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

February 28, 2022

Mr. Mathew McNeff, Director – Maui, Molokai, Lanai
Hawaiian Electric
P.O. Box 398
Kahului, Hawaii 96733

Via E-mail: mathew.mcneff@hawaiianelectric.com

Dear Mr. McNeff:

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

At its meeting of February 23, 2022, the Maui County Council's Climate Action, Resilience, and Environment Committee discussed Bill 21 (2022), Proposed CD 1, 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 CD 1'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 in a variety of County facilities and operations, which may also impact outdoor lighting fixtures Hawaiian Electric is responsible for maintaining, by contract.

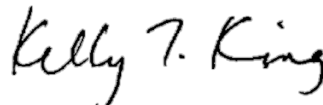
May I please request your comments on Bill 21, Proposed CD 1 by **March 7, 2022**, to enable the CARE Committee to further discuss this matter on March 16, 2022.

Mr. Mathew McNeff
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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.

Should you have any questions, please contact me or the Committee staff (Brittney Sunderland at 808-270-7141, or Jean Pokipala at 808-270-8006).

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:074a03:brs

Attachment

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