

Climate Action, Resilience, and Environment Committee on 2022-06-01 9:00 AM

Meeting Time: 06-01-22 09:00

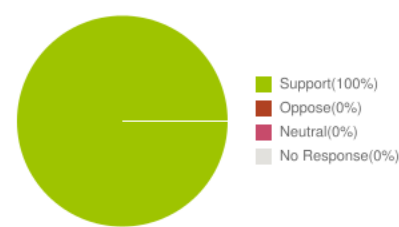
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Climate Action, Resilience, and Environment Committee on 2022-06-01 9:00 AM	06-01-22 09:00	2	8	8	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



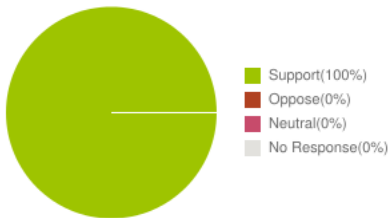
Climate Action, Resilience, and Environment Committee on 2022-06-01 9:00 AM
06-01-22 09:00

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	1	1	0	0
CARE-74 CC 21-546 BILL 21 (2022), SEABIRD AND BIODIVERSITY PROTECTION (CARE-74)	7	7	0	0

Sentiments for All Agenda Items

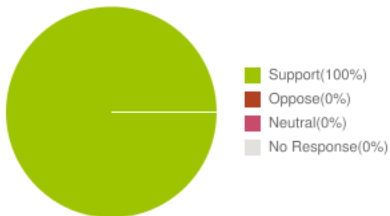
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment



Guest User

Location:

Submitted At: 11:14am 05-31-22

TESTIMONY OPPOSING CORPORATION COUNSEL VERSION OF BILL 21 AND SUPPORTING BILL 21, CD 1 SEABIRD AND BIODIVERSITY PROTECTION (CARE-74)

Climate Action, Resilience, and Environment Committee Meeting

June 1, 2022

9:00 a.m.

Good morning, Chair King, Vice-Chair Sinenci, and members of the Committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. I am registered as a lobbyist. I submit this additional testimony on behalf of the Center for Biological Diversity and Conservation Council for Hawai'i in

opposition to the version of Bill 21 drafted by the Department of the Corporation Counsel, which would not provide adequate protection for Hawai'i's imperiled seabirds from hazardous short wavelength light. This version of Bill 21 was prepared by Deputy Corporation Counsel Keola Whittaker and is available at <https://mauicounty.legistar.com/View.ashx?M=F&ID=10923805&GUID=E93E86AD-B2F3-4717-899B-C2910F8949BB>.

Unlike Bill 21, CD 1, the Corporation Counsel's proposal fails to incorporate the latest science on how best to minimize harm to imperiled seabirds from artificial lighting. Rather than define permissible outdoor lighting in terms of the specific percentage of short wavelength light (as Bill 21, CD 1 does), the Corporation Counsel's proposal uses the Correlated Color Temperature (CCT), measured in degrees Kelvin. See Proposed Section 20.35.060.B.2 (generally requiring a CCT of 3,000 degrees Kelvin or less). The CCT tells you only how yellow or blue the overall color of light emitted from a light bulb appears; it tells you absolutely nothing about what percentage of that light is made up of the short wavelength light that is harmful to imperiled seabirds. Lighting manufacturers can reduce the CCT of their lighting simply by adding more long wavelength light, without reducing any of the short wavelength light that attracts native seabirds, leading to fallout and associated injury and death. Limitations on harmful lighting need to be defined in terms of the percentage of short wavelength light (as the Hawai'i County lighting ordinance currently does and as Bill 21, CD 1 proposes), not in terms of degrees Kelvin.

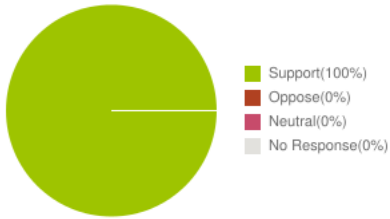
The Corporation Counsel's proposal also fails to address the significant harm to imperiled seabirds from attraction to (and fallout from) the outdoor lights that are already present in the County. The proposal would forever exempt "[a]ll outdoor lighting fixtures installed prior to the enactment of the ordinance establishing section 20.[35].060." See Proposed Section 20.35.070.F [The proposal references "section 20.30.060," which is presumably a typo. Section 20.30.60 of the Maui County Code relates to installation charges for the use of reclaimed water, while Chapter 20.35 governs outdoor lighting.]. These existing outdoor lights cause significant fallout and death of critically imperiled seabirds. The ongoing harm that existing outdoor lights inflict needs to be addressed by phasing out these lights, as Bill 21, CD 1 would do.

