

ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

Council of the County of Maui

MINUTES

July 2, 2019

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Yuki Lei K. Sugimura

EXCUSED: VOTING MEMBERS:

Councilmember Tasha Kama, Vice-Chair

STAFF:

Leslee Matthews, Legislative Attorney
Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, 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

Jordan Hart, Deputy Director, Department of Planning (EACP-9)

Jim Buika, Coastal Zone Management Planner, Department of Planning (EACP-9)

Stephen Welling, Deputy Director, Department of Public Works (EACP-9)

Kay Fukumoto, Economic Development Director, Office of the Mayor (EACP-6)

Terryl Vencl, Community Liaison, Office of the Mayor (EACP-6)

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

July 2, 2019

OTHERS: Paul Sensano, Boating Division Maui District Manager, Division of Boating and Ocean Recreation, State Department of Land and Natural Resources (EACP-9)
Daniel Ornellas, District Land Agent, Maui District Branch, Land Division, State Department of Land and Natural Resources (EACP-9)

Paula Kalanikau (EACP-9)
Vernon Kalanikau (EACP-9)
Foster Ampong (EACP-9)
Sharon Leimomi Mynar
Walter Ritte (via telephone conference bridge, Molokai Council Office) (EACP-9)
Leo Caires (EACP-6, EACP-9)
Joylynn Paman, Executive Director, 'Ao'ao O Na Loko I'a O Maui (EACP-9)
Trinette Furtado (EACP-9)
Jacque Sinenci (EACP-6, EACP-9)
Robert Aldrich (EACP-9)
Jasee Lau

Others (9)

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

CHAIR SINENCI: . . .*(gavel)*. . . Aloha kakou. Will the Environmental, Agricultural, and Cultural Preservation Committee meeting, July 2, 2019, please come to order? It is 1:32 in the p.m. I'm Shane Sinenci, the Committee Chair. Welcome, everybody, and before we begin, may I please ask that everyone silence your cell phones or any noise-making devices? Mahalo. Introductions for our voting Committee Members, our Vice-Chair Tasha Kama is excused today. We have Council Chair Kelly King.

COUNCILMEMBER KING: Aloha, good afternoon, Chair.

CHAIR SINENCI: Aloha. Member Michael Molina from Upcountry.

COUNCILMEMBER MOLINA: Aloha, Mr. Chairman.

CHAIR SINENCI: Aloha. Ms. Alice Lee from Wailuku.

COUNCILMEMBER LEE: Mr. Chair, ni hao in Chinese.

CHAIR SINENCI: Ni hao ma.

COUNCILMEMBER LEE: Very good.

CHAIR SINENCI: Mahalo. And from West Maui, we have Tamara Paltin.

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

July 2, 2019

COUNCILMEMBER PALTIN: Aloha auinala, Chair.

CHAIR SINENCI: Aloha auinala. Oh, and coming down to also join us is Yuki Lei Sugimura from Upcountry.

COUNCILMEMBER SUGIMURA: Aloha, Chair.

CHAIR SINENCI: Aloha. Our non-voting Members are Mr. Hokama and Ms. Rawlins-Fernandez if they do decide to join us today. On the Council floor, today we have Richelle Thomson from our Corporation Council. We have some Administration representatives, Mr. Jordan Hart, from the Department of Planning; Mr. Jim Buika, Senior Planner; Mr. Stephen Welling from the Department of Public Works. I don't see Ms. Terryl Vencl. She might be en route. And also, Ms. Fukumoto from the Administration. Today, we also have Mr. Paul Sensano, the Boating Division Maui District Manager. Mahalo, Mr. Sensano, for joining us today. And then we're also expecting Mr. Ornellas if he does come, walk in today. For our Staff, we have Ms. Kasie Apo Takayama, aloha; Ms. Leslee Matthews, Legislative Attorney; Ms. Nicole Siegel, Committee Secretary. Hana District, we have Ms. Mavis Oliveira-Medeiros; Lanai District, we have Denise Fernandez; and Molokai District Office, we have Ms. Zhantell Lindo. Today, Members, we have two items, EACP-9, the Sustainability and Restoration of Traditional Hawaiian Fishponds; and EACP-6, Visitor Impacts to County Environmental and Infrastructural Resources. And both of these items have been deferred on previous meetings, and so, we're just following up on some of the...these items today. 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 the District Office Staff. Testimony will be limited to 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 the connection to the Council District Offices. I'll call on Ms. Mavis Oliveira-Medeiros in our Hana Office. Mavis, you have any testifiers there?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. This is Mavis Oliveira-Medeiros from the Hana Office. There is nobody here currently waiting to testify.

