

**ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL
PRESERVATION COMMITTEE**
Council of the County of Maui

MINUTES

March 12, 2019

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Tasha Kama, Vice-Chair
Councilmember Kelly T. King (out 4:01 p.m.)
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Tamara Paltin

NON-VOTING MEMBERS:

Councilmember Keani N.W. Rawlins-Fernandez (out 3:42 p.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura

STAFF:

Carla Nakata, Legislative Attorney
Kasie Apo-Takayama, Legislative Analyst
Christie Chung, Legislative Analyst
Nicole Siegel, Committee Secretary
Raynette Yap, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane M. Sinenci
Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.:

Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Sandy Baz, Managing Director, Department of Management (EACP-20)
Michele Chouteau McLean, Director, Department of Planning (EACP-20)
David Underwood, Director, Department of Personnel Services (EACP-20)
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (EACP-20)

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Shayne Agawa, Deputy Director, Department of Environmental Management (EACP-21, EACP-17(3))
Tamara Farnsworth, Environmental Protection and Sustainability Division Chief, Department of Environmental Management (EACP-21, EACP-17(3))
Cecile Powell, Recycling Specialist, Environmental Protection and Sustainability Division, Department of Environmental Management (EACP-17(3))
Jenny Aievoli, Abandoned Vehicles & Metals Administrator, Environmental Protection and Sustainability Division, Department of Environmental Management (EACP-17(3))
Allyson Higa, Abandoned Vehicles Coordinator, Environmental Protection and Sustainability Division, Department of Environmental Management (EACP-17(3))

OTHERS: Susan Lebo, Archaeology Branch Chief, State Historic Preservation District, State Department of Land and Natural Resources (EACP-20)

Daniel Kanahele (EACP-20)
Michele Lincoln (EACP-20)
Noelani Ahia (EACP-20)
Clare Apana (EACP-20)
Johanna Kamaunu (EACP-20)
Mahina Poepoe (via telephone conference bridge, Molokai Council Office) (EACP-17(3), EACP-20)
Bridget Mowat (via telephone conference bridge, Molokai Council Office) (EACP-17(3))
Jasee Law (EACP-17(3))
Additional attendees (3)

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR SINENCI: . . . *(gavel)* . . . Aloha mai kakou. Welcome to the Environmental, Agricultural, and Cultural Preservation Committee meeting of March 12, 2019. It is 1:32 p.m. I am Shane Sinenci, your Committee Chair, and before we go forward, may I please ask that you silence all cell phone ringers and noise-making devices? Mahalo. Brief introductions, we have Vice-Chair Tasha Kama.

VICE-CHAIR KAMA: Aloha auinala, Chair.

CHAIR SINENCI: Aloha. Member Paltin.

COUNCILMEMBER PALTIN: Aloha, Chair.

CHAIR SINENCI: I believe Member Yuki Sugimura is excused for this meeting. Member Lee.

COUNCILMEMBER LEE: Good afternoon, Chair.

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CHAIR SINENCI: Member Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chair.

CHAIR SINENCI: And Council Chair Kelly King--

COUNCILMEMBER KING: Aloha, Chair.

CHAIR SINENCI: welcome. And we also have Non-Voting Member Ms. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR SINENCI: Aloha. Welcome. Today, also on the, the Chamber floor, we have from Corporate Counsel, Richelle Thomson. Aloha. In, in the Chambers, with us today, we have Shayne Agawa of the Environm..., Environmental Management; Tamara Farnsworth, of the Environmental Protection and Sustainability Division; Cecile Powell, Recycling Specialist; Jenny Aievoli of the Abandoned Vehicles and Metal, Metals Administrator; Allyson Higa of the Abandoned Vehicles Coordinator; Michele Yoshimura of the. . .Budget Director; Sandy Baz, Managing Director; Michele McLean, Planning Director; Mr. David Underwood, Director of Personnel Services, Personnel Services; and Ms. Rowena Dagdag-Andaya, Deputy Director of Public Works. Welcome. We also have Ms. Susan Lebo today, visiting, joining us today. Welcome.

MS. LEBO: Aloha.

CHAIR SINENCI: She is the Archaeology Branch Chief of the State Historic Preservation Division, Department of Land and Natural Resources. For our staff, we have Carla Nakata, Kasie Apo-Takayama, Nicole Siegel, Rayna Yap, and Christie Chung. In our District Offices, we have Ms. Mavis Medeiros; Lanai District Office, Denise Fernandez; and Molokai District Office, Zhantell Lindo. Welcome. Today's agenda items, we have three items today: EACP-20, County Archaeologist; EACP-17(3), Matters Within the Committee's Subject Matter Jurisdiction and Overview of the Environmental Protection and Sustainability Division of the Department of Environmental Management. We also have EACP-21, the Intergovernmental Agreements with State Department of Health relating to Contracts for Glass Recycling and E-Waste.

Testimony. For individuals testifying in the Chamber, please sign up at the desk, just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to only the items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name, and the name of any organization you may be representing. Pursuant to the Rules of the Council, if you are a paid lobbyist, please inform the Committee. We have established

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a connection to the Council District Offices. I believe Ms. Mavis is. . . Okay, okay. For our first testimony—

MS. OLIVEIRA-MEDEIROS: You're skipping on the TV.

CHAIR SINENCI: Ms. Mavis, can you mute your mic, please? Thank you. Okay, so our first testifier, testifying on item EACP-20, is Mr. Daniel Kanahele, followed by Michele Lincoln.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. KANAHELE: As we say in Hawaii, good morning. My name is Daniel Kanahele, and I am testifying as an individual with regards to the agenda item on County Archaeologist. The Countywide Policy Plan's vision statement, the last sentence says, I quote, "That which makes Maui County unique in the world will be preserved, celebrated, and protected for generations to come." That's the vision statement. Vision statements, mission statements, value statements, found in the Countywide Policy Plan, in the County Island Plans, are significant, because those are the guiding stars for County government. They're like Hokulea and Hokupaa, the wayfinding stars that the Polynesians used to navigate the Pacific Ocean. So, these are important values, they represent the highest values, the things that are most important to you as a governing body, so that every decision you make, every action you take, should be governed by the vision statements, mission statements, governing principles, and core values of these plans, and I just read one of them pertaining to preserving what makes Hawaii, Maui, unique. And what, what does make Maui unique? Well, it's the historic buildings, it's the cultural sites, the heiaus, and so on and so forth. Now, many of these do have some protection within the Historic Districts, like Lahaina and Wailuku. But if they are outside of the Historic Districts, then they have less protection. And so I know one of the objectives of the plan is to give these properties, culture resources, historical resources, more protection, and that's an objective in the Maui Island Plan. So, we, we cannot depend on the State of Hawaii, the State Legislature, the Department of Land and Natural Resources, State Historic Preservation Division, to protect our historic and cultural sites, because the SHPD is chronically and critically underfunded and understaffed. We don't even have a Maui Archaeologist right now. Susan Lebo is doing all the work at Kapolei, on Maui for here. There are no feet or eyes on the ground. So we, 'cause the sites are here, we should take kuleana, we should take responsibility to take care of our own, right? Not rely on folks on Oahu. You know, I, I, I have a strong feeling about home rule, and what we should do for ourselves. What we should do for ourselves is get an Archaeologist, fund that position. We need one. We talked about it, let's fund it, and let's get it done, and let's move forward—

MS. NAKATA: Three minutes.

MR. KANAHELE: Thank you very much.

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CHAIR SINENCI: Thank you, Mr. Kanahele.

MR. KANAHELE: I'd be happy to answer any questions.

CHAIR SINENCI: Any questions for the testifier? Members? Seeing none, mahalo.

MR. KANAHELE: Thank you, Chair. And thank you, Members.

CHAIR SINENCI: Thank you. Next testifier is Michele Lincoln on EACP-20, followed by Noelani Ahia.

MS. LINCOLN: Aloha, my name is Michele Lincoln. Thank you for letting me testify on this agenda item. I think that it would be really great to fund a local Archaeologist, from the County's perspective, to make projects go faster, but also more efficient and make sure we're protecting accurate things. Another reason is, right now we are updating our Community Plans, and if we would have had a community Archaeologist when we updated our Community Plan in 1996, they would have known that in 1979, for example, in Lahaina, David Malo's property right now is gonna be covered by houses. It's. . .when they did the archaeology. . .Survey Report in 1979, they said it should be a historical. . .registered for the National Register of Historic Places, it was part of the Alamihi Fish Pond, a famous battle was there, it was Crown Land, and here we have a housing development going on it. So it just kinda shows how the State Historic Preservation Department is. . .that, that's very critically important, and we're putting houses on it. So we're dropping the ball somewhere, and I think with the Community Plans coming into effect right now, it would be a really great time to have a little more oversight in these areas. The reason I got involved with all this is through Kahoma Residential, which is a project that's being built by my house. And I'm not against affordable housing, but on the property line where there is an existing heiau, that was proved by the Connolly Report, they originally denied that project, but they overturned the decision because they said if they denied this project, then it would affect Hoopili on Oahu. And I just don't think that projects on Maui should be contingent to legalities happening on another island. So I think that's another thing, just to protect our cultural resources. And when the developer was in violation, when they put up the dust vents, they took down. . .they, they destroyed the rocks that were existing and took down some trees, and they did not have an archaeological survey. . .they weren't meeting the requirements, they didn't have anybody on-site, and I'm thinking, I'm not really trying to start. . .stop a housing development, I'm just trying to ensure that integrity is happening. So instead of filing any kind of thing in court, I already have them in court, instead of adding to that and delaying the project, instead I wrote a term paper on integrity. And I'm just gonna read you a couple of the highlights from that letter, and I just sent it to all the interested parties at that time. "Archaeology in Hawaii is a sacred profession. Archaeologists are not only recording historical findings, but the culture of the Hawaiian people is directly connected to the past. It is entwined in the very essence of the people. Whether we believe in it or not, we are still the beneficiary. The Aloha Spirit is manifested by God through the Hawaiian culture." And I ended my paper with, "The developers, departments, divisions, commissions,

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consultants, and in this case, County Councilmembers, that protect and preserve Hawaiian culture and history, are held to a higher level of scrutiny, as they are keepers of the future, by preserving the past.” Thank you.

CHAIR SINENCI: Thank you, Ms. Lincoln. Members, any questions for Ms. Lincoln? Seeing none. . .oh, one? Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I’m not opposed to the Archaeologist. I just was wondering, would that extensive research that you have on that project site, how, how would having an Archaeologist, in your opinion, have affected it differently?

MS. LINCOLN: ‘Cause, I think if, like, right now, they’re doing the Community Plans. I think if, while they were doing the plans, they had an Archaeologist kind of consulting along the way, they could have said. . . ‘cause in 1996, when they did the Community Plan--we’re updating that now for West Maui--they could have said, oh, by the way, you know, that should be registered in the National Res..., Historic Places because of an Archaeology Survey Report. So, all that data would be put in, and I don’t think it would have been put on as that it could be zoned for development. So, I, I just think that right now especially, since we’re updating Community Plans, it’s vital to have more eyes and feet on the properties, on the ground, to help influence. . .so that we’re making going oh, we wanna put a housing development here? Well, maybe that’s not such a good idea, because it was a famous battleground between the High Chief of Maui and Kamehameha the Great, and it was David Malo’s homestead, gifted to him by Kamehameha III, and it was an inland fish pond, you know. So these are all important things that maybe, if we would have had. . .so I’m just saying, I’m, I maybe can’t help this, but I think with our Community Plans going forward in all the different counties and districts, that it, it’s better to do it so that you don’t have a developer waste all their money putting together a project when they know oh, hey, that’s historical. Or there’s a heiau there, so we have to make sure we put our plans together, being mindful of that. I just think that now is a perfect time to do it, based on historically how it’s kind of failed, that, don’t live with the failures, move forward. How can we learn from that, and how can we protect further sites? So that would be my influence there.

CHAIR SINENCI: Thank you.

COUNCILMEMBER PALTIN: Thank you for your optimism.

CHAIR SINENCI: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, I just. . .mahalo for your testimony. I’m, I’m not familiar with the project, I was just wondering which housing project this was.

MS. LINCOLN: This one is Kahoma Village, Stanford Carr, it’s being currently built right now in Lahaina, and, like for example, when they did their Archaeological Survey Report,

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they said there was nothing significant about the property, but they used the 1884 Bishop Map, and they said they used 1970's survey reports. Well, the Bishop Map shows that it's David Malo's homestead, and David Malo's name is not mentioned in any of their, you know, findings or whatever. So that just, like, I think we just need a little more oversight on someone who cares, that's in the Department that's going, hey, wait a minute, I know that that's David Malo's homestead. How come that's not in Stanford Carr's Archaeological Survey Report? You know, how come it's missing? So, I just think it gives us one more layer of oversight in. . .for the same reasons I'm saying, is that if you don't protect the Hawaiian culture, you're gonna lose the culture. So we have to be proactive, and I think that's, especially with the Community Plans, this just seems like a no-brainer to me.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR SINENCI: Thank you. Thank you, Ms. Lincoln.

MS. LINCOLN: Thank you.

CHAIR SINENCI: Our next testifier is Ms. Noelani Ahia, on EACP-20. She'll be followed by Ms. Clare Apana.

MS. AHIA: Aloha, Council and Chair. I'm Noelani Ahia, testifying on EACP-20. I echo the previous testifier's testimony for many, many logistical reasons. I think this is a very, very important idea. But more so than the logistical reasons, I think that if this is done correctly, it can help us shift the conversation around protecting what is sacred and important to the kanaka maoli. I'm just gonna play you a quick clip of something that Mayor Kim from Hawaii Island said at a meeting amongst the public and some scientists and activists for TMT. So, just have a listen, it's only about 30 seconds. *(plays recording)* "I told that group from the University, you people of science look at Mauna Kea as of science, because it is perfect for your science. But I wanted them to know there are others that look at Mauna Kea as part of their soul. And then I told that group, if you are going to trample on people's soul, all I ask is that you do it with care, with caution, and above all, above all, compassion." Okay, I hope you could hear that. What he said was, if you are going to trample on the soul of a people, I ask that you do it with care and compassion. Now, hopefully, all of you are bright enough to recognize what's wrong with that suggestion. But, I bring this up to point out that this is a prevailing attitude in the settler of governmental structures that we deal with, particularly in relation to protecting sacred spaces. I do believe that this legislation could help change the conversation around protecting sacred spaces, our iwi kupuna, the collective mana, and the living culture that depends on these things to exist. If kanaka maoli cannot exist as kanaka maoli, and we only exist as assimilated westerners, then we are dead. We are lost as a people. But some of the modern archaeological practices ignore the kanaka maoli values and contribute to the erasure of who we are. So we end up erased both in life and in death. I would like to see this position with a vision for the County to create a role where someone can look through

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the lens of the kanaka maoli people and use that perspective in their work to center protecting and honoring what is valuable to us as aboriginal people. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Ahia. Members? Member Paltin.