The Corporation Counsel's proposal also fails to address the harm caused by large classes of new outdoor lighting, with no justification provided for why they should be exempted from the bird-friendly lighting requirements. "Temporary outdoor lighting used for public safety, road construction or emergency repair, field harvesting, and road crossing" or "used as hotel and condominium beach security lighting" attracts and harms imperiled seabirds just as much as outdoor lighting used for other purposes. Proposed Section 20.35.070.C and D. No justification is given for why such lights cannot serve their purpose while also complying with bird-friendly requirements. That the proposed bill contains no definition of when these lights are deemed "temporary" would also create opportunities for such harmful lighting to inflict harm for open-ended periods of time.

The Corporation Counsel similarly provides no reason why underwater lighting in swimming pools cannot be bird-friendly, see Proposed Section 20.35.070.E, why lights on motion sensors need to be bright white (up to 5,000 degrees Kelvin), see Proposed Section 20.35.070.G.2, why up-lighting should ever be permitted—even "on a temporary basis," whatever that means—at County facilities, Proposed Section 20.35.070.J, or why weddings, parties, social gatherings, or other "occasional" events require noncompliant lighting, Proposed Section 20.35.070.K. Particularly during the September through December fallout season, such outdoor lights can inflict—and have inflicted—substantial harm. No lights should be exempted from the requirement to be bird friendly absent a compelling reason that outweighs the need to protect critically imperiled, native seabirds.

We urge the Committee to reject the Corporation Counsel's ill-conceived proposal and adopt instead Bill 21, CD 1, which is based on the best available science. I will be available at the CARE Committee meeting to answer any questions you may have. I can also be reached via email at dhenkin@earthjustice.org or via telephone at 808-599-2436.

Overall Sentiment



Guest User

Location:

Submitted At: 10:41am 06-01-22

Aloha Chair King and Committee Members,

This is Mavis Oliveira-Medeiros. I'm the Council Aide at Hana D.O. with CM Sinenci. Just wanted to send a note mostly in support, but seems like there needs to be some changes to this bill.

We live next to the ocean and often let ohana or friends camp. We have a policy of no lights on or near the ocean. Hana still relies on the ocean to subsist and for get togethers. Our Siblings, Children and Grandchildren gathers from the ocean and we know that lights chases away turtles and probably other sea creatures. Most important for us is that it chases away the a'ama crab. If you gather a'ama, you know that light stuns them. Imagine being stunned all night long. Pretty soon, you'll find another home. Just my mana'o. Mahalo!

- Mavis Oliveira-Medeiros, Hana District Office

Guest User

Location:

Submitted At: 9:41am 06-01-22

Thank you for hearing all testimony regarding bill 21. My name is Jenni Learned, and I am a research ecologist working as the Operations/GIS specialist at the Maui Nui Seabird Recovery Project. I am here today to support Bill 21, specifically, the amendment CD-1, requiring outdoor lighting to have less than 2% blue light content. Together with conservation partners and the local community, I work to preserve and restore the unique island ecosystem of Maui. Our ecosystem includes native plants, land animals, birds, and marine organisms, all which persist through a fragile web of connections to one another. These connections are strained under many threats, including increasing light pollution. As a community, we must take action wherever we can to protect biodiversity. Following the example made by Hawaii island, restricting the blue light content is an achievable step that Maui county can take, to reduce the pressures faced by our threatened island species. We can adapt to the subtle changes that reduced blue light may bring to our built environment. Together we can make these important decisions, trusting the science, which shows that reducing blue light improves our wellbeing while restoring a more natural ecosystem, all without sacrificing our safety. This amendment sets a clear and straightforward path to improving the future for Maui's residents, visitors, and treasured wildlife.

Guest User

Location:

Submitted At: 8:36am 06-01-22

I support SB 21 to protect seabirds from light pollution. Anita Wintner Kihei

Guest User

Location:

Submitted At: 3:01pm 05-31-22

Please support SB 21, protecting Seabirds from light pollution.