CHAIR SINENCI: Mahalo, Mavis. Ms. Denise Fernandez, from our Lanai District Office?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR SINENCI: Mahalo. Ms. Zhantell Lindo, from our Molokai District Office, any testifier?

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

July 2, 2019

MS. LINDO: Good afternoon, Chair. This is the Molokai District Office and there are no testifiers.

CHAIR SINENCI: Thank you, Ms. Lindo. And the Chair recognizes Mr. Daniel Ornellas. Mahalo for joining us, the District Land Agent, Land Division of the Department of Land and Natural Resources. So, with that, we'd like to begin our testimony. Ms. Apo Takayama, do we have any testifiers?

MS. APO TAKAYAMA: Yes, Chair. The first testifier is Paula Kalanikau, testifying on EACP-9, to be followed by Vernon Kalanikau.

MS. P. KALANIKAU: Aloha.

CHAIR SINENCI: Aloha.

MS. P. KALANIKAU: Thank you, Council Chair [sic] and Members of the Council for having me this afternoon. My name is Paula Kalanikau. I'm the mom of Vernon Kalanikau. I'm also a resident of Kihei known as Kula Makai. I've lived there for 56 years. So, that's back down when we look back, it's back down in 1963, roughly. My family lived in that area for a long time and enjoyed the Ko'ie'ie Pond that we are currently concerned about. My husband who was Moses Kalanikau is also one of the founders of the Kihei Canoe Club. And as you probably know recently, there was an article in the paper regarding the phase one and the club, and it is very difficult for me to stand up for what is right, and that I did have to ask this particular club to abstain from it during the fishpond, as I feel as kupuna that it is improper to do so because of the inability of the fish to grow and to give us the opportunity as kupuna and children to be able to also go and harvest the limu and the fish as we once did years back. So, I plead with you to consider all this that is brought to you to think about what is important and our future not only now but in the future for our children. How can we...how can you all help us to make this possible? And I know that currently, there is a process of doing...they're doing some . . .(inaudible). . . for the canoe. For the pond right now, there is an activity coming up this weekend, and that is pono; however, we do need more time for the people to know that these things are coming up because we cannot do it in a one-week's notice 'cause we already have something in memory of my husband coming this week as well to celebrate the kupunas of the past as well as in the future. I mahalo you all for the time and I beg your kindness to consider. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Kalanikau. Members, do you have any questions for Ms. Kalanikau? Seeing none, thank you for your testimony.

MS. P. KALANIKAU: Thank you. Mahalo.

MS. APO TAKAYAMA: The next testifier is Vernon Kalanikau, to be followed by Foster Ampong.

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

July 2, 2019

MR. V. KALANIKAU: Good afternoon, Councilmembers and Chair. Hey, that was classic. We never stay together me and my mom and we live next-door to each other. So, this is the most I get to see her anyway but mahalo, mom, for showing up. But, you know, reading the agenda, as far as the jurisdictional part, you know, it's already determined already for the State and the nonprofit that operates in that fishpond. So, that's their lease agreement that's set. So, as far as the County seeking or whatever this agenda means for jurisdictional kind of stuff, you know, right now it's just a County park and permitted process if they're going to use the park in relationship to the nonprofit. So, that's still functioning. What I would ask the County if, you know, the help that I would need is, you know, the County Parks can at least follow up somehow with the nonprofit as far as their activities, their recreational activities, they got to sell canoe rides or something, to keep them going to function, you know, but it's in the County park, you got to go through the process of the permitting process, you know, if that can be followed up. I don't know how you do that. That's may be a lot to be asking. The other one is, you know, if you guys could the County, you know, I know Kelly King, you know, had the idea of, you know, trying to kakou all these wetlands that we have left in South Maui. We only get like 23, 25 percent of it. We're working on it, our little hui, and we're almost there, you know. So, that's the help we need. We need to preserve whatever mauka of this fishpond Ko'ie'ie. So, I'm so into preserving the wetlands because it relates to the fishpond. So, whatever happens inland mauka, the springs still exit out through Maui Lu, Koa Resort, and part of the fishpond. What the fear that I'm worried about is the Kihei High School, above Kihei High School, right above the Piilani Highway, there have been, you know, dynamiting a lot, lost track. What I'm afraid of, they could possibly affect the aquifer below. I know on the property get at least one well. I heard they get maybe two wells but at least one. That water goes out into Kulanihakoi muliwai and the fishpond and the fronting shoreline areas. If we deplete that water, then now we're talking where does the State come in and whether the County come in because we're dealing with resource, the spring from mauka to makai. So, we have to think about that pond. So, whose kuleana that going to be? You know, you cannot divert that water, you cannot deplete it, you cannot cut it off. That water has got to reach the kai, and that's my fear right now, the...as far as what's on the agenda, restoration, restoration is put back what was. Revitalization is one whole different term of, you know, to be inspired or a feeling to bring new life and vitality to something. So, we got to restore if the County is onboard with that. Mahalo.

