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

February 24, 2022

Mr. John Pelletier, Chief
Department of Police
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Pelletier:

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

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

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

The Bill, if enacted, may impact outdoor lighting fixtures used for public safety and may also impact the ability of the Department to carry out its duties.

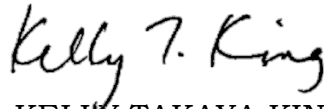
May I please request the Department's comments on Bill 21, Proposed CD1 by **March 7, 2022**, to enable the CARE Committee to further discuss the matter on March 16, 2022.

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

Mr. John Pelletier
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Should you have any questions, please contact me or the Committee staff (Brittney Sunderland at ext. 7141, or Jean Pokipala at ext. 8006).

Sincerely,

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

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

care:ltr:074apd01:brs

Attachment

cc: Mayor Michael P. Victorino

ORDINANCE NO. _____

BILL NO. 21 CD 1 (2022)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

| Lamp Type | Shielding Requirement | Usage Restrictions |
|-----------|-----------------------|--------------------|
| Class I | | |

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

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

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

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

SECTION 6. This Ordinance takes effect on approval.

INTRODUCED BY:

Kelly T. King