Jeanie Stewart

Kihei, HI

Guest User

Location:

Submitted At: 9:31am 05-31-22

Good morning, Chair King, Vice-Chair Sinenci, and members of the Committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. I submit this testimony on behalf of the Center for Biological Diversity and Conservation Council for Hawai'i in strong support of Bill 21, CD 1, which would amend Maui County's lighting ordinance to increase protections for Hawai'i's imperiled seabirds. Bill 21 would update the lighting ordinance to reflect the latest science on how best to minimize harm from artificial lighting, which can attract fledging Hawaiian petrels, band-rumped storm petrels, and Newell's shearwaters, resulting in fallout and death. Bill 21 recognizes that it is vital to reduce short wavelength light in outdoor lighting fixtures, prevent outdoor lighting from shining upward or over the ocean, and eliminate reflective surfaces that bounce light into the sky.

Bill 21, CD 1 substantially improves on prior versions of the bill by ensuring that the County addresses the harm that existing artificial lighting poses to imperiled seabirds. Hawai'i's imperiled seabirds are suffering from fallout associated with existing lights, which must be addressed if we are to prevent the loss of our native species. Bill 21, CD 1 provides a reasonable phase-in period for the replacement of existing outdoor lighting. See Proposed Section 20.35.070.B (exempting existing lighting for three years).

Bill 21, CD 1 further improves on prior versions of the bill by adopting the definition of "blue light content" found in Hawai'i County's lighting ordinance. Compare Proposed Section 20.35.060.D with Hawai'i County Code § 14-51(a)(9); see also Hawai'i County Code § 14-55, Table 14-A (specifying that LED fixtures must have "less than 2% blue light content"). Using the same definition of "blue light content" ensures that government agencies, businesses, and individuals in Maui County will be able to secure compliant outdoor lighting, just as their counterparts in Hawai'i County have been able to do for more than a decade.

Moreover, by defining "blue light content" solely in terms of the wavelengths of light emitted by outdoor lighting, rather than in terms of Kelvin (which can allow substantial amounts of short wavelength light, even where the CCT is relatively low), this version of Bill 21 will ensure adequate protection of Hawai'i's imperiled seabirds from hazardous short wavelength light.

Thank you for the opportunity to provide this testimony in strong support of Bill 21, CD 1. I will be available at the CARE Committee meeting to answer any questions you may have. I can also be reached via email at dhenkin@earthjustice.org or via telephone at 808-599-2436.

Guest User

Location:

Submitted At: 7:23am 05-31-22

May 23, 2022

Climate, Action, Resilience and Environment Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

Testimony in Support for Bill 21, Amending Chapter 20.35, Relating to Protecting Seabirds from Outdoor Lighting

Aloha mai k_kou,

On behalf of the Maui Conservation Alliance (MCA), we would like to voice our support for passage of Bill 21, which seeks to increase protection of our native seabirds from outdoor lighting.

Seabirds were once abundant across the islands of Maui County. Their guano helped build the soil that allowed the first plants to take root. Their nutrient-rich colonies boosted phytoplankton production and sped up coral growth. Hawaiians have rich cultural ties to seabirds. They were navigational aides for early Polynesian voyagers. They continue to alert mariners to fish aggregations. Seabirds served as a food source and provided materials for traditional crafts and practices. Stories of n_manu kai begin with the Kumulipo creation story and remain woven

into chants, __lelo no_eau, mele, and hula.

12 species of seabirds call Maui home during the breeding season. 2 species are found nowhere else in the world and 3 are endangered.

Most species produce a single egg each year. Raising a chick requires the work of both parents. The 'ua_u make round-trip journeys of up to 7,000 miles to bring food back to the chick. After nearly six months of incubation and chick feeding, the young bird is finally ready to take its solo flight. Hawaiian seabirds evolved on dark islands, where the moon and stars provided the only nighttime light. Fledglings can become confused by the bright lights. Instead of flying out to sea, they become distracted, circling the lights until they drop to the ground, exhausted, or collide with the structures. On the ground they are especially vulnerable to predation by outdoor cats or roadside injuries.

The harm caused by light pollution can be significantly reduced. Bill 21 is a critical step in the right direction. The ordinance includes provisions related to the direction of lights, shielding standards, and wave-length specifications that are more seabird-friendly, and strategies to help eliminate the use of unnecessary lighting. The measures included in the proposed bill are doable – they closely mirror outdoor lighting standards established by Hawai_i County in 1988, nearly 25 years ago. Extensive research supports the need for action and the scientific justification for the recommendations.