COUNCILMEMBER PALTIN: Thank you for your testimony. To me, I, I feel like you're like what an expert lay person would want out of an Archaeologist, and in your testimony, you said, if it's done right. And I was wondering if you had made some research or lists about how it could be done right, and how it could be done wrong?

MS. AHIA: Well, I have some ideas. I'm obviously not an Archaeologist, that's not my training. I'm a healthcare practitioner, so I see everything through the lens of how we can help our people heal. And this is one of those, one of those things, is how we take care of archaeological finds. And in my experience, you know, the archaeologists, who are working out there, they're not bad people, they just are. . . they're trained from a different Western perspective. And so for us, as kanaka maoli, you know, that sometimes they come to the Burial Council, really excited that they found iwi, and I'm like, you guys, that's our ancestor, it's not like, something to be joyous about. So, even just having that basic respect about, you know, what they're looking for and why they're looking for it. For us, we don't necessarily need to maha'oi everything. Once we know something is there, we can put the kapu up and protect it. Like, that is not a place to build, there's more appropriate places to build. But we don't have anybody. . .there's no, there's no historic preservation process that is actually mapping all of Maui to look at, what are the places? Like the previous testifier said, that have all this historical context, because the way the process works, it's up to a developer to hire a contract Archaeologist to do the work for the developer. And so it, it sometimes can lead down a path that doesn't. . .it doesn't fully encompass the scope of what needs to be identified. And it also doesn't have any power to, to prevent further desecration. Sometimes it actually leads to further desecration. So, those are my thoughts.

COUNCILMEMBER PALTIN: So for me, yeah, I would. . .it would be really helpful if, if maybe, bumbai, we can brainstorm on what exactly. . .how to do it right.

MS. AHIA: Yeah, I think it's gonna take a lot of community input. 'Cause there's a lot of people on the ground who have been working, trying to figure out solutions. So, I think we have to be solution-oriented and all put our heads together. Yeah. Mahalo.

CHAIR SINENCI: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Ahia, for your testimony today. Last term, Chair King passed a requirement to have a, a Cultural Practitioner or expert on the, on all of the Planning Commissions. Since we don't have a reso for the Archaeologist, is, is that something that you're thinking could be done right, is some kind of training? Like the County Archaeologist would have some kind of training in our, Hawaii's history, and values, and, to that?

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MS. AHIA: Well, you know, ideally, in a perfect world, we would be able to find a kanaka maoli Archaeologist who already has that lens and is already trained in seeing the world from that perspective. If that's not possible, the next best thing would be somebody who was extremely open to learning from the community and from the people who are born and raised in those places. There is a . . . I know there is a couple groups on Oahu who are doing mapping projects, and they consist of students, archaeologists, anthropologists, but they're all coming from a kanaka maoli lens, and I, I'm kind of hoping that what we can do here is somewhat modeled after that. So, I think it would be great to bring in some of the people from the other islands who are already working on this type of thing, so we don't have to reinvent the wheel, but we can make something that's very Maui-specific, and at the end of the day, be able to protect our, our sacred places, and our iwi kupuna. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Ms. Ahia. Our next testifier is Ms. Clare Apana, speaking on. . .EACP-20.

MS. APANA: Good afternoon, Chair. Good afternoon, Councilmembers. This is a very heavy issue for all of us, for myself, and for many years, as you know, have been testifying about various shortcomings in the system. I will start by saying that I have spoken to Susan Lebo several times, and we have both come to places where the shortcoming in the system has not allowed me to advocate in the way that I feel would be effective in protecting cultural sites. And her hands are tied, and I believe that having our own County Archaeologist would take away some of the critical issues that are placed upon SHPD, and I'm not sure that they're correctly placed there, because SHPD doesn't live here on Maui, we do. We live on Maui, we should have someone advocating for our island. I can't tell you how many times I have come to bring information to a project and been told I can't talk to the people on Maui in the SHPD office, I have to talk to Dr. Downer. And when I tried to do that. . .there's one project I've been working on since June of last year. . .trying to get an, an appointment with him, or an answer by email to my questions, and I don't get an answer, and that's just not right. But, what does he know? Does he live here? Does he love this place the way we love this place? I'll tell you, the Kahoma project that Ms. Lincoln spoke about earlier, I sat through every single one of those Land Use Commission meetings, and I'll tell you, that we did our very best, armed with a 1984 Archaeological Inventory Survey that showed the heiau. And our cultural practice, all of the things that we had found and historically, in all of the records, our own practice was not enough to stop this, because the first vote said no, this project is not right, not ready.

MS. NAKATA: Three minutes.

MS. APANA: And the vote had to go to another vote because of Hoo..., Hoopili, and that is tremendously wrong. Why should we suffer a loss of something that could easily have been preserved because of building in Honolulu?

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CHAIR SINENCI: Thank you, Ms. Ahia.

MS. APANA: Thank you.

CHAIR SINENCI: Members, any questions?

MS. APANA: Apana.

CHAIR SINENCI: I'm sorry. Yes, Chair.

COUNCILMEMBER KING: Aloha, Clare. Thank you for being here.

MS. APANA: Thank you.

COUNCILMEMBER KING: Because you've been advocating for so long, and I know you've dealt extensively with the different departments, where would you like to see. . .if we, if we can get this Archaeologist, you know, get it described in a way that is meaningful, where would you like to see this position sit? In Planning or Public Works? Or do you have a different idea?

MS. APANA: I think it would be good if this person might be able to be independent, so as to be able to interact with all of the commiss..., the, the different places. Because I know I, I heard something from people who are. . .have different, just, just in the elevator, about County projects, and how they would think that maybe that would be good. Because they could then have an Archaeologist and not have the delays of waiting for SHPD to have time to see their, their, their project. I, I, if you had to choose one place, I think there's more power in the Public Works Department. I think that Planning is certainly an important place, but I would like to see a little autonomy in this position, and I would love to see a cultural branch, where we could actually take care of these, these problems that have. . .arisen that continue to arise, and, you know, causes delays in projects, which I know the County doesn't want to see. But, perhaps if they're done correctly to begin with, protection could be had, better academia, as far as preparing the projects could be done, and everybody might win. I really feel that this is a step that should be taken, and can be taken, and we have to try. We really have to try.

COUNCILMEMBER KING: Okay. Thank you for your input. Thanks for being here.

MS. APANA: Thank you.

CHAIR SINENCI: Yeah. Anyone else? Thank you, Ms. Apana, and mahalo for all your work and dedication on this topic. Mahalo. Is there anyone else in the Chambers that wants to testify? We have one more testifier before we go to our District Offices. Please state your name for the record.

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MS. KAMAUNU: Aloha. My name is Johanna Kamaunu. I am a member of the Maui/Lanai Island Burial Council. I'm not sure how to address yet this request for the Archaeologist, mainly because this is like a magic lamp we're rubbing, and I'm not real sure exactly what they can do for us, but there is a lot that needs to be done. As to where they could be placed, I think it might be dependent on how useful they can be. What we lack, as far as I can see, what we seem to lack in the process is monitoring ability, and I would prefer to see the Archaeologist also, their job also include the ability to train and manage monitors, whether they be cultural monitors or archaeological monitors. The thing is, there's not been a really good way of accounting for the work as it gets done, from the start of permit, or even from the permitting phase, there's always questions on the permits, whether or not they've been completed. We can check off the list, but how accurately applied are all of those checkmarks? And then after the fact, we're not sure how often there is a review of the process. In other words, a permit says you can do certain things, but are all of those things being complied with? As we have found, they have not been complied with. In fact, they have exceeded their . . . the permit conditions. So, for me, accountability is really important, and perhaps if we had more cultural monitors, that it would help alleviate some of that problem. And this is mainly because we've been able to see how cultural monitors were able to be involved in a recent project. So it only makes sense that if they were there, especially in sensitive areas, then it would help. As far as for which Department to be in, I'm of the same mind as Clare. I prefer autonomy. Our Aha Moku Council, its, its position in the State is not under any direct department, it comes under the Chair, the, the Director. So, maybe the, the Mayor would be interested in having this a part of his office. I know, we know—

MS. NAKATA: Three minutes.

MS. KAMAUNU: --but there are other places to put them that might allow them the freedom to be available. We need somebody who's not gonna be afraid to say what needs to be done there. That's all I have to say.

CHAIR SINENCI: Thank you, Ms. Kamaunu. Members, any questions for Ms. Kamaunu? Seeing none, thank you. Let's, staff, let's go out to our District Offices. Hana, do you have any testifiers there, Ms. Mavis Oliveira-Medeiros?

MS. OLIVEIRA-MEDEIROS: Aloha Chair, this is Mavis in Hana and there is nobody here waiting to testify.

CHAIR SINENCI: Thank you. Lanai Office, Denise Fernandez, anyone there to testify on any of the items?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

CHAIR SINENCI: Thank you. And our Molokai Office, Zhantell Lindo. Do you have anyone there? . . . Molokai?

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MS. LINDO: Aloha, Chair. This is Zhan at the Molokai District Office. We have two testifiers.

CHAIR SINENCI: Okay. Who's your first testifier, and what item are they testifying on?

MS. LINDO: Our first testifier is Mahina Poepoe on Item 17(3).

CHAIR SINENCI: Go ahead.

MS. POEPOE: Hi. This is Mahina, Mahina Poepoe. I really, before that, wanted to quickly support the Archaeologist position. I would suggest in the job description to require cultural understanding or demonstration that they can apply cultural knowledge to the job and recognize the significance of that. Okay, onto the next item. I'm so excited to see the presentation from Environment Protection and Sustainability, because yesterday, I testified to you, mentioning issues with the recycling and solid waste on Molokai. And then, since then, in one day, we have received communication from the Department of Environmental Management, and it seems like they are eager and willing to work with us, answering our questions, and, you know, trying to come up with solutions. So that's really exciting and I wanted to share with you guys. We've formed, and are still welcoming people to participate, in our task force. . .we don't have a name yet. . .but we will be working with our recycling center and our landfill guys, and community and the various departments to try and find solutions. And our Councilwoman Keani and her staff has been very supportive, and really got the ball rolling on this. You know, it's so easy to complain about stuff, but what is really needed is to follow up on the complaints with actions and solutions, and that's our intention. I hope that we have the rest of the Council's support as well, and that you, in your own communities, regard these as very urgent issues. Thank you.

CHAIR SINENCI: Mahalo, Ms. Poepoe. Members, any questions? Seeing none, Ms. Lindo, could you name your next testifier please?

MS. LINDO: Yes. Our next testifier is Bridget Mowat on Item 17(3).

MS. MOWAT: Hello, my name is Bridget Mowat, and I just wanted to, to make, make some comments on, you know, our landfills, and we all know the problems that we created very fondly. One of the kupunas told me that they called our, our landfills Mount Opala, and they kinda laughed about it. But I thought about how serious the, the matter is, and it's. . .and, and took me to a place where, I'm thinking a lot of people really don't know or they don't understand what we've created. And I think we're the problem, the people are the problem, and it's just not, it's not a community, it's not an island, it's not a County, it's a world problem. So, I think a lot can be said about reusing items instead of throwing away, just cutting down on our waste, and I think there's a lot of information that, that the communities can benefit from. And so just putting money towards educating, ways to reuse, like turning a, a wine bottle into a lamp, or ways that, even though it, you know, Molokai is known for the entrepreneur

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and, and how we can create things out of items that we would normally throw away. We throw away a lot of clothes. There's like 72% of, of the waste in our landfills are, are things that could be used, reused and, and, or recycled. But, but reusing and, and not throwing away, just passing onto others that may be in need, that could be a start just from, from Molokai, or from the, from the communities. Just education. And I, I, too, am part of the task force, the group that was initiated by Councilwoman Keani Rawlins-Fernandez, and just from the two meetings, one meeting we had, it has brought so much enlightenment and education in my part. And it's, and it's encouraging and it's exciting to be part of a group where I think we're going to help, and not just throw everything on you folks, but we're going to help to find solutions. And if we all work together, you know, we maybe do the manpower, you guys supply the money, maybe we can be successful. But, but I thank you. I thank you for the opportunity to share, and my aloha to all of you.

CHAIR SINENCI: Mahalo, Ms. Mowat. Members, any questions for Ms. Mowat? Seeing none, Ms. Lindo, anyone else? Is that it?

MS. LINDO: No, Chair. There are no further testifiers.

CHAIR SINENCI: Thank you. Okay, Members, seeing that there are no more individuals to testify--

MS. NAKATA: Excuse me, Chair—

CHAIR SINENCI: --we have one more—

MS. NAKATA: --I think we have someone else.

CHAIR SINENCI: Mr. Law?

MR. LAW: Good afternoon. Mr. Sinenci, thank you for letting me speak at your meeting. I'm encouraged at the last speaker's comments. I've been here five years and I've watched that, I call it, we got our own Opala Mountain there. I call it Mount Halekakala, in the middle of Maui there, has grown pretty quickly here in the last couple of years, and I'm glad that we have some Councilmembers that are conc..., concerned about the issues. It's, it's. . .I don't know what, what percentage of the problem it is, maybe like 10% of the problem of the world. What's gonna happen is, the developing countries are gonna catch up to us in their waste, so we're coming to the point of now in the next couple of decades. . .and some of you younger Members are gonna see it. . .we're either gonna be destroying, you know, it's gonna be too late, or else we're gonna open up a new page. And I just think maybe, Mr. Baz, if you're listening, maybe you could. . .the budget guy over there. . .might wanna start thinking about raising the deposit to 10 cents per can and bottle. Thanks for your time.

CHAIR SINENCI: Members, any questions for Mr. Law? Seeing none, okay. With that, we're. . .if there are no objections, I will close public testimony.

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COUNCILMEMBERS: No objections.

CHAIR SINENCI: Thank you.

. . . END OF PUBLIC TESTIMONY . . .

EACP-20: COUNTY ARCHAEOLOGIST (CC 19-81)

CHAIR SINENCI: Okay, so moving on to our first item, EACP-20, the Cou..., County Archaeologist. So the Chair has introduced this subject matter to allow for a discussion on whether the County should consider creating a position for an Archaeologist. This position is intended to supplement, not replace, the State Historic Preservation Division's role in protecting cultural and archaeological resources. Generally, this position would be a technical resource for Maui County in matters relating to cultural resource protection, permit review, and consultation with SHPD and the Office of Hawaiian Affairs. Also, to serve many different County departments, such as Public Works, Planning, Water, and Parks. The Chair's intention is to find a way to improve the process by having a County person perform functions not being performed now. These functions could include being a first contact for landowners and the public when there are questions about the permitting and the culture and archaeological preservation process, reviewing permit applications and prioritizing them before they are sent to SHPD so that SHPD knows which are the highest priority, and needs to be commented on (currently, every application is sent separately, with no prioritization), reviewing applications sent to SHPD for review for completeness, overseeing the implementation of monitoring plans to make sure they are being filed in a timely manner and are being followed during construction, responding to requests for service filed by the public when there are archaeological concerns (regular inspectors often lack the training and knowledge needed to recognize archaeological features and put measures into place to protect them). The Archaeologist could also begin to develop an informational repository of cultural sites and sensitive areas with previous burials to assist the County and landowners before construction has started. The position could also be used to create Archaeological Inventory Surveys for County projects or even regional Archaeological Inventory Surveys, conduct field work, create monitoring plans, and monitor construction when needed. The position could also oversee college interns who would help with these many tasks and do mapping, field work, and report writing.

