalo a nui,

Elyssa Tsolis