CHAIR SINENCI: Thank you. Thank you, Mr. Kalanikau. Members, any questions for the testifier?

COUNCILMEMBER KING: I have a question.

CHAIR SINENCI: Chair King and Member Lee afterwards.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Vernon.

MR. V. KALANIKAU: Yeah.

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

July 2, 2019

COUNCILMEMBER KING: So, the...when you were talking about the canoe operations in the fishpond, are those commercial operations? Are they charging people?

MR. V. KALANIKAU: Yeah, you know, and they made it, you know, we had that public meeting at the Whale Sanctuary, and it was explained. You know, they no more like one good budget but they do canoe tours and they sell tours online, you know, and they got to access the park, you know. When they purchase those tickets online, they still got to access the park, and maybe even gather in the park before they go on the canoe tours. But my thing is you got to do what you got to do, but you can't put the canoes outside the fishpond where it used to be, you know. So, why the canoe stay on the sand dunes on the poi hoi and the kaunaoa, the native plants. That's not right.

COUNCILMEMBER KING: So, this is a...it's not Kihei Canoe Club, it's not Maui Canoe Club.

MR. V. KALANIKAU: No, it's the 'Ao'ao --

COUNCILMEMBER KING: This is...

MR. V. KALANIKAU: --O Na Loko I'a O Maui, the nonprofit.

COUNCILMEMBER KING: It's a nonprofit --

MR. V. KALANIKAU: Yeah, it's a --

COUNCILMEMBER KING: --but they're --

MR. V. KALANIKAU: --nonprofit.

COUNCILMEMBER KING: --charging.

MR. V. KALANIKAU: Yeah.

COUNCILMEMBER KING: But they're charging for the...okay. All right. Thanks.

MR. V. KALANIKAU: You're welcome.

CHAIR SINENCI: Thank you. Ms. Lee?

COUNCILMEMBER LEE: Thank you, Mr. Chair. Hi, Vernon.

MR. V. KALANIKAU: Hi.

COUNCILMEMBER LEE: So, I was wondering when you're talking about the...them using dynamite to build the...develop the Kihei school, you know, that area is all blue rock, yeah? And --

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

July 2, 2019

MR. V. KALANIKAU: Correct.

COUNCILMEMBER LEE: --there's no other way to get...

MR. V. KALANIKAU: There's no other way --

COUNCILMEMBER LEE: Yeah.

MR. V. KALANIKAU: --so...but under those blue rock get a lot of voids, you know, and that water still come from mauka and it exits out. So, they got to dynamite. But if those aquifers below expand or crack, and where that water going to go, that water, no...if it doesn't reach the kai, for me, as one kanaka and the kuleana, which I'm not going to explain right now, but it's...it...that water got to reach the kai. That's the circle of life, you know, top to bottom, and then up, that's the circle of life. If we cut that, that's my fear. If we cut that flow of water, and if that water no reach the fishpond, then there is no restoration to that fishpond.

COUNCILMEMBER LEE: I'm wondering --

MR. V. KALANIKAU: So...

COUNCILMEMBER LEE: --if the developer, and if you've ever talked to the developer?

MR. V. KALANIKAU: Yeah, I came later, you know, when this project had...

COUNCILMEMBER LEE: Already started?

MR. V. KALANIKAU: Yeah. So, this is all something that occurred to me like month-and-a-half ago. But the other thing I wanted to ask if you guys don't mind was include us, you know, myself and Aha Moku, right at the beginning of any projects that happen in Kula Kai. No go look at other cultural practitioners that they're not from there, you guys got to come to me and we nail this at the get-go before this kind issues creep up later. So, that's easy.

COUNCILMEMBER LEE: I think --

MR. V. KALANIKAU: That's...

COUNCILMEMBER LEE: --we're...we'd be very open to that.