So for today, Members, I wanted to take testimony on this topic and hear from the different Committee Members on, on your thoughts about the need for this position, what duties it might entail, and where in the County this position might be housed. I've invited several of the Department heads today to provide, to provide some opening remarks. We have our Managing Director today, Mr. Sandy Baz; our Planning Director, Michele McLean; and our Director of Personnel Services, Mr. Underwood. Members, as noted on today's agenda, Ms. Susan Lebo is the Archaeology Branch

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Chief of the State Historic Preservation Division in the Department of Land and Natural Resources. In that capacity, she has specialized knowledge about archaeology, and the State Historic Preservation Division's archaeological processes. If there are no objections, your Chair would like to designate Ms. Lebo as a resource person, pursuant to Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER KING: No objections, but Chair, I have a question.

CHAIR SINENCI: Yes.

COUNCILMEMBER KING: So, you said as noted on today's agenda, and I don't see any reference to the person that you just mentioned. So was there something else that was supposed to be posted on Granicus but didn't make it on there?

CHAIR SINENCI: Ms. Nakata?

COUNCILMEMBER KING: I just see two really brief communications.

MS. NAKATA: Mr. Chair, apologies, but staff was not able to confirm Ms. Lebo's attendance prior to posting of the agenda. We did make a note on the meeting schedule of the request for someone from SHPD, but weren't able to confirm, and therefore did not include it in the agenda today.

COUNCILMEMBER KING: Okay. I just wondered if I had missed something.

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: Okay, thank you.

CHAIR SINENCI: Thank you for that clarification. So with that, we'll open it to our Director first for some opening remarks. Mr. Baz, would you like to start?

MR. BAZ: Good morning, Chair--

CHAIR SINENCI: Good afternoon.

MR. BAZ: Oh yeah, it's afternoon already. Okay. And, Members, aloha. Thank you for inviting us here today. You know, listening to the testimony and, and meeting with you and your, your staff, the concept of this type of a position in the County is a very interesting, a very timely topic that we wanted to discuss, and I'm here to listen more so than, than provide any comments specifically at this point. We would like to know, you know, what it is the interest of the Council would be on this type of a position.

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We. . .our Director of Personnel Services would work on position classification, type, you know, that's basically. . .you know, is that you're looking for an Archaeologist specifically or is there some other type of position that might be of interest? Is it multiple positions? We wanted to know, you know, yeah, the, the context of the request so that we can understand, then make a better recommendation of where it should be housed within the different departments. 'Cause, you know, some of the discussion topics that we've heard, maybe Planning would be appropriate, maybe Public Works would be appropriate, maybe a cross-Departmental venue, like my Department might be appropriate. So, basically, I'm here to more listen and maybe answer any questions if you have specific that I might be able to. But get a better concept of this idea. It's something that has been discussed in the past briefly in different arenas, and I believe it came up in the budget discussions in years before as well. 'Cause this is a topic that, that has been challenging. You know, we wanna work with SHPD and, and see if, you know, we can help with their backlogs. I mean we get, you know, as Rowena, our Deputy Public Works Director can explain, we get comments a lot, questions a lot about that, and about how, you know, permits are taking a long time, and, and it's not anybody's fault. But we wanna try to see you know, what we can do to assist and different things like that. So some of the suggestions that I heard were good suggestions on expediting those, or possibly doing a triage kind of a system on, on that type of activity. The monitoring that we've heard is really important, obviously, so, yeah. I talked a lot, but we're basically here to listen and really wanna know what it is the concept of the Committee. . .of the Council it has on this topic, so that we can better address and be prepared to make sure that we're implementing something that this Council does. . .if they do choose to, to make a policy change, make a position creation, whatever the, the topic is, that we're prepared to implement what your desires are.

CHAIR SINENCI: Okay. Thank you, Mr. Baz. We also have Ms. Andaya from the Public Works.

MS. DAGDAG-ANDAYA: Thank you, thank you, Chair, and thank you, Committee. Rowena Dagdag, Department of Public Works. And I appreciate the testimony that was provided this morning, because it kinda falls in line to a discussion that I had last week with other members of, members from a moku, a group, in that they were asking about having cultural advisors. So I'm just taking down notes, and as our Managing Director had said earlier, I'm here to listen, and also to get an understanding of what the issues are, and the problems that we're trying to solve. I'm hearing the need for an Archaeologist. I'm also hearing the need for a cultural advisor. And I also heard the need for a, an anthropologist, perhaps. Those, those three positions are, are. . .they, they have different roles to play. So, as the testimony went on, I mean, I'm thinking, if. . .is this now gonna be an entire group within the County? And perhaps it could be. I'm not sure what that, that solution is going to look like. But in answering some of the questions, what problem are we trying to solve? I heard that there is a shortage of archaeologists at the State level. That's something that keeps coming up, and, and then my question would be, you know, if the State is having a difficult time in trying to fill those positions, here at the County, would we have the same issue as well in trying

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to find someone who could fill those. . .that position? Then we also are trying to solve the problem of monitoring. Maybe that's, that's a training issue as well for archaeologists. Someone had mentioned earlier about the shortcoming of the SHPD system, and I think we should discuss that a little bit more, and find out well, what is the, the issues, and how, how do we as County government help support some of the issues that the State is facing? And then work together to solve a problem. Somebody mentioned critical issues. I think that also needs to be further defined, perhaps in today's discussion or a subsequent discussion. And, Chair, I, I also appreciate the list of what you had earlier about the role of this, this Archaeologist, or whatever position it is, and I know you had mentioned that person would be a first contact for landowners. They would also take part in the permit application reviews; implement monitoring plans, is another thing I heard; respond to requests for service; and create archaeological inventory surveys. I would, I'd like to have a list of what you had mentioned earlier—

CHAIR SINENCI: Sure, yes.

MS. DAGDAG-ANDAYA: --'cause that, I think that would kinda help with, with the discussion as well. For the Department of Public Works, we are, you know, we're very open to the idea. Anything that would make our, our operation more efficient and effective is something that, you know, anything, we're open to it. So again, you know, we're here to listen to the discussion, and, and I understand it's probably not just gonna be today, but, you know, there's gonna be subsequent. So, would be happy to assist in any way possible. Thank you.

CHAIR SINENCI: Thank you. Mr. Underwood?

MR. UNDERWOOD: Thank you, Chair. Like my colleagues, I was very interested and gratified by the discussion, by the Committee and by the testifiers. It was, I thought it was very interesting, and an interesting concept to go forward with. From Personnel side, we would typically get involved a little bit later in the process, when the actual functions of the job are a little bit more fleshed out, and we would start looking for a classification to classify the position to recruit, to hire. I would. . .following up on what Ms. Dagdag-Andaya said, I think recruitment problems. . .if there's recruitment problems at the State, there will be recruitment problems at the County. That's just the. . .we're all on the same system, we all pay the same amount, so we're all gonna have the same issues. These are new. . .whether it's an Archaeologist, or an Anthropologist, or a Cultural Practitioner, those would all be new roles for the County. We don't currently have those, so that would be an interesting exercise in determining where to slot them in, and how those functions would work. We would kind of be a little trepidatious regarding establishing these as civil service positions. Once they are established, then they would be civil service positions for the. . .most likely. It's very difficult to not have them as civil service positions anymore. You kind of lose, you lose the ability to contract out once they're established as civil service positions. So, this. . .that would kinda just bring that for consideration as, as we go forward, keeping the

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flexibility. . .if, if you wanna keep the flexibility versus having the control of your own employee. So other than that, I am here to listen and help if we can.

CHAIR SINENCI: Thank you. Thank you for being here. Let's go to our Planning Director before we go to Ms. Lebo. Ms. McLean.

MS. McLEAN: Thank you, Chair. I have participated in this discussion before, in previous years, in, I would guess, 2013-2014. There was discussion during the Budget session with the Council on having a County Archaeologist position. Within the Planning Department, we have a position that's called a Cultural Resources Planner, and that position focuses more on architecture, rather than archaeology or culture. That position staffs the Cultural Resources Commission, and the Cultural Resources Commission is generally responsible for the Maui County Historic Districts, and those Districts have design guidelines. So architecture is a very big part of that. So, the existing Cultural Resources Planner position has an expertise in architecture. When I've participated in this discussion before about an Archaeologist, I always imagined it to be a similar thing, to have another Cultural Resources Planner with an expertise in archaeology. And so in my mind, that person would perform a similar role as our existing Cultural Resources Planner does for architecture, because under State law, if you're talking about historic properties, whether they be archaeology or architecture, you have to follow State guidelines and State rules. And so with architecture, our existing Cultural Resources Planner is able to serve as a go-between or a triage review of building permits that affect, or potentially affect, historic buildings. And so it facilitates that review. So when. . .in the past, we've looked about, looked at this, we've looked at how another Cultural Resources Planner with a background in archaeology might be able to do a similar thing. Having said all of that, that relates just to the Planning Department, putting my blinders on for how a position like that could help the Planning Department, not for the many other County Departments that would certainly benefit from having this kind of expertise in-house. Whether it be physical projects at Environmental Management, or Water, or Parks conduct, or whether it be helping with permit reviews or permit compliance, with permits at Planning or Public Works issues, my comments are really based on just how Planning might be able to utilize a position like this, because we already have one that's comparable with architecture. Thank you, Chair.

CHAIR SINENCI: Thank you. Ms. Lebo, like to provide some comments?

MS. LEBE: First, I'd like to thank the Council for inviting me to participate today. I think, I can't speak for DNLR [sic] or SHPD, because I'm not the Administrator or the Chair of DNLR [sic], but I can speak to the fact that we have long supported the different counties developing in-house capabilities to deal with resources, whether that's architectural or archaeological, and that there's no doubt that Maui is probably, of, of all of the counties at the moment, is probably the greatest in need. SHPD, through the last Legislature, received an increase in the number of positions that were created. So at present, those positions, based on last year's Legislature, would be one Archaeologist on the island of Kauai, one Burial Sites Specialist on Kauai; two

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Archaeologists on Maui, and one Burial Sites Specialist and one Cultural Historian on Maui; three Archaeologists on the island of Hawaii, two Burial Sites Specialists on Hawaii Island; and on Oahu, I think four Archaeologists and two Burial Sites Specialists, one Cultural Historian, and one Ethnographer for the State, one GIS Specialist, and one GIS Tech. That's in addition to our Architectural Branch, all of which is located on the island of Oahu. So, within that scenario, for Maui, we would be looking at two Archaeologists on Maui, and as I think everybody in this room is probably aware, we do not currently have any archaeologists on Maui. SHPD's positions are exempt, they are not civil service. Exempt allows us to have greater flexibility with respect to hiring and setting salaries. We have raised the salaries considerably, and yet we currently have no applicants for either Archaeologist position on Maui, either from within Maui, within the State, or from outside the State. So the. . .while I support the idea of the County creating a new position that would involve whatever that position gets called, that that person is involved in archaeology aspects of cultural resources, I think the challenge will be there as well for the County as it is for the State, with respect to finding somebody to fill the position. I. . .that, that does not in any way take away my support for the position. I think that we definitely need additional assistance on Maui, just as we do elsewhere in the State. In terms of the various testimony and concerns, issues, suggestions, I think that we're off to a great start with that dialogue. I would certainly like to see more. I think we would like to participate in that. I think that for. . .from, from a SHPD perspective, and as a arch..., as the Archaeology Branch Chief, I would like to see that position in many ways provide services that are not redundant to what our staff does, but it actually complements or provides services that our staff currently cannot provide. For us, it would be extremely beneficial to have that first set of eyes within the County on making decisions about, as one person used, the word "triage," of being able to make a decision about what is the priority for permits reviews and which, which permits actually need our review, versus which could actually be reviewed by somebody within the County, and therefore SHPD might only be looking at those permits that need a more extensive review or have other concerns, such as they may trigger other types of permits, or they may trigger a Federal permit or approval. Because. . .I think that we get a lot of permit reviews that it's clear that there's very little potential for that project to have an impact on historic properties, and every one of those permits that we work on that has that poten..., low potential, is that many other permits that have potential to really have an impact that we are not looking at because we're, we're putting our resources on things with low potential or that may not actually be a high priority versus the things that are high priority. We just deal with everything we get, and clearly, it's, it's quite obvious we cannot review everything we receive. We don't have. . .out of those positions, in this case for archaeology in the State, we have 11 positions. Again, one on Kauai, two on Maui, three on Hawaii Island, and four on Oahu, and of those positions, only three are filled. We have one on Kauai, one on Hawaii Island, and one on Oahu. We have, on Oahu, two County-supported staff who are assisting SHPD. So clearly, we have a real need within the State for Archaeologists to do the reviews to deal with conducting the reviews of the permits, the archaeological inventory surveys, the Federal projects, and so forth. So, I do think that having more personnel to assist in that process would be great, and I welcome any questions.

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CHAIR SINENCI: Thank you. Members, any questions? Yes, Chair King.

COUNCILMEMBER KING: Yeah, I have some questions and comments on all the, all that went before. I guess I'll start with. . .and kinda go backwards, but first of all, how long have you been. . .how long has SHPD been looking for these two positions on Maui? 'Cause I, I don't know that any of us have ever seen that, that opening. And so if we don't even know about it, 'cause. . .is. . .you know, it's no surprise that you can't fill it. But I think we have to stop look..., you know, attacking these things with a defeatist attitude and look forward to what can we do to get those positions filled. And is there any potential for poss..., maybe you just, maybe we can work with SHPD to put the funds on Maui so that we can hire someone who, who might be independent on Maui and, you know, hand it over to the County to look for somebody. But do. . .would, would you guys be open to that, since you haven't been able to fill the position yourself?

MS. LEBO: In terms of, of whether the funds might be redirected and a separate position created here, that's not something that's at my, my pay level. I'm not in that role, so that would have to be something that's either decided at the level of the Chair, DNLR [sic], or possibly the Legislature, because our positions are all created by the Legislature. So we don't create them based on our need, we, we put in a request to the Legislature and to the Governor, and then it goes through the legislative process, and the positions are created, as well as what kind of funding goes with those positions. So whether--

COUNCILMEMBER KING: Okay so—

MS. LEBO: --they're general funds or, or they're special funds.

COUNCILMEMBER KING: --okay, so no, I understand that. So when were these two positions created, and how long have they been vacant?