Protecting seabirds from outdoor lighting will have co-benefits for other marine species, such as sea turtles and coral, and for all who value dark skies as a natural resource, including amateur and professional stargazers. Please move this important bill forward to the entire Council.

Me ka mahalo nunui a me ke aloha no,

Makale_a Chana Ane, Chair
Tamara Sherrill, Secretary

The MCA is a cooperative partnership of more than thirteen government, private and non-profit organizations who are the key leaders in the management of Maui's native ecosystems. MCA is committed to accelerating conservation management on Maui's highest priority conservation needs.

Guest User

Location:

Submitted At: 1:27pm 05-27-22

I am in support of Bill 21 to amend Maui County Chapter 20.35, because it specifies lighting uses that protect wildlife while addressing human needs. It includes a replacement schedule for existing lighting that is problematic as well as prohibitions on new installations of certain bulb types, light wavelengths and direction of illumination. Light pollution is growing exponentially across Maui County, making life for native seabirds and other marine animals more difficult with each passing night.

The bill's specifics regarding shielding and lights used in and around pools or reflective surfaces are especially important too as people build more along the shore, and install more pools, water features and reflective solar panels. A definition of temporary for exceptions would be very useful to prevent some from intentionally subverting the intent of this ordinance.

Young seabirds head out to sea for their very first flight in life on an empty belly. They look for starlight reflecting on the ocean, where they will find food. They fly at night because most of their food comes to the surface of the waters at night. They move away from dark land because it should not reflect starlight. Over-lighting on land mimics starlight on the ocean. Young birds fly into lighted areas on land where they circle, confused, until they are exhausted, landing in streets and yards where they can fall victim to dogs and cats.

This not about aesthetics, its about restoring ecosystem functions humans cannot replicate without extensive technology or expense. Seabirds once inhabited all elevations above the waterline throughout Hawai'i nei. 'Ua'u (Pterodroma sandwichensis), a petrel found only in Hawai'i, is endangered. They nest in the highest areas of our mountains, burrowing into cinder and rock cliff faces. Other species nest in our wet rain forests, the 'ua'u kani (Pufinus pacificus) nests in dunes near beaches and we can hear their calls at night. For eons they fished out to sea and returned to land to nest, bringing with them the gifts of their guano, to all these elevations and habitats, evenly distributed around the islands. Rainy, tropical soils the world over are notoriously lacking in an element critical to plant growth: nitrogen. This is no small matter. In 1856 the US created the Guano Act, giving itself

permission to seize islands for the purpose of harvesting guano during the “guano wars,” this included Kure and Laysan in the NWHI. When seabirds poop on land, they complete the nitrogen cycle. Without their deliveries, we cannot repair our native forests and restore our native trees which have proven superior to introduced species for preventing erosion, sequestering carbon and collecting and storing freshwater in forest soils: all necessary ecosystem functions as we face climate change. Nitrogen from sea bird sources has even been proven to be superior to anthropogenic nitrogen for coral reef growth. To mimic this ecosystem function, we would need an army of people hiking 50-pound bags of fertilizer into steep forested areas, or we can reduce the challenges we have created for these birds, make some minor changes to get out of their way and let them do their work. The birds are connected to the land, our forests, our water supplies and back again to protecting the reefs from runoff. Rising sea levels are erasing nesting grounds in the Northwest Hawaiian Islands, making future generations of these first Hawaiian inhabitants ‘climate refugees.’ We must make room for them, welcome them back to the lower half of the state.

My 35 years of working in conservation in Hawai‘i doesn’t prepare me to speak as someone born and raised in the culture, but I can speak to a conservation concept that needs more emphasis. The modern definition of a cultural landscape is more than an archeological site. It’s a place where you can directly experience the sights, sounds and species that your ancestors would have seen and heard generations ago, and sharing those experiences can help us today understand the origins of a culture. Being able to hear seabirds call at night, to see stars used in navigation may not have scientific or ecosystem function/economic benefits, but those priceless resources and experiences are just as important at preserving the language of a culture.

Careless and over-lighting does not protect us, it robs us of these ecosystem functions and diminishes the intangible experiences necessary to understand cultural origins. Bill 21 works to restore the broken links in nutrient cycling and cultural connections.

Jeff Bagshaw

Communications and Outreach Specialist

State of Hawaii, Division of Forestry and Wildlife, Maui Nui Branch

Jeff.w.bagshaw@hawaii.gov

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