

MICHAEL P. VICTORINO  
Mayor

JORDAN MOLINA  
Director

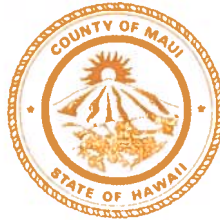
GARY L. I. AMBROSE  
Deputy Director

WADE SHIMABUKURO, P.E.  
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

Telephone: (808) 270-7845  
Fax: (808) 270-7955



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM 434  
WAILUKU, MAUI, HAWAII 96793

April 22, 2022



OFFICE OF THE  
COUNTY CLERK

2022 APR 26 AM 10:36

RECEIVED

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/26/22  
Mayor Date

For Transmittal to:

Honorable Kelly T. King, Chair and Members  
of the Climate Action, Resilience, and Environment  
Committee  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Chair King and Members:

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

In response to your attached correspondence dated February 16, 2022, the Public Works Commission reviewed the proposed bill at its meeting of March 23, 2022. Please see the attached memorandum which contains the Commission's comments to the proposed bill.

Should you have any further questions, please do not hesitate to contact me at Ext. 7845.

Sincerely,

JORDAN MOLINA  
Director of Public Works

JM:jso

Attachments

cc: Development Services Administration  
Engineering Division  
Highways Division

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Mayor

JORDAN MOLINA  
Director

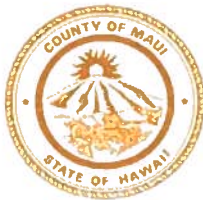
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**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII 96793

April 21, 2022

TO: JORDAN MOLINA, DIRECTOR OF PUBLIC WORKS

FROM: MICHAEL SILVA, PUBLIC WORKS COMMISSION CHAIR *MS*

SUBJECT: **PUBLIC WORKS COMMISSION MARCH 23, 2022 AGENDA ACTIONS**

The Public Works Commission, at its regular meeting of March 23, 2022, took the following actions:

**1. Acceptance of Minutes**

The Commission revised the meeting minutes to reflect that Commissioner Wilson was present at the meeting. The Commission unanimously approved the revised meeting minutes for its meeting of January 26, 2022.

**2. Request for comment from Councilmember Kelly King on a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS".**

The Commission voted unanimously to provide the following comments on the proposed bill:

1. The County should be cautious accepting recommendation proposed by lighting manufactures who stand to profit from a proposed change in the law when the proposed changes have not been reviewed by an independent third-party industry expert.
2. The County should hire an electrical engineer or appropriate independent third-party industry expert to review and verify the appropriateness of the lighting specifications being proposed in the bill prior to adopting any change to the outdoor lighting standards.
3. The County should await the findings of the environmental assessment being conducted in conjunction with the Department of Public Works' street light conversion project prior to adopting any change to the outdoor lighting standards.
4. The County should conduct an analysis of the cost impacts anticipated to result from the proposed change to the outdoor lighting standards.
5. The County should not impose the proposed changes to the outdoor lighting standards on swimming pool as it could present a safety hazard to not have adequate lighting around pools and pool decks.

Memo to Jordan Molina, Director of Public Works  
April 21, 2022  
Page 2

**3. Correspondence from Barbara Long dated November 24, 2021 relating to Standards for Renaming County Facilities.**

No action was taken.

JM:jm  
xc: Engineering Division

S:\ALL\Public Works Commission\MEETING ACTIONS\PWC agenda actions 2022-03-23.doc

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

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DEPT OF PUBLIC WORKS  
FEB 16 2022



DIRECTOR'S OFFICE

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 16, 2022

Director of Council Services  
Traci N. T. Fujita, Esq.

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

67 ☐ **RUSH**

DEPT. OF  
PUBLIC  
WORKS

INFO	ACTION	SEE ME	COMMENTS	COPY	SCAN	FILE
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DIRECTOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPUTY DIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FISCAL ANALYST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PERSONNEL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DSA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENGR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HWY.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECTY.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Return to \_\_\_\_\_ Due \_\_\_\_\_

By: \_\_\_\_\_ Date \_\_\_\_\_

Mr. Michael Silva, Chair,  
and Members of the Public Works Commission  
c/o Department of the Public Works  
County of Maui  
Wailuku, Hawai'i 96793

Dear Mr. Silva and Members of the Public Works Commission:

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

May I please request the Commission's comments on Bill 21 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS," attached for your reference.

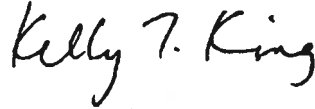
Bill 21 (2022)'s purpose is to protect native Hawaiian seabirds from becoming disoriented by artificial lights during their maiden flights out to sea, an occurrence often referred to as "fallout," which leaves them vulnerable to predation, vehicle collisions, and starvation.

May I further request you transmit your comments at the conclusion of the February 23, 2022, Public Works Commission meeting, to [care.committee@mauicounty.us](mailto: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 ext. 7141, or Jean Pokipala at ext. 8006).

Mr. Michael Silva and Members of the Public Works Commission  
February 16, 2022  
Page 2

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:074a01:brs

Enclosure

cc: Mayor Michael P. Victorino

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (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 man-made 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. Wherever possible, all outdoor lighting fixtures installed after enactment of the ordinance establishing this subsection, including swimming and decorative pool lighting, must be filtered light emitting diode fixtures that limit short wavelength content to <5% wavelengths <550nm.

E. All outdoor lighting fixtures 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 wall surfaces must be non-reflective.

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

3. Mounted as low as physically possible to limit light trespass and reflection off ground surfaces. Fixtures must not have bulbs visible from above.

F. Swimming-pool lighting must be operated by motion detectors to activate when people approach and deactivate five minutes after people depart."

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. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

care:misc:074abill01:ljam



INTRODUCED BY:

Kelly T. King