MS. LEBO: The positions have been in place for decades.

COUNCILMEMBER KING: The two Maui positions?

MS. LEBO: Yes.

COUNCILMEMBER KING: Okay.

MS. LEBO: They've been in, in place for decades.

COUNCILMEMBER KING: Okay.

MS. LEBO: The, the. . .that we have two positions, one is called an Archaeologist IV, and the other one's called an Archaeologist III. The Archaeologist IV is the Island Lead, and

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the Archaeologist III is the Island Archaeologist. The Archaeologist IV position has been vacant since October of 2018, and the Archaeologist III position has been vacant, I believe, since about January 2018.

COUNCILMEMBER KING: Oh, okay, so it's not. . .it's really not been more than a year?

MS. LEBO: Yeah, so it's—

COUNCILMEMBER KING: Okay.

MS. LEBO: --been more than a year, but also no applicants.

COUNCILMEMBER KING: Okay, but we had people in those positions up 'til then?

MS. LEBO: Yes.

COUNCILMEMBER KING: Okay. Yeah, that's interesting to me. I never really knew that we had them, because it seemed like we were always, you know, short-handed in SHPD. And then, I also want to address the issue of, of civil servants, because I would, Chair, I would seriously consider that this position might need to be an independent, autonomous position, kind of much like the auditor, like our County Auditor. And so that once you approve. . .once we approve the contract for the State Auditor, which we just. . .I mean, a County Auditor, excuse me. . .which we just did at the beginning of this year, that person is. . .essentially got a, a six-year contract, and so they don't have to, to come to political pressures. . .excuse me. . .developmental pressures, or any other pressures, and I think that's what I heard from a lot of the concerned citizens, that we need. . .excuse me. . . But I also wanted to mention, when we're talking about what is the, what are the issues and what is the need, from my. . .and, you know, admittedly short period of, of, you know, my last term of being involved in some of these issues and seeing some of the actions that have happened, in lieu of having SHPD oversight, and, you know, going through that 30-day period and having things happen because we're not willing to wait longer than that, that I do see timeliness as an issue that we need somebody here so that we can access that expertise when we need it, as we need it. I understand about the State shortage, but personally I'm not discouraged that we can't, that we wouldn't be able to attract somebody to Maui if we really put our minds to it, and if the County got involved. But I think the other thing that's missing is advocacy. I do think that we have Cultural Advisors, and that's what the Aha Moku Council was advised to do. They're often here, and some, you know, representation of Aha Moku testified today. So, I think we have Cultural Advisors that are attached to DLNR. There are 12 Districts on the Island of Maui, is my understanding, and there, there are people in each of those Districts that represent those areas that are mostly kanaka maoli, so, of. . .if not all. So. . .but I think what's missing is somebody on that level to be an advocate for cultural preservation. So somebody who can go in and, you know, slow things down if it looks like projects are getting run over. I, I sat through the State Land Use Commission hearing on the Piilani Promenade, which the comm..., community of Kihei

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called the “mega mall,” and there were probably at least a dozen or more Aha Moku representatives and/or folks from that. . .those areas, and who were, who were kanaka maoli. And every single one of them got the question from two different Land Use Commissioners, were you asked if there was. . .in the EIS, were you asked if there were any sites of cultural significance? And every single one of them said no, and yet somehow that EIS went through and was getting accepted. And, you know, it took the Land Use Commission to say well, this is not acceptable, because they were not asked. We were told they were asked. So in that instance, and in many other instances, there’s a lack of advocacy. There’s a lack of having somebody there who really deeply cares, and I think we heard this in the testimony, that, that is coming from. . .not, not just the expertise, on top of the expertise, but coming from a place of real care and real understanding of why this is so important, and slowing these projects down, if they need to be slowed down, and not a pre..., presupposing that certain sites have no cultural significance. Because it’s, you know, it’s kind of hard to under..., understand how you can. . .I understand if you’re going to a site that ultimately has no cultural significance, then you’re not going to one that does, but I don’t know how you pre-determine that, because people have done that on this island and they’ve been dead wrong. And so, so having, having that advoc..., advocacy in somebody who’s deeply involved in that, I think, gives us a sense. . .it would, you know, personally, it would give me a sense of security that that’s not going to happen. And I’m happy to hear that there’s two open positions. I’m not happy that they haven’t been filled, and that we, we don’t have those, but maybe there needs to be a combination of, of State, you know, State personnel, and somebody here on Maui who’s an autonomous, independent advocate and Archaeologist. So, I think maybe, I just wanna kind of leave this last suggestion, maybe what we need is to have one or two meetings of it, what we used to call a “TIG,” I mean we still do, you know, an independent investigation group that can, can have this discussion and come up with a, a job description and a format for how to hire this particular person, ‘cause I do think it’s really important. But I think it has to be meaningful, otherwise, it’ll be a waste of money. Okay. Thank you, Chair.

CHAIR SINENCI: Thank you. Thank you, Member King. Member Kama.

VICE-CHAIR KAMA: Yes, thank you, Chair. I just have a couple questions. First of all, what is the salary of an Archaeologist?

CHAIR SINENCI: Mr. Underwood. Oh, Mr., Ms. Lebo?

MS. LEBO: They’re in the 60 to 70,000 range.

VICE-CHAIR KAMA: Thank you. And then, my other question is, has any attempt been made to go outside of Hawaii and look for an Archaeologist?

MS. LEBO: We have on positions in the past. So one of the persons that left in 2018 was originally from the mainland. But our. . .we’ve adver..., I’m sorry--so yes, we have

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accepted applicants in the past from outside Hawaii. Certainly, if we have qualified applicants here, our first preference—

VICE-CHAIR KAMA: Right.

MS. LEBO: --would definitely be to hire somebody local, and particularly somebody local to the island, rather than between islands.

VICE-CHAIR KAMA: I totally agree, but if you don't have anybody here, doesn't it make sense to go and look outside? Because we need it, and until we get the local folk either graduated from college or, you know, as they are going through getting their education, we need somebody like, now. That's just my comment. Also, what determines the "no significant impacts?" What, what, what, what sets that up for? I mean, who determines what's significant and what's not significant on a particular site?

MS. LEBO: Okay, so if the project that you're referring to is an Archaeological Inventory Survey, the way the State Rules are set up is that an Archaeological Inventory Survey would be done, the Archaeologist would identify what historic properties are present, and then there would be a process for assessing their significance, and the significance criteria in Hawaii are "A" through "E," "E" being that the, the historic property is significant to a particular cultural group or ethnic group, such as to the native Hawaiian community, or Chinese community, and so forth. And the process is set up that before that significance determinations are completed, that those parties who have an interest, who come forward and say they wish to consult regarding that historic property or any other historic properties on that property for which the survey is being conducted, have the opportunity and should be consulted regarding whether or not all historic properties have been identified, what is their significance, and whether, and what is the possible mitigation? And the mitigation options are preservation; architectural documentation; historical documentation; data recovery, which could include excavation or archaeological monitoring; and I forgot the last part. So, yeah.

VICE-CHAIR KAMA: You could send that to us later.

MS. LEBO: Yeah.

VICE-CHAIR KAMA: And I think, my last question, I think was. . .I wanted to ask Michele. Michele, you talked about some ideas that you had about how that position could be aligned with, and I know Kelly had mentioned earlier about it maybe going to a TIG and, and setting up, but did you have some other ideas about that? The position?

CHAIR SINENCI: Ms. McLean.

MS. McLEAN: Again, my comments were looking just at the Planning Department's—

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VICE-CHAIR KAMA: Yeah.

MS. McLEAN: --needs, and I think it would be important for the Council to establish what its top priorities would be for that position. I know what the Planning Department's needs could be and how the Planning Department could benefit from it, but that might not be what best benefits the County as a whole. Because as, as the Chair read a number of duties, if all of those duties were to be fulfilled, that would be probably, I don't know, five people?

VICE-CHAIR KAMA: Uh-huh.

MS. McLEAN: --And all of those things are important and would be valuable, but being realistic with what we're able to accomplish, I think before deciding which Department the position might be in, or whether it's civil service and those questions, for the Council to identify what its top priorities are, and then from that, I think would, would come the answer as to where this position might be housed and what its duties would be and have the position might be, might ultimately be described. 'Cause we could certainly use help with our permitting process and with compliance, but clearly there are many needs the County has, and I can only speak to ours.

VICE-CHAIR KAMA: Thank you.

MS. McLEAN: Thank you.

VICE-CHAIR KAMA: Thank you, Chair.

CHAIR SINENCI: Thank you. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman, and good afternoon, Madam Director and Ms. Lebo. You know, many archaeologists are connected with local universities. Is it your thought to coordinate this position, if we do have it, to UH Manoa or UHMC? Any thoughts on that?

MS. LEBE: We, we have reached out to the different universities. We've actually visited the University of Hilo about a month or so ago. They, they are different programs in, both at UH Manoa and at Hilo, and at the present time, the programs in either Heritage Management, which is at UH Hilo, or the program in Cultural Resource Management at UH Manoa, has very few graduates in any given class. It can be just three or four. So we have had one or two applicants from there. But most of them, when they've completed that program, already have an idea of where they want to go, and so we don't. . .we can't compete, for example, with the Feds. So the Federal agencies can definitely provide a much higher salary and benefits than we do. So we are competing with the fact that every archaeological firm in the State is in a hiring mode, okay. They all have a shortage. The Feds have openings from various agencies, whether that's the NAVFAC Pacific or NAVFAC Hawaii to the USDA and so forth. So, yes, we are certainly looking at every institution here that has a potential to provide.

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COUNCILMEMBER MOLINA: Okay. Well, you know, on that, your comments, I know we've got some young people in the gallery, so, I guess there's a demand for archaeologists out there, for both private sector and government sector?

MS. LEBO: Yes, there currently is a tremendous demand. People are moving from one job to the other. As I said, both. . .many of the firms are. . .have opened or current openings, and they are hiring, whether locally, by taking people from other firms, or they're hiring from the U.S. mainland.

COUNCILMEMBER MOLINA: Wow. Okay. And then shifting to a different subject, one of our testifiers mentioned the. . .and certainly something very appropriate, the sensitivity with the recovery of iwi. Certainly something that's not. . .should not ever be considered, like, a trophy, and certainly much different than finding a tool, so to speak. Your, your storage facilities, for example, up, up at SHPD, if remains are found, are they reinterned eventually, or are these kept somewhere? And I, I'm just trying to think how we would do it here on Maui, for a County, you know, County Archaeologist.

MS. LEBO: So, it, it varies in terms of how the iwi are found. So, if you have a project today that is in Archaeological Inventory Survey and iwi are identified, then they're at the jurisdiction of the Island Burial Council, and it's the Burial Council that makes the decision of preservation in place or relocation. Prior to that decision happening, the general practice is to leave the iwi where they are, if that is all possible, given the concerns about what is the project and how they were found. In terms of ones that are currently in a SHPD storage facility, yes, the intention is obviously to try and, and get them all back, returned where they, they need to go.

COUNCILMEMBER MOLINA: Okay, thank you. And my last follow-up question, Mr. Chair. Maybe for the Department, maybe for Ms. McLean or Ms. Dagdag, this regards to the. . .regarding the position now. What is the intent. . .I know you're sort in more of an exploratory mode, this position will be primarily used to make calls on development projects, or will this position be more focused on researching and determining locations of, you know, archaeological sites throughout the County? Any thoughts and feedback on that? And, you know, I know it was mentioned that potential, I guess, oversight Department for this would be the Planning Department, since we do have. . .one of the requirements for the CRC, you have to have an Archaeologist as a member. So, I mean, that's certainly a. . .from a logistical standpoint, possibly makes sense. But I think there's a lot of flexibility where this position could be maybe independent, or maybe in your Department. So, yeah, proceed.

CHAIR SINENCI: Any response?

MS. McLEAN: Thank you. We have many different permits whose criteria call for making a conclusion that the impacts of that particular action would not affect, or detrimentally affect, historic and cultural resources. And in order for that conclusion to be reached,

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typically, the application is sent to SHPD for their review. Now SHPD's Rules allow for the processing agency--so, for the permits we process, the Planning Department--to make a determination that an action would not have an impact to historic properties. We still have to send that to SHPD, but we send it to them saying, we don't think this is gonna have an effect on historic properties, and if we don't hear from you in either 30 or 45 days, we can assume that you concur. We are very reluctant to make that kind of determination, because we don't have that expertise in-house. So we send almost everything to SHPD, and oftentimes that requires that we wait quite a while before we hear back from them. And so we have applicants waiting. And so, one role I would imagine this in-house expertise providing would be to help us make those determinations on projects where there has been previous archaeological studies, there has been previous ground disturbance, or other factors that would lead to a determination of. . .we don't think this action is gonna have any significant impact on historic properties. And we could make that determination, give SHPD the statutory time to concur or not, and then we could proceed with processing that permit. And I would imagine there'll be cases where that in-house person might say, oh boy, no, you have to wait for SHPD's comments. So it would be good for us to be able to separate our applications into those two groups. And again, we don't have the expertise now to make that determination, but, but we could with this person.

COUNCILMEMBER MOLINA: Yeah, certainly make things a little bit more manageable.

CHAIR SINENCI: Thank you. Ms. Andaya, you had some comments?

MS. DAGDAG-ANDAYA: Thank you. And, I would concur with the Director of Planning. And I'm so sorry, I'm just not feeling good right now, so. But I do concur with what Ms. McLean had said.

COUNCILMEMBER MOLINA: Thank you. Thank you, Chairman.

CHAIR SINENCI: Thank you. Member Paltin, you have any questions?

COUNCILMEMBER PALTIN: Thank you, Chair. I missed it in what you were saying, I was wondering how many Burial Sites Specialists Maui has? Positions?

MS. LEBO: Maui has one Burial Sites Specialist.

COUNCILMEMBER PALTIN: And is the Burial Sites Specialist and Cultural Historian positions filled?

MS. LEBO: Yes.

COUNCILMEMBER PALTIN: I was wondering if you could send, I guess, this Committee, and then they can send to us, the position descriptions, minimum qualifications, and salaries for the Burial Sites Specialist, Cultural Historian, and Archaeologist III and IV positions?

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MS. LEBO: I will take your request to the SHPD Administrator.

COUNCILMEMBER PALTIN: Thank you. And I was wondering, this question is for Ms. Dagdag-Andaya, one of the testifiers in one of the meetings was referencing a 2011 memo from Director Goode that if SHPD doesn't respond within 30 days, they consider that there's nothing, problems. And I was wondering if, if that was like a significant need within your Department? Like to have an Archaeologist on-hand to do that review within the 30 days, or is it SHPD Cultural Historian, or Burial Sites Specialist? Is it. . .would that be the need for an Archaeologist in your Department? Sorry to bother you when you're sick.

CHAIR SINENCI: Ms. Andaya.