MR. V. KALANIKAU: Correct.

COUNCILMEMBER LEE: I'm hoping that the dynamite doesn't continue much longer so you can check.

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

July 2, 2019

MR. V. KALANIKAU: You know...

COUNCILMEMBER LEE: Yeah, I know it's a State project but, you know, they're only going to dynamite so much and then stop, right?

MR. V. KALANIKAU: Yeah, so, going back to the agenda, you know, as far as County where they --

COUNCILMEMBER LEE: Yeah.

MR. V. KALANIKAU: --want to situate themselves --

COUNCILMEMBER LEE: Yeah.

MR. V. KALANIKAU: --related to fishpond. This one example, you know, if let's say the aquifers or the spring had one negative effect or impact to the kai, who are going to be pointing fingers at each other now? You know, is it State or is it County? Because that's what we deal with anyway today, you know. So, I just going based on what I read the agenda, so.

COUNCILMEMBER LEE: Okay. Well, thank you very much.

MR. V. KALANIKAU: Thank you.

CHAIR SINENCI: Thank you, Ms. Lee. I had a question. You know, we've been having a lot of hotels that have concerns about shoreline erosion. And so, you know, and looking to build, to harden the shoreline to protect their properties along the shoreline, do you feel like fishponds could, well, technically do that, and also promote food security?

MR. V. KALANIKAU: Yeah, so, yeah, I'm just going to spill the beans right now. So, you know, and Uncle Kimokeo who's here, you know, we had conversation with this landowner on Halama Street. He wants to put eight to ten groins going out from Halama Street out to the ocean. So, I met with the owner along with couple other people from KCA, and I entertained the idea, shucks, yeah, maybe we close a couple of them because all in front Halama Street to Saint Theresa Church was all fishponds. And if you go in front Halama Street, and you just walk into the shoreline, the water all cold. So, it's all the water that comes from mauka Keokea and Waiohuli that goes through this Welakahao Village project that we're intervening right now. We cannot...we...see, that wetland it's going to negatively impact in front Halama Street. They're going to put the groins. I'm not supporting it because I don't know too much about it, but I gave them the idea with a larger hui behind me, let's close up a couple of those groins and make little fishponds 'cause get limu already.

CHAIR SINENCI: All right. Mahalo --

MR. V. KALANIKAU: So --

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

July 2, 2019

CHAIR SINENCI: --for that.

MR. V. KALANIKAU: --that's the idea, so.

CHAIR SINENCI: Mahalo. Any more questions for Mr. Kalanikau? Mahalo, Vernon --

MR. V. KALANIKAU: Yeah --

CHAIR SINENCI: --for being here.

MR. V. KALANIKAU: --thank you.

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, the next testifier is Foster Ampong, to be followed by Sharon Leimomi Mynar. And, Chair, we have one testifier on Molokai.

CHAIR SINENCI: Okay.

MR. AMPONG: Aloha, good afternoon, Councilmembers --

CHAIR SINENCI: Aloha.

MR. AMPONG: --Committee Chair Sinenci. My name is Foster Ampong. I'm from Wailuku. I live in Waiehu. Regarding item EACP-9, Sustainability and Restoration of Traditional Hawaiian Fishponds, I am definitely for this in its organic and holistic context. So, a lot of the...a lot of good points were brought up thus far by the testifiers, and also, you know, by the Councilmembers. What I want to share with the Committee and the Chair is that when we're speaking and we're talking about traditional Hawaiian fishponds, for me, my processing in addressing issues or concerns towards your remedy is first, what's the legal definition of a traditional Hawaiian fishpond? I, myself, being Hawaiian, coming from Lahaina, growing up there, having within my genealogy, within my cultural background, ancestors that actually lived and sustained themselves off of fishponds like most of us Hawaiian families have done throughout the millenniums, traditional Hawaiian fishponds are for cultivating fish and limu, making food, period. Activities such as recreational activities, activities outside of the definition of our cultural or traditional Hawaiian existence prior to Western contact is completely different than what we see and what we experience today. For me, traditional Hawaiian fishpond is to make food, period, to sustain a community. Recreational activities, educational components, which is not a bad thing, but in the context of Hawaiians teaching their children for generations about the, what a fishpond is, how to take care of it, what it means not only to the present generation but future generations is much more different than what I'm seeing happening today. So, we look at Ko'ie'ie Fishpond. That's a fishpond. And so, I can explain this further and give you more details. I know my time is almost up. I have 22 seconds left. But