MS. DAGDAG-ANDAYA: You know, I think it would help if we had someone who could triage the permits and make an initial determination. But at the same time, I think even, you know, we would still need to submit applications to SHPD. So if we had somebody on staff who made that triage and said, you know, yes, this needs to go to SHPD, you know, we would still. . .it would still need to go through that review. Now, another question I would ask is, maybe, you know, if, if SHPD had those two positions filled on island, would it make a difference in the timing of the applications? I'm, I'm not sure. I, I don't know, maybe it would. But for our purposes, I think yeah, it would help to have someone who could triage, whether it be a County employee. . .you know, another suggestion that was brought to our attention was, can we do a third-party review? We have it embedded in our, I believe, in our Building Code, you know, sometimes we can go out and get third-party review. Oahu does that with their building permits. But I think that would probably be a policy call on the. . .from the Legislative Branch, if that would be an appropriate way to solve the issues that we're having. I think, Councilmember Kama, you had mentioned that at one of the meetings, you know, what if, what if we got someone from the private sector to assist? And again, I don't know, that's, that's, that would be another discussion with this body.

COUNCILMEMBER PALTIN: So can I follow up and ask her question to Ms. Lebo?

CHAIR SINENCI: Go ahead. . . .This is for Ms. Lebo to answer?

COUNCILMEMBER PALTIN: Yeah.

MS. DAGDAG-ANDAYA: Oh, for the, like a third-party review?

COUNCILMEMBER PALTIN: No—

MS. DAGDAG-ANDAYA: I'm sorry.

COUNCILMEMBER PALTIN: --the one before that, sorry.

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MS. DAGDAG-ANDAYA: Oh, if the positions were filled?

COUNCILMEMBER PALTIN: Yeah.

MS. LEBO: So, if the positions were filled, would we be able to process the things qui..., more quickly? Is that the question? Okay, so first off, the review period is 45 days, and so there is a lot of confusion, and so a lot of people are. . .SHPD is way behind because we didn't respond in 30 days. And actually we have 45 days once we receive a complete submittal. So where our biggest delay is at this time is not our ability to respond, 'cause I actually have a person on Oahu is. . .who's doing the Maui reviews, and is doing them at a higher rate than the person who had that position previously here on Maui. The differ..., the difficulty that we have among all the counties is that we often get permits that are incomplete in terms of the application. So, so on Maui, yes, having somebody on island would definitely be helpful, because at present, the way we receive the, the permit submittals is by paper, and hand-delivery of the construction plans. We then give them a log number so we can track them, we box and mail them to Oahu, so there's a delay because we have to now send them to Oahu, whereas if we received them electronically, the review could start at that point. We would immediately be able to know if the submittal is complete, and then be able to start back to the County or the applicant and say, your application is incomplete, here's what we need, and then we can begin our review. So, our lag is mostly in the form of incomplete submittals, and then trying to track down who is the applicant so that they can provide us the information that we need. We have a form that we created and, and used on every County for the last year and a half, which is a 6E submittal form. It basically says, here's the information we need for each one of these applications, and with that, it means that the reviewer doesn't have to go back and do all of this background research about what is the history of this piece of property? Because that history would be provided to us by the applicant. The applicant would say here's my scope of work, here's what I'm proposing to do, these are the trenches I'm gonna dig for utilities, this is where I'm gonna put them, here is my construction plans, because our Reviewers, our Archaeologists, or Architectural Historians, or Burial Sites Specialists and so forth, they are not construction people. They are not engineers. And so, it takes time for them to try and figure out what does this construction plan say the applicant's going to do? Whereas if the applicant gave us a very short paragraph. . .we're gonna put in a new house, we're gonna put in these utilities, three trenches, they're gonna be 6 feet deep, whatever, we know exactly what is going to be done. That makes it much quicker for us to assess what is gonna be the potential impact of that project. So for us, what we're looking to do is always find ways to make the process work more, more efficiently and effectively. So one of them is trying to coordinate electronic submittals, trying to get an application that has all the information on it by helping the County, by telling the County, here's what information we need in order to do that. And then being able to respond to the applicant more quickly if we have an incomplete submittal. So. . .

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COUNCILMEMBER PALTIN: Can you include a copy of that 6E application form in the previous things that I requested?

MS. LEBO: Certainly.

COUNCILMEMBER PALTIN: And you know, maybe, in light of the vacancies in the immediate short term, before we move further on this, maybe we can put aside some like OED scholarship or grant funding for kids that wanna go into archaeology and, you know, or maybe loans that they don't need to pay back if they put in so much time doing archaeology in Maui County, or something to encourage more folks to go into this area that there's a great need in our State.

CHAIR SINENCI: Sure. Part of the advocacy program. I did have a question for Ms. Thomson, Corporate Counsel. What would be the process to creating a TIG for the County Archaeologist?

MS. THOMSON: Thank you, Chair. So, you would need to note it on a subsequent agenda, and basically you just would identify what the purpose of the TIG is, and then you would go to establish the TIG. The TIG, the Temporary Investigative Group, does its, does its work typically at. . .out of Sunshine Law requirements, so they're not required to host public meetings and complete minutes. But they are required to stay within their assigned duties. They come back, they report to this Committee, and you can't take action on their findings--it's a Sunshine Law require..., requirement--you can't take action until a subsequent meeting. So, a minimum of three meetings - one to set it up, one to receive the findings, and then a third to act on the findings.

CHAIR SINENCI: A question, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Just one quick question for Ms. Lebo. Certainly we, if we have a County Archaeologist, that person's gonna need support staff. What would you recommend for the County Archaeologist? 'Cause you mentioned the digging, and I'm thinking maybe there might be a need for a labor position, admin clerks, secretary - any thoughts? 'Cause this is a cost we have to consider as well, too, yeah?

MS. LEBO: So, the SHPD Archaeologist positions don't generally do field archaeology, okay. So, SHPD doesn't. . .one, doesn't have enough staff to actually go out and conduct its own surveys and conduct its own projects. But what SHPD staff does do is, they do site visits, they do look at whether or not Archaeological Monitoring Plans, for example, are being complied with. So, I would see that person at the County probably spending most of their time dealing with interacting with the public and community, I mean County agencies. I see them possibly doing some site visits to ensure compliance with what the permit says they're supposed to do, and in terms of SHPD, SHPD has at our disposal the DNLR's [sic] Law Enforcement Division, which is called DOCARE. So, DOCARE last year, on Oahu, brought in their first. . .they conducted their first DOCARE academy, which was basically designed to train their law

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enforcement officers to deal with the 6E regulations in the State, whether that's dealing with natural resources or cultural resources. And SHPD participated in that. And then we just had a joint DOCARE and SHPD workshop last week, and the idea behind that was to train the SHPD Archaeologist in each island to work with DOCARE to better identify what issues are occurring on individual islands, and how to get DOCARE more engaged in dealing with potential violations or potential noncompliance. So we are currently actively doing that on all of the islands. And so I would see that, that person in the County might help with taking in calls, or identifying potential areas of concern or noncompliance that can then be directed to our DOCARE officers to take action on.

COUNCILMEMBER MOLINA: All right. Thank you.

CHAIR SINENCI: We have time for one quick question.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: Chair King.

COUNCILMEMBER KING: Chair, I'd just like to follow up on the idea of, of creating a TIG on this, 'cause I think we're getting into the weeds, where that could be something that could be. . .these details could be discussed if we. . .I just wanted to ask our Corp Counsel, so if we can create a TIG, we could do it in today's Committee, correct? If we wanted to? Or is it have to be, does it have to be noticed?

MS. THOMSON: Thank you. It would, it would need to be noticed on another agenda.

COUNCILMEMBER KING: Okay. But if we did that then, I know it's outside the Sunshine Law, so it doesn't have to adhere to all the same notices and everything, but is it also supported by Office of Council Services, or individual Councilmembers' staff?

MS. THOMSON: Typically, in the TIG's that I've been somewhat involved with, with the various Planning Commissions, no, they, they aren't usually staffed. They usually have a, you know, an assigned duty, and it may or may not include some of the Committee Members, less than quorum.

COUNCILMEMBER KING: Right.

MS. THOMSON: But usually not. But that's not to say that they, they couldn't, if staff's available.

COUNCILMEMBER KING: Okay, so they're allowed to use OCS staff or official staff. So I just wanted to, to put that out there, Chair, that I don't think it would take that many mee..., it wouldn't be like a three-month long TIG, but I think it needs an in-depth discussion that includes multi-stakeholders to try to flesh out how we would wanna see this position function, and what type of independence this position should or

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should not have. I did wanna point out that, you know, and I likened it to if we had somebody at a high level who was, who was autonomous or semi-autonomous, sort of like our County Auditor, I think that makes a huge difference. The autonomy makes a difference, but I think also, when you look at the salary of the, of the County Auditor, which is about twice that, that you mentioned, Ms. Lebo, of, you know, the 60 to 70,000, I think it's 130. . .upwards of 130,000 that the County Auditor makes, that certainly makes it a lot more attractive to, you know, a high-level professional. And those are, I think, the types of things that need to be, need to be fleshed out in, you know, in a much lengthier. . .I mean, we've already had a pretty lengthy discussion on this today—

CHAIR SINENCI: Yeah.

COUNCILMEMBER KING: --but I don't think we're gonna solve it by continuing to get into the details here, and, and so I'd just like to urge you to maybe put on the agenda, the creation of a TIG for this position.

CHAIR SINENCI: Thank you. Thank you, Chair King. We'll take that into advisement. Members, if there are no objections, I'd like to defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: YKS).

ACTION: DEFER pending further discussion.

CHAIR SINENCI: And since we've passed our mid-meeting mark, we. . .I'd like to take a ten-minute recess, and then come back. We. . .I wanted to thank the Department of Environmental Management for your patience, and, and we'll switch out for. . .we've got two more items on the, on the agenda. But before we do, I'd like to thank our panelists for, for coming, Ms. Lebo, for coming from Oahu, and providing us with some answers to a lot of our questions. Mahalo. With that, Committee is in recess. . . .(gavel). . .

RECESS: 3:13 p.m.

RECONVENE: 3:23 p.m.

CHAIR SINENCI: . . .(gavel). . . The Environmental, Agriculture, and Cultural Preservation Committee will come back to order. It's 3:23. Members, if there are no objections, we wanted to switch the, the second and the third item, EACP-17(3) to EACP-21, if there's no objections--

COUNCILMEMBERS: No objections.

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CHAIR SINENCI: --on the order of things? Okay.

**EACP-21: INTERGOVERNMENTAL AGREEMENTS WITH STATE DEPARTMENT OF
HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE**
(CC 19-85)

CHAIR SINENCI: So, EACP-21, Intergovernmental Agreements with State Department of Health relating to Contracts for Glass Recycling and E-Waste. According to the County Communication, the reason that the proposed bill is being presented to Council, is that the State Department of the Attorney General has held firm on the inclusion of a provision related to indemnification. We'd like to ask Deputy Director Shayne Agawa, to provide some opening comments at this time.

MR. AGAWA: Thank you, Chair. Good afternoon, Chair and Committee Member. Good afternoon. My name is Shayne Agawa, I am the Deputy Director of Environmental Management. Thank you for this opportunity to hear this item on the Council floor. . .Committee floor. Because this is a contractual issue, I would like to defer mainly to Corp Counsel to take the lead on this issue.

CHAIR SINENCI: Thank you. Ms. Thomson.

MS. THOMSON: Thank you, Chair. So. . .and just so the, the Committee Members know, one of the hats that I wear is, as Legal Advisor to the Department of Environmental Management. So, that's one of the reasons that I'm very familiar with this particular request. In a nutshell, these funds were anticipated to be received from the State to the County to support these particular programs. The State, in years past, has given us a pretty, I'll call it, a vanilla contract. Not very arduous, you know, very streamlined. One of the things that ends up being sticking points in contracts that include indemnification is that our position, in Corp Counsel, is that that requires Council, your approval, because it's basically taking on legal obligations in ad..., you know, in advance. So, the State, although I tried for very many months to try to get them to, you know, do what they have in the past, which is modify that language or exclude it, they, the Deputy AG, basically said no, and said no very firmly. So, we're here today to ask you to go ahead and approve these State contracts, with the indemnification language in it, so that the Department of Environmental Management can receive that State funding, and then in turn, fund the vendors that perform the services.

CHAIR SINENCI: Thank you. Members, any questions for Ms. Thomson, or—

COUNCILMEMBER KING: I do.

CHAIR SINENCI: --Mr. Agawa? Chair King.

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COUNCILMEMBER KING: Yeah. Can you summarize these contracts?

MS. THOMSON: Do you mean the, the State contracts or the contracts that the County will, in turn, enter into with vendors for the services?

COUNCILMEMBER KING: Well, you're asking us to approve the State contracts, right?

MS. THOMSON: Yes. Right.

COUNCILMEMBER KING: Okay. Can you summarize those for us?

MS. THOMSON: Sure. So, there are two, two different State, two County contracts, and they are both attached to the original transmittal of the item. One of them is regarding glass recycling, and the other is regarding e-waste collection and disposal. So they're specifically earmarked by the State to support those types of activities.

COUNCILMEMBER KING: Okay, but what are they asking us to do? How much are they giving us, and what are they asking us to do?

MS. FARNSWORTH: Aloha, Chair, and Committee Members. My name's Tamara Farnsworth, I'm the Division Manager with Environmental Protection and Sustainability. I actually don't exactly know the amounts, because another staff member, who's not present today, manages those. But it's approximately, I believe 160,000, in the area, for our glass processors, and maybe 180,000. . .again, these are estimates, ballpark figures for the e-waste contract.

COUNCILMEMBER KING: Okay, and what do we have to do for that?

MS. FARNSWORTH: What. . .are we asking you folks to do?

COUNCILMEMBER KING: What is our contractual obligation if we take in that money?

CHAIR SINENCI: Ms. Thomson.

MS. THOMSON: Thank you. So, our obligation is to perform all of the, these services that. . .so, glass recycling, it's the collection and management of collecting this. It's called "advanced disposal fee glass," so it's not the HI-5, the five-cent return glass, it's basically all the other types of glass that we can recycle. So the County of Maui has two vendors that we have used in the past, the. . .I think pretty much the only shows in town that actually do that work. They collect the glass and then process it and either ship it off-island, or potentially, you know, make it available for use here, here on-island. So it's a pass-through contract. We receive the State funding, and then we. . .in turn contract with entities that actually perform those services. E-waste, we have a. . .Environmental Management has a new vendor. So for quite a long time, it was, I believe, through Habitat through Humanity, but we have a, a new vendor, and so a new contract is in place with that vendor currently. So the ADF contracts have

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not been entered into between the County and the sub. . .the vendors. I'm sorry, I'm trying to express that it's a receipt of State funds, and then in turn, County contracts.

COUNCILMEMBER KING: Okay. So we have. . .so who are the two co..., who are the two entities we are contracting to for glass recycling?

MS. THOMSON: I believe it's Maui Disposal and Aloha Glass.

COUNCILMEMBER KING: Okay. So both of those? And they collect? Do they actually recycle on-island?

MS. FARNSWORTH: Most of it is shipped off-island, because there are not very many approved uses, or recycling options, approved by DOH at this time. So, it's generally shipped off-island.

COUNCILMEMBER KING: Okay. Are they crushing it here? On island?

MS. FARNSWORTH: Are they—

COUNCILMEMBER KING: Are they crushing the glass here, and then shipping it off-island?

MS. FARNSWORTH: Yes.

COUNCILMEMBER KING: Okay. So they receive it, they crush it, they ship it off for approximately 160,000 for the two?

MS. FARNSWORTH: Well—

CHAIR SINENCI: Ms. Farnsworth.

MS. FARNSWORTH: It, it, it. . .the, the grant funding actually provides for only about half of the actual glass that's being shipped off. So, but yes, they do.

COUNCILMEMBER KING: What does that mean?

MS. FARNSWORTH: It means that they're. . .how much the amount that they actually are shipping, is double the amount that they receive in Grant funds. So, they're being subsidized for a portion of the glass that's recycled.

COUNCILMEMBER KING: Okay. But they're making some income, or some revenue from—

MS. FARNSWORTH: They're not making a lot of revenue—

COUNCILMEMBER KING: No?

MS. FARNSWORTH: --at this time with glass.

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COUNCILMEMBER KING: Okay. So, how, I'm sorry. Are they losing money? Or is the County subsidizing—

MS. FARNSWORTH: I, I can't answer for the processors, but I know it's, it's very little. The glass is very—

COUNCILMEMBER KING: Is the County subsidizing the other portion—

MS. FARNSWORTH: No.

COUNCILMEMBER KING: --of what it costs?

MS. FARNSWORTH: No.

COUNCILMEMBER KING: Okay. That seems odd. Because we have a huge budget in our EP&S program, and I think the recycling was supposed to be a big part of that. So, and then the e-waste, we're still looking for a vendor? Or you said we had one, but we haven't signed the contract yet?

MS. FARNSWORTH: We do have a vendor now who's contracted, and we just utilized other budget monies to fund the. . .to encumber all the monies for that contract. So, it's basically, we would utilize that for the programs that we put on hold.

COUNCILMEMBER KING: So it's State and County money for the e-. . .that goes into the e-waste?

MS. FARNSWORTH: Correct.

COUNCILMEMBER KING: And who, who is the vendor?

MS. FARNSWORTH: E-Cycling Maui, LLC. ,

COUNCILMEMBER KING: E-Cycling, okay. And that's basically collection and shipping it off? Do they do anything with it here? Do they process it?

MS. FARNSWORTH: No, I mean there is a small re-use program where they refurbish some of them and then provide them to community members in need, but that's a small portion.

COUNCILMEMBER KING: Okay. Are we doing any recycling here on the island anymore?

MS. FARNSWORTH: Are we doing any recycling? You mean, are there on-island uses of materials?

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COUNCILMEMBER KING: Right. I mean we used to, years ago, we used to recycle cardboard and glass. I mean, we turned plastic into two by fours. We used to do things like that, and slowly over the years, we've been getting away. . .you know, that's been. . .that, I don't even. . .that's why I'm just asking, are we doing anything here on the island?

MS. FARNSWORTH: Not a lot. You know, it's, it's a commodity. It's a market that's. . .it's determined by market share. You know, if, if people want the, the recycled products here, and we, and can support remanufacturing businesses here. . .for instance, those two by fours, that, that business didn't last. And so—

COUNCILMEMBER KING: Okay. So, I guess, Chair, my last question is, that we have the..., all these pages and pages of contracts, but apparently there's no dollar amounts in them? Because no one seems to know how much they're for. Is there anything in all of these pages, I don't know 64 or something, that has dollar amounts?

CHAIR SINENCI: Chair?

MS. NAKATA: Mr. Chair, I believe the bill itself has, in Section 1, a reference to the Electronic Device Recycling Program, in the amount \$160,000, and a reference to the Advanced Glass Disposal Fee of \$115,390.

COUNCILMEMBER KING: 160 for the e-waste, and 115 for glass? Is that what it is?

MS. NAKATA: . . .115,390.

COUNCILMEMBER KING: Okay. Thank you. Thank you, Chair.

CHAIR SINENCI: Thank you. Any other questions? Members?

COUNCILMEMBER MOLINA: Recommendation?

CHAIR SINENCI: Call for the recommendation? Okay. I had one question. So, so it looks like you have postponed some of the projects or the other services, such as collection of propane tanks, and the diversion of metals at the landfill. Also postponed the purchase of a new baler for Molokai's recycling site. It looks like the Department needs this contract approved today, so that you can get reimbursed by the State and fund our other needs? Is that correct?

MS. FARNSWORTH: That's correct.

CHAIR SINENCI: Okay. Thank you. So Members, the Chair will entertain a motion to recommend the passage of first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE,"

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incorporating any non-substantive revisions, and the filing of County Communication 19-85.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Moved by Member Lee. Second by Member Molina. All in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: Against? Oppose? Okay, so that is six "ayes". . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, did you wanna ask if there was any discussion?

CHAIR SINENCI: Oh, yes, discussion. . . .(laughter). . . Any discussion? Yes, Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering, moving forward beyond this grants, if there's a possibility of us getting the machine that turns the glass into sand?

MS. FARNSWORTH: You mean, the County itself starting to process glass? That's not immediately in our plans. I would, we would entertain that idea. We would certainly investigate it if, if that was a direction we wanted to explore.

COUNCILMEMBER PALTIN: Yeah. 'Cause, well, I mean, I think Kauai has one, and maybe just check out how things are going over there, and then we wouldn't. . .we could just. . .sand is a big commodity or resource. And if we can use our waste that we're shipping off-island to use that, would be kinda cool.

MS. FARNSWORTH: Agreed.

COUNCILMEMBER PALTIN: Thank you, Chair.

COUNCILMEMBER KING: Chair, I--

CHAIR SINENCI: Any other questions from Members?

COUNCILMEMBER KING: I, I, yeah. I'd like to follow up on—

CHAIR SINENCI: Chair King.

COUNCILMEMBER KING: Thank you. So I wanted to follow up on that, because I do have some information about that. Aloha Recycling used to do glass crushing. I don't know if they actually got as small as sand, but there used to be a requirement in the State of

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Hawaii that asphalt had to be made with 10% recycled glass. And somewhere along the way, they stopped doing that, and it really. . .it was actually was in violation of the law, according to Aloha Recycling. 'Cause I've been, I've been communicating with those folks over the years. But that was one of the things that kind of took them down out of glass recycling, for usage on the island, is that the, the folks who were making. . .and I don't know if it's County or State, stopped using that 10%, so that might be some..., so I think that equipment exists on the island. We don't own it as a County, but I think that is something to explore going forward is, you know, why did that stop? Why? Is there a way to get that back in there, and is there a way to keep our glass here on-island? Recycle it and make it into something useable? But it's not just that, it. . .I mean, there's a lot of things that have been tried and either were too expensive, because they weren't getting supported. You know, sometimes if you want your waste to get recycled, and to be reused, and to not go into the landfill, that you're gonna have to replace in a few years. . .you have to find ways to value the, the reuse of it, and look beyond the fact that yeah, it's expensive 'cause it costs us a few dollars more. But the fact is that it, it creates jobs and businesses here, and it, it cuts down on the expense of shipping stuff off our island. And it makes us responsible for our own waste. So, you know, I would just encourage the EP&S Dep..., Division to start looking towards that, getting back to where we used to be with recycling. Because I'm a firm believer that it can make sense, but it's been diminished over the last two Administrations, and we've seen a depletion in our amount of recycling, and a depletion in the amount, in the will to recycle, and to actually manage our own waste on our own island. So, I'm glad the EP&S program has got a life now, and I look forward to, you know, seeing more come out of it. But, would like you to. . .and to ask you to, when you bring contracts like this in front of us, to actually know the details of how much, you know, the dollar amounts, and what exactly we're being asked to do. Because that's sort of the responsibility of our Council, to know what it is we are approving, when we, when we take a vote. Thank you.

CHAIR SINENCI: Thank you, Chair. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chairman. I speak in full support of the motion that's on the floor. If I may ask Ms. Farnsworth one question with regards to the e-cycling, I believe the site is still on Low..., is it on Lower Main?

MS. FARNSWORTH: Yes.

COUNCILMEMBER MOLINA: And it's open what, is it, like two days a week?

MS. FARNSWORTH: Correct.

COUNCILMEMBER MOLINA: And how many hours? What are the hours for those two days?

MS. FARNSWORTH: The hours are Tuesday from 1:00 to 5:00, and Saturdays from 8:00 to 1:00.

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COUNCILMEMBER MOLINA: Okay. Yeah, I was just. . .because I, I've had people make comments to me that, you know, they got a lot of e-waste junk at home, and I'm one of those. Has there been any, like. . .you know, we, we have a lot of County employees here. Has there ever been any talk or, or is the Department open to like, if I'm a County employee, I got some e-stuff at home, I can't make it there Tuesday or Saturday, and just a drop-off site here, near the County building, or wherever? At, at a County facility?

MS. FARNSWORTH: We could certainly do that and put it on the bottom floor maybe, with the, the other recycling bins that we have there of the, of this building.

COUNCILMEMBER MOLINA: Oh, thank you. That's good to know. Well, I got a truck load of stuff there *(laughter)*. No, no. But I think that's really good for our employees to know. So, that'll certainly help contribute towards getting rid of the e-waste to the appropriate site. So, thank you for that information. Thank you, Chairman.

CHAIR SINENCI: Thank you. Member Lee?

COUNCILMEMBER LEE: No.

CHAIR SINENCI: I'll go to Member Kama.

VICE-CHAIR KAMA: No.

CHAIR SINENCI: No, no comments. Ms. Keani Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR SINENCI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I just had one quick question. How. . .what was the bidding process for these contracts, Ms. Farnsworth?

MS. FARNSWORTH: Well, for. . .we ha..., the e-cycling is, is contracted at this time. It was an RFP that was put out last year, and there were three bidders, and this was the lowest one, and it was evaluated normally by the. . .I wasn't involved in that process, but, you know, by the cost, by the, the, their methodologies are evaluated by a certain percentage, and, and these were the folks who won the contract.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR SINENCI: Thank you. Members, we have a motion pending on the floor, if there are no questions. Any more questions?

COUNCILMEMBER MOLINA: Call for the question.

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CHAIR SINENCI: Okay. So, the motion again, is passage on first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTACTS FOR GLASS RECYCLING AND E-WASTE." All in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: Those opposed, "noes." Okay, for the record--

MS. NAKATA: And, Mr. Chair. . .excuse me, Mr. Chair, could staff clarify that that motion also included the filing of the communication?

CHAIR SINENCI: Yes. Filing—

MS. NAKATA: Yes, thank you.

CHAIR SINENCI: --of County Communication 19-85. Thank you. With non-substantive revisions. So that is six “ayes” and zero “noes,” the motion passes. Thank you, Members.

[illegible]

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

ACTION: Recommending FIRST READING of bill and FILING of communication.

EACP-17(3): MATTERS WITHIN THE COMMITTEE'S SUBJECT-MATTER JURISDICTION (OVERVIEW OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT) (RULE 7(B))

CHAIR SINENCI: Okay. Moving on to our last item, we're trying to keep within our time limits for, for this Committee meeting. Our last item is EACP-17(3), Matters Within

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the, the Committee's Subject-Matter Jurisdiction (Overview of the Environmental Protection and Sustainability Division, Department of Environmental Management).

MR. AGAWA: Thank you, Chair. As in yesterday's Water and Infrastructure Committee, we presented two of our di., Divisions in DEM. Today we will have our third Division presenting, and it'll be just an overview of what their Division is about. I can tell you that it's our newest Division in Environmental Management. There's five currently, five employees. I've been working with them, and I must say that I, being a civil engineer background, I didn't know too much about environmental protection. But they, they've accepted me, they brought me into their program, they explained a lot, and I must say, I'm very impressed with our staff, with Tamara, who's our Division Manager, and in the things they do. So I would like to have Tamara present for EP&S.

MS. FARNSWORTH: Mahalo. I am not able to see it here on the screen, so I'm just gonna try to refer. Mahalo, Chair, and Committee Members. Thank you so much for inviting us today. We are so honored and excited to share with you our visions, and let you know a little bit about the work that we do, and that what we're doing now. I'd like to. . .so again, my name is Tamara Farnsworth. I'm the Division Manager. I came on in July of 2018, some of you folks may remember me as the Abandoned Vehicles and Metals Administrator for the last five years, and then prior to that I worked with the City and County of Honolulu in the recycling office there. I do actually have a background in Beyond Waste and Sustainability. I received my B.A. degree in Interdisciplinary Studies from U.H. Manoa in 1996, with a focus in environment and change and environmental issues. So I studied how human beings have changed the environment as well as how human beings can change their own behavior, and the social and political aspects of environmentalism. I also received my Permanent Culture Design Certificate in 2012 from the Asia Pacific Center for Regenerative Design on Oahu, and that's basically a framework of practices and principles for building and designing environmental systems. So I do have a passion for lifelong learning in this area, and I. . .you know, I graduated in 1996, a lot has happened since then. So, but I do really work to keep up with everything and keep myself informed and involved in various aspects of environmental issues here in the islands. I'm so grateful for this opportunity to share with you everything we've been conjuring up, and hopefully you will see that we are working to build a foundation and grow in stages to develop a strong and effective Division. I'd like to introduce most of our team here today, they are amazing civil servants, and they do really good work, and they work really hard for this County. So we have, we have Cecile Powell, who is our Lead Recycling Specialist. We also have Hana Steel, who was not able to attend today. Jenny Aievoli, who is our newest member of our staff, she is the Abandoned Vehicles and Metals Administrator; and Allyson Higa, she is the Abandoned Vehicles Coordinator. Cecile will be presenting the recycling portion, and Jenny, the AVM portion of our presentation today. I just really wanted to bring them and ha..., you know, put a face to their names, and I really wanted to honor them, because they are amazing women, and amazing people, and amazing civil servants.

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. . . BEGIN PRESENTATION . . .

MS. FARNSWORTH: I wanna give a little history of Environmental Protection and Sustainability Division. Sorry, so, that includes. . .so, in 2012, there was a Charter Amendment voted in by the vote, by the constituency, that the Department of Environmental Management. . .basically focus on some environmental issues, which we can go into further on the Charter language. In 2013, 2014, an Environmental Coordinator was created, but not fulfilled, and so that, that position was dismissed. In 2016, the EP&S Division was established by the Department of Environmental Management, but until 2018, it was basically just kinda standing still, and includes most of the landfill diversion programs for the island, but we are now, since July, I was selected and tasked with generate..., creating the mission and the purview, and, you know, developing some programming for the Division, so here we are today. Again, thank you so much. Today, we're gonna talk, we'll present the mission statement, our guiding values, and our scope and purview. We're gonna talk about our current programs and the exp..., intended expansion program, of our programming. Goals and objectives, and budget, funding and needs. Some of. . .these are all requested and, so, we're gonna try to breeze through it as much as possible. We have a lot, because we are a work in progress, we are developing. So, thank you for, for your listening (*laughter*). So, today we wanna talk about. . .this is our overview, and we wanna talk about why is EP&S important? Well, first of all, of course, it was, it's, it's mandated. It was voted in in 2012, so, so, we are compelled to do it by law. Maui Nui, especially, wanna protect it and retain its special character. And in Hawaii, "aloha aina" is a guiding principal. It is paramount. Also, we, what we're doing here is in line with global, national, and State initiatives, which we'll get into a little bit further, but we are really in alignment with, with what's going on, on the planet and in the rest of the United States. So, I just wanna say, you know, there is no "Planet B." We have a really, really. . .urgency here to focus on environmental issues and become more sustainable in the world, on, in this island, and I think we've actually act..., has been acting as leaders in some respects. So, that's really good. I think we can continue to focus in these areas and thrive. If we don't solve some serious environmental challenges, our children and theirs will be hard-pressed to survive. So if we commit, we can. . .and focus, we can, I think we can meet some of these challenges. Fiscal responsibility, it's important, because planning and preparation is more economically feasible, and more fiscally responsible than trying to meet challenges after, you know, and, and deal with problems after we see them. And so we think that with vision and structure, the EP&S will be able to provide some of that vision, planning and preparation for some of the real serious challenges we are facing today on planet earth. Our mission statement. So this is based on the exact language from the Charter Amendment, "To ensure resilience for future generations, the Environmental Protection and Sustainability shall guide efforts to optimize opportunities for environmental initiatives, natural resource protection, sustainability, conservation, and restoration." That's a lot. So we've been working to define that and refine what that means, and how we can address those issues. EP&S strives to fulfill its mission through public education, community engagement, support of community sustainability initiatives, public, private, non-profit partnerships, innovative

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programming, and implementation of environmental sustainability mandates. We wanna talk about our guiding values and philosophy, 'cause it's really important, again, to why are we doing this, and we want to. . .we just wanna let you know, like, where we're coming from, and this is where our foundation lies in the work that we're planning, that we do. So, alo..., "aloha aina malama pono," this is a very general, sort of translation. But, "love for and righteous stewardship of that which sustains us." We have an urgency of purpose. Sustainability is a time-sensitive priority. We've been given, you know, timelines like 12 years to address climate change. And of course we're not the only ones, but you know, we feel a strong urgency with the work that we do. Interdependence, cause and effect, everything is connected in community and in ecosystems. Social equity and environmental. . .oh sorry. Respect for all species. So what that means is, plants, animals, and humans all have value, and we believe that they all have rights. Respect for cultural traditions. . . .Oh, is it too loud? Am I talking too loud? . . .*(inaudible)*. . . Okay, I'll try to. . .okay, just let me know. Respect for cultural traditions. So what that means is, indigenous culture has been here for thousands of years, and we believe that the wisdom and the knowledge that come from the people most traditionally connected to place, can. . .is very important. So we. . .it's important that we recognize and acknowledge and respect that. We talk about a quadruple bottom line, so what that means, is a lot of times we just. . .sometimes we focus our decision-making on how much things cost. So "quadruple bottom line" means that we pay attention, and we take into consideration economic, environmental, social and cultural considerations when making decisions. And then, you know, regeneration and resilience. So, going beyond sustainability, we look towards regeneration, so that means replanting native forests, making sure that damaged ecosystems are regenerated for our sustain..., to sustain us. And resilience, building resilience or the ability to withstand and recover from environmental challenges. So, these are our guiding values that are, that lay a foundation for the work that we're doing. Our scope and purview. I mean, obviously, you, you may already know this, County of Maui includes the four islands of Maui, Molokai, Lanai, and Kahoolawe. And we handle municipal issues on County lands, from mountain to shore, mauka to makai. What we envision our scope and purview to be is sort of the boots on the ground. Our. . .the, the connection between community, and the public, and the County, as well as. . .so, more reaching out to the community, and then reaching up and working with the Environmental Coordinator, to work with Mayor's Office, and assisting the Environmental Coordinator with development and implementation of sustainability initiatives and mandates. We're looking to make sure that our intradepartmental relationships within DEM, that we are doing the best that we can to work with environmental and sustainability initiatives, as well as maintaining and cultivating relationships amongst departments. We work a lot with many of the other departments, and we want to strengthen those relationships, as, and as well as, yeah. Strengthen those relationships and maintain them in a good way. Okay. So, currently, we have two sections, the Recycling Section and the Abandoned Vehicles, Metals, and Litter Control, although it's called "AVM." So, and we. . .so we're gonna have Cecile Powell, who is our lead Recycling Specialist on staff, give a little overview of what we do in Recycling, and maybe speak a little bit to what was brought up here, and even the testifiers from earlier.

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MS. POWELL: Testing. Oh, thank you. It's a good distance, thank you. My name is Cecile Powell. I started off with the County back in 2007, and then left in 2013, and it was in the same Section, in the Recycling Section, when it was a part of the Solid Waste Division. I recently returned, let's see here, May of 2018, I came back to the County, and was permanently hired in October. So, I'm relatively new, but with experience from previous experience. Our responsibility in the Recycling Section is the development and implementation of most all of the Maui County's landfill diversion and waste reduction programs. I'm gonna go into that later on, on the, on the next sheet on what specific programs we have. We, we are currently at a 35% landfill diversion, although I thought last year, it was 37%. It might have been 37% landfill diversion last year, in 2018, 'cause I do the numbers. And then the Integrated Solid Waste Management Plan goal is a 60% landfill diversion, and with the Hawaii Green Growth Aloha Plus Challenge Goal, and the United Nations Local 2030 HUB Goal of 70% source reduction. Can you. . .

UNIDENTIFIED SPEAKER: Oh, sorry. . . *(laughter)*. . .

MS. POWELL: . . . *(laughter)*. . . Thank you. For the Recycling programs here on Maui, we have. . . I'm gonna breeze through these, because we do have to go through a lot. We do have residential drop boxes on six sites island-wide. Right now, to address some issues that some speakers had previous, we are going through market changes with the recycling, and I'm going to be launching, in the next coming weeks, a large-scale educational campaign to let folks know what is recyclable, what's not recyclable, what's going on in the markets, and how we can best move forward. So you'll see that in all of our sites, and if you have any questions about that, please feel free to contact me. We have a curbside pilot program, and that's called the "three can plan." That launched in 2013 or 2012, I believe. About 1,700 homes in South Maui receive a cart for their rubbish, a cart for their recycling, mixed recyclables, and a cart for their green waste. So far, it's still in status of pilot. Expansion, we do have phase. . . phase two and phase three on the sidelines, it just depends on where Department wants to go, and funding and staffing. We have recycling clusters in many of the County parks. We started that. The e-cycling in Wailuku, we already touched on that. The green waste co-composting at the Central Maui Landfill, they do take in 25,000 tons of sludge from the wastewater treatment. They also take the lift station grit, and they do churn it with residential and commercial green waste, and they make, they have extensive lab testing that needs to take place to ensure that their product is free of any pathogens, any heavy metals. So they have a really great product available there at the landfill. We have a household hazardous waste annual event coming up. It's actually March 24th, you may have heard some of the PR that we released on that. And we also have our used motor oil program, and that's been going on since the '90s. Okay, on Molokai, we have "Recycle Molokai," and they have the general recycling, they have HI5 program, you can redeem your HI-5's there. They have the used motor oil and electronic collection, and there's also a green waste mulching facility on Molokai, as well as "Molokai Metals," that Jenny will touch base on, on that. On Lanai, we have a HI-5 redemption center. Back when I was previously with the

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County, we did have drop boxes available over there. We hope to move forward and get drop boxes available on Lanai again, in the future hopefully. Education and outreach, you know, all this stuff is available on our website. Our hotline is 270-7880, we have staff that do answer calls. We are short staffed. Sometimes it takes a day to respond, but we do our best. Our Recycling info email is recycle.maui@mauicounty.gov. Our website. . .right now, there's no caution tape or anything, but our website for the whole EP&S is under an overhaul. I'm going through it piece by piece, and getting accurate information, but in the meantime, we try to keep it as up-to-date as possible, and at least the information is there. And if you have any questions, the numbers are there for questions. And we're updating it as soon as we can. Ultimately, we wanna have a searchable online resource for our recycling guide. We have a "talking trash" newsletter that we push out semi-annually with our refuse bills. The community outreach events, such as the County fair, Turkey Day, Earth Days. We do our best. If we don't have the staff to attend, we provide resources, giveaways, education, and whatever we can to support. The "Tour de Trash," we're hoping to do a virtual Tour de Trash online, and have it be beautiful and part of our website. We used to take people physically once a month to all the recycling and refuse sites on Maui. We have not done that for a while. We did one for the Rotary Club a few months back, but it's been a long time, and, and again, we're short staffed. And a virtual tour will be accessible to everybody. Our "Bring Your Own," I'm actually in the development process of the "Bring Your Own" campaign. We want to launch it next fiscal year. You may have received "Bring Your Own" items. I know I sent packages around to every..., all you folks. That's just a taste of, like, what we wanna do. We wanna encourage reuse, and reducing waste, reusing, you know, bringing your own cutlery, reducing your plastic waste. It would be really great if we could coincide that with any future legislation that may be in the mix, about plastic, single-use plastics. And we wanna move forward to zero waste principles and practices in the Recycling Section. We already have been, and Tamara's going to focus more on that later. We have a Recycling Grants program. It's based on a Grants Review Committee, and the aw..., this year, it was \$239,000? And 500. And pending budget approval, the awardees, the, the grantees, will be posted on our website, let you know who was awarded monies and what those monies were for. Another big part of the Recycling Section, what we have been involved with, is implementation of legislation. I personally was a big part of the plastic ban enforcement, and the implementation of that back in 2011, and most recently, I was implementing, and am currently doing the enforcement plans and procedures for the Foam Free Maui County, the Polystyrene Foam Food Service Container Ordinance. We hope to offer the same support for any single-use disp..., disposable plastic food service ware ban, that's a mouthful, or any zero-waste resolutions. That's it from me. Thank you so much.

MS. FARNSWORTH: Thanks, Cecile. And we're gonna have Jenny Aievoli, the Abandoned Vehicles and Metals Administrator, talk more about the programs being accomplished there.

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MS. AIEVOLI: Hello, everyone. Thank you, Chair and Committee Members, for taking the time to hear us today. I began employment two and a half years ago, I moved to Maui, I retired from the State of California. My last stint, the last five years, was with Environmental Protection Agency, and so I have 31 years of just, a lot of government experience. And I feel very honored to be in the position that I hold, and the important work that, that we're doing. And anyways, I'm gonna go through this, but bear with me on, on some of the issues, I may have to defer to Tamara because of my lack of, lack of the knowledge of everything in detail. So, the Abandoned Vehi..., Vehicles and Metals and Litter Control Section addresses materials that are potentially hazardous to the environment and are often banned from the landfills and subject to illegal dumping. We address, address litter control issues through inter-departmental partnerships and education, and through public awareness campaigns, fiscal incentive programs, as well as punitive enforcement and collection disposal systems we strive to prevent and mitigate environmental hazards and solid waste pollution. And as far as the Section, of course we're mandated with Hawaii Revised Statutes, Section 290, and the County of Maui Ordo..., Ordinance 2020, with regards to the litter control. The Abandoned Vehicles Program, we, as far as 2018, we had approximately 1,700 abandoned vehicles out there on our beautiful island. It's, I think the year before that, it was 1,500 approximately, so it, it is ever-growing, and a huge concern for us. As far as. . .there's, there's a process for reporting abandoned vehicles, but basically, it starts with the community outreaching and letting us know, but reporting it to the Maui Police Department, and they can call the 244-6400, and it's important to press, select "zero," because that transfers you to a non-emergency dispatcher who will take the report. People often get confused and press "two" for, which sends them right back to us, and then we have to send them back. So, I just wanted to make that point. And then if anyone wants to. . .general information on the program, they can either go to our website, which is mauicounty.gov/avm for, for information, and we also have abandoned vehicle hotline, which is 270-6102. And if we're not available, please, we ask that you leave a message. There is two of us, Allyson and I, that run the program, and so it gets, it gets quite busy. Excuse me. We also have the Junk Vehicle Disposal Assistant Program that's underway, and just to let everybody know, that we have had questions if it's still. . .we get calls, you know, we heard it stopped. And it is going, we have, we have the funding available to have that program continue at this time. And, so, our website has the information, as well as. . .the requirements are pretty simple. You take your license plates and your title to DMV, you permanently junk your title, you complete our intake form, and then you have to make the arrangements. There is, there is that responsibility of the registered owner, that you have to make the arrangements to get the vehicle to Hammerhead Metals Recycling, Metals Facility, excuse me, and they dispose of the vehicle, but they waive the cost that they would, they would charge the resident. And every resident is allowed one vehicle per year to dispose of and take advantage of that, that program. We have the Molokai Metals Facility, which accepts autos, large appliances, scrap metals, auto batteries, tires, and propane tanks. We also have the Rural Area Metals Collection events, which is in Hana and Lanai. So we make that available to people that can't take advantage here, here locally. And we also are involved with the litter control on the island, so, the management of the Malama Maui Nui, formally

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Community Workday, Grant, which includes recycling and litter education, illegal dumping cleanups, and Go Green Malama Aina West Maui events. We are also very much involved with the other departments and entities on the island for removing not only the abandoned vehicles, but the other metals and littering that's there. And so quite often, it's not just abandoned vehicles, we find dump sites where there's a lot of rubbish that requires either Public Works, Highways, or Malama Maui Nui to help with cleaning up those sites. Often, we can't remove a vehicle, because there's too much litter around the vehicle, and so it makes it unsafe for the tow drivers to be able to remove the vehicles. So it's very much a coordinated effort with not only the, the County, but the public, and then our contractors that work with us. So, that's it for me. So thank you very much.

MS. FARNSWORTH: Thank you so much, Jenny, and I, I just wanted to mention, we also participate in disaster debris response. So after weather events, after emergencies, like the Lahaina fires, the different flooding that we had last year, we're, we're pretty involved in cleaning up after those events as well. Okay, so, now we can get into what we are looking towards in the future. Of course we're gonna need resources, staffing and funding for that, but these are our visions, these are what we intend, and what we'd like to do. So, during our Director, Mike Miyamoto's, confirmation hearing, Councilmember Keani Rawlins-Fernandez actually spoke of zero waste and wanted to know what, what is the Department doing to move more towards zero waste? And so, he asked that we provide a little bit of information, because it's something we're really excited about. We've been really focused on, on waste, obviously. So, zero waste is, I think it's the time, and also the testifiers mentioned it earlier today. Now we do know that recycling is in a pickle at this time, and so, you know, we, we're really wanting to focus on source reduction, reuse and, and looking at our waste in a different way, and knowing that recycling, although it's very important, it's not the end-all, be-all answer. So, I'm just gonna talk a little bit about zero waste, and then our Environmental Protection and Sustainability focus section that we look forward to implement..., establishing, should we receive the resources. So zero waste, what is it? Zero waste is a pathway, it doesn't mean that we're not gonna make any more trash. It doesn't mean there's not gonna be any more rubbish. It doesn't mean, necessarily, that we don't need a landfill anymore. What it is, is a pathway, sorry, it's a pathway towards significant overall waste reduction, high percentage of landfill diversion, and positive behavioral change. It's a framework of philosophy and practices that succeed through planning, public education, engagement, legislation, and shifts in agricul..., in infrastructure. So it, it takes everybody, it will take everybody in the County, to move towards zero waste, should we decide that that is the direction we want to go. I have provided Massachu..., Massachusetts' definition of zero waste. There's a lot of them, but I thought this was a good snapshot, a good one to provide a short definition. And so, you can see it here, it's a comprehensive and integrated approach that manages materials throughout their lifecycles and encourages stakeholders to take their share of responsibility through smartly designed incentives. Basically, instead of thinking about waste as a thing, you make it, you use it, and you throw it away, we wanna look at its lifecycle, and the cyclical aspect of, of the things that we use. And then it's focused on reduction, it's focused on efficient use of materials, more recycling, less

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waste, less waste at the source, and also focusing here on the toxicity of waste requiring disposal, is really important as well. For instance, plastic, it's very toxic, as well as building infrastructure to support our zero waste functions. We are already moving towards zero waste to some extent, even though yes, some of our recycling efforts have been challenged lately, but we do, we are looking at the Integrated Solid Waste Management Plan, and the State, there, there are mandates leading us in the direction of really, really focusing on source reduction, as well as increasing our landfill diversion. There are zero waste coalitions on Oahu, Hawaii, and Kauai, and I think Maui is coming next with a more active role, as far as community organizations. We are refocusing, of course landfill diversion is important, but, source reduction is most important, and we wanna keep a strong focus there. We have, should the budget be approved, the Grants Rec..., the Recycling Grants Committee has approved two zero waste grants, one for education, and one for implementation of zero waste event services. Of course the "BYO" campaign. Of course, I, I didn't mean to put advocating there. Supporting more comprehensive single-use disposable plastic bans. And also just reminding everyone that the Three Can Plan, is, it can be deployed, should there be the will to do that from our Department, and Administration, and Council. Of, of course, with the appropriate staffing and funding. So zero waste, a zero waste Maui County is possible with zero waste legislation, development and implementation of a ten-year Countywide plan, I think that would be incorporated with the upcoming review and update of the Integrated Solid Waste Management Plan. Technical support, so make for the Administration, Counc..., Council and Departments, meaning we model our behaviors with, within the County, as well as going out into the community, educating, and working with business, residents, visitors, and students. Okay, so addit..., so very exciting to us, are developing new programs to more closely satisfy the Charter Amendment and our mandate, and our mission. And that would include, establishing a new Section alongside Recycling and Litter Control, and that would be the EP&S Focus Section. So we have four areas that we are interested in, that are based on our mission. Public engagement, education, support of community initiatives, and implementation of environmental and sustainability mandates. So that includes developing an EP&S Advisory Group. So we'd like to reach out into the community and, and work with cultural practitioner, environmental experts, DLNR, Fish and Wildlife, MISC, different community organizations who are already doing good work, so we can hear what they have. . .we can get their wisdom and their mana'o, and, and they can help to advise us when we're making decisions and developing programs. We also. . .community partnerships. What we mean by that is having a seat at the table with different organizations, including, like, the Hawaii Climate Change Commission, we're working with them, Hawaii Green Growth and the Aloha Plus Challenge, USDN, which is the Union Sustainably Directors Network, so kind of reaching out to other folks who are doing similar work and participating with those organizations. As far as education, we're really looking forward to developing a very comprehensive website, which is a resource and comprehensive clearing house for environmental sustainability education. We would be showcasing education resources, organizations, initiatives, and volunteer opportunities on all four islands, meaning that you can go to our website, the EP&S website, and kinda know what's going on with environmental protection and sustainability in Maui Nui, which doesn't

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exist, really, at this time. We also are interested in skill building workshops and supporting those. So, for instance, you know, are, are folks teaching vermicasting, worm bins, are they teaching backyard composting, or gardening? So, teaching self-reliance to people to ensure resilience for future generations, and teaching folks to learn how to take care of their environment and take care of themselves in a good way. Support of community initiatives. So we look forward to, and we'd like to see a Green Grants and establishing a Green Grants Program. This would be grants for small environmental and sustainability community initiative grants for grassroots ventures, like green roofs in Wailuku, or teaching folks how to do gardening at home, or native habitat restoration efforts, marine debris data collection. Folks who are already doing good work, who just need a little bit of support. We would model it after our recycling grants, which is highly vetted by a review committee, and we would have proposal evaluation, criteria, and procedures that are strongly vetted so we know that we are being, you know, fiscally responsible with the County resources going towards legitimate efforts in the community. We'd also like to recognize folks in the community who are already doing good work with the County Green Star Program. Again, these are all ideas, these are all concepts and programs we'd like to see as a beginning. Recognizing folks who are already doing good work, whether it be a restaurant that has worked very hard to reduce their use of disposable products, or, you know, some. . . I have a friend who collects driftwood for his business, and he goes and he collects trash on the beach every, every time, and just recognizing the, the efforts of folks that. . . folks already doing in the community. And, of course, we would work. . . again, we're the boots on the ground, or that's how we envision ourselves. Implementation of environmental and sustainability mandates, so we would like to review local, State and Federal legislation, and take a look at what our County departments are doing and making sure that we can help to ensure compliance with this type of legislation as well. . . and, I, I think also in concert with the other departments, as well as the Environmental Coordinator. And development of programs to implement new and existing local mandates. For instance, the Foam Free Maui County campaign that we're doing now. So, thank you so much for being patient with us, and sharing our visions. Okay, so, we have goals and objectives, those were asked, you folks have a great resource in front of you, so I'll let you review that on your own, if that's okay. Our goals and objectives are. . . some of them have already been deployed. For instance, we've already created our mission, and our purview, and the goals are in direct, specific alignment with the Charter Amend..., Charter language, our mission, and our values. So, I'll just, you know, expand to (*inaudible*) Charter mandates over two years. So we wanted to have some smart goals, ones that are measurable, and some that have, that have sort of a time limit. So we're looking at two years, and then, you know, reevaluating and redescribing our goals with all the objectives. Developing and implementing EP&S programming within two years, so again, some of the stuff I've already talked about. And supporting directly what was mentioned and what was voted in by the constituency, and these, these are the ways that we would implement them. Budget and finance, we were also asked to give a short review of budget questions and concerns. . . . Oh, okay. So first, we were asked to, to speak a little bit about Maui County Code 3.55, which was the ordinance establishing the EP& S Fund as distinct from the Solid Waste Fund. And so basically,

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when the Department established the new Division, we were. . .and moved, we had sections that were working under the auspices of Solid Waste Division, and we were working under their budget for a couple of years, and it was determined that it makes a lot more sense to have our own funding, and our own, basically, our own bank account for our new Division. So we have three separate funds now in Department of Environmental Management, or maybe four 'cause the Administration. But, one for Wastewater, one for Solid Waste, and one for EP&S. I did wanna talk a little bit about just our revenues, which include our \$10 recycling surcharge for each ton of trash that is landfilled, and that's how mo..., a lot of our recycling programs are funded. We do share that with Solid Waste, because they work to collect those revenues and, and just work with us financially to, to direct those monies. We also solicit State grants, such as the e-waste and the non-deposit glass, so thank you so much for approving that. We're looking forward to getting those going. We also work with the Highway Beautification Fund, which is a portion of registration fees on your car registration. It's \$10, \$8 of which goes to directly fund our abandoned vehicles program. Almost all of that is funded by HBF, or the Highway Beautification. There is also a \$25 fee for disposal of vehicles that was established, which I believe is in the registration as well. And so we're looking to see how we can expand our junk vehicle disposable, disposal program with those monies, but we haven't completely identified how we're going to spend those funds, but they have to be used for abandoned vehicles and vehicle disposal. We can't really fund other programs with it. Council's always asking, you know, well, how are you gonna pay for that? So, we just came up with, you know, obviously, environmental programs benefit all constituents and all residents of Maui Nui, so the General Fund is where we are looking immediately. We, if we were to solicit State and Federal grants, we would need staffing for that, but certainly there are grants available for environmental programs. And then at some point, you know, we may look at a portion of sales taxes or a portion of property taxes, or potentially increasing them. We are, you know, we are gonna be seeing some challenges, and we will need to meet them. Budgetary considerations. So we were asked specifically about these items here. What is disc..., fixed cost versus discretionary costs? I just gave some roundabout figures, we can certainly provide you with more detailed information about this. But when we look at fixed costs, we're talking about overhead and mandated contrac..., contractual agreements, and that's about 70% of our budget, and about 30% are discretionary. But when we say "discretionary," it doesn't mean. . .it. . .what it means is we, at our discretion, need to meet, use funds that we aren't quite sure how they're going to be used at the beginning of the year. For instance, if there's an event, a weather event, we have to clean something up, we, we need to find funds for that, and dedicate funds for that. If we need to clean out aband..., an abandoned vehicle, you know, we need to have someone go out and, and clean those out, and we don't know that at the beginning of the year exactly how we're gonna. . .how much that's gonna be, or what. . .so when there's contingencies that come up, we have to address them with our discretionary funds. So, unencumbered funds, we're looking to spend every little bit of budget that we have requested, and we are gonna have very, very few funds unencumbered. We're very, very close to budget at this time. We do have one vacancy, and that is in the Abandoned Vehicles Section. We're working with, with Personnel Services to reclassify and redescribe one position,

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and that would be a Environmental Program Assistant to work with the Abandoned Vehicles Section. But otherwise, we're fully staffed, and we are, you probably heard a lit..., we've. . pretty understaffed. CIP projects, we, we don't have, we don't build anything, so that's not, not really applicable for us. And as far as cost-saving measures, we're working to recover more costs from abandoned vehicles owners through collection systems and punitive measures for compelling owners to pay on open accounts, so we're looking. . we, we send those accounts to collections. We're also investigating how we can take a look at maybe how. . the, how we could recover funds or, or compel folks the same way that when you go to register your car and you have tickets, or you go to get your license, you have tickets, you have to pay them before. We're looking to see if that's possible to do with abandoned vehicles. Also leveraging, one way that we save funding is leveraging community resources through grants programs. So, for instance, Malama Maui Nui does a lot of good work for a lot less than what, if it was provided. . those, all of those service..., services were provided by County. So, you know, education programs that are out there, if it was provided by the County, it would be much more expensive than if, you know, via grant programs or grants that we provide to folks in the community. And, you know, sometimes we have to reduce our services to remain within our budget. So, that's just a reality, particularly at this time, when recycling is getting more expensive, and we. . it's getting more expensive, but we're having to reduce a few of the things that we are able to recycle, based on global markets. But on that cheery note, so, you know, I'm not gonna talk specifically about budget requests, but these are future needs that we look forward to if we want to implement some of the new program that we're looking. . programs we're looking towards. We would want to as..., immediately, if we can, expand staffing by two crucial positions. That includes an office assistant, which would. . we don't have any clerical staff or any assistants for our Division. It's just our folks on the ground doing all of that type of work. We also have been working with DPS to developing new classification and position description again, Environmental Programs Specialist. It's an SR-22, it's a new classification that we would hire someone to provide all these new services that we're looking at. We'd like to expand our office space, as well as expand our programming. Of course, all of this requires resources, but we do know that this is really good work, and we wanted to just speak to the fact that previously, you know, we may have made req..., the Department may have made requests for expanding our Division without as much planning, but we are here now, ready to deploy what we have presented here today. So, just wanna say, we invite you to share with us your mana'o, do you have thoughts about this? We are really open. This is a work in process. Again, we are developing, and we want. . we are inviting everybody's voices, and I just wanna say thank you so much for. . again, for this opportunity, Chair, and Committee, and for all of your time and energy and focus with us at this late hour. Mahalo and our deepest, deepest me ka ha'aha'a, our deepest, humble mahalo.

CHAIR SINENCI: Thank you, Ms. Farnsworth, for that presentation. Members, I understand that we're pressed for time. Many of us, including the Department, has some prior commitments, so. . but we did not wanna shortchange our departments for some, some questions. Ms., Ms. Paltin had a really important question to ask. Go ahead.

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COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, you know, urgency or purpose is one of your guiding values and philosophies, and if we had any timeline about the abandoned vehicles at mile marker 13.5 removal? 'Cause I know--

MS. FARNSWORTH: Thank—

COUNCILMEMBER PALTIN: --people in my District would really like to know.

MS. FARNSWORTH: Okay. Chair?

CHAIR SINENCI: Go ahead.

MS. FARNSWORTH: Thank you. We are aware of a situation at the Ukumehame site, mile marker 13.5, and we, we did observe that there have been vehicles that have been placed right at. . .right along the highway, and it does not look good. We have been looking forward to hearing from our. . .of a larger effort to take care of that site. However, we, we, we, we kee..., every time we pass by, we notice it seems to getting worse. So we are looking at starting to address the. . .at least the vehicles that are there, but we really think it's important that there's a larger effort to clean up and work with the folks who are encamped there, as well as the lar., there's so much illegal dumping there at that site. And we also have some other issues with State and a private entity, but, yes, we know it's. . .we need to. . .it needs to be dealt with.

COUNCILMEMBER PALTIN: Any timeline?

MS. FARNSWORTH: We don't currently have a timeline. No.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Thank you, Member Paltin. Members, if it's okay, I, I know we have some important questions. If you can field your questions to the Committee, and then maybe we can send it directly to, to the Department. Mr. Agawa, is that. . .if that. . .if that's okay? So, Members, if there are no objections, the Chair would like to defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: KTK, YKS).

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay. And, we'd like to thank the, the Department and EPS for coming and sharing, and we've. . .we'll definitely stay in contact for the new future. So, thank you for coming, and for that presentation.

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MS. FARNSWORTH: Thank you.

CHAIR SINENCI: With that, this concludes today's Environmental, Agricultural, and Cultural Preservation Committee meeting. Thank you very much, Members and Department representatives. This March 12th meeting of the EACP Committee is adjourned. Mahalo. . . .*(gavel)*. . .

ADJOURN: 4:34 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Environmental, Agricultural, and Cultural
Preservation Committee

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Transcribed by: Nicole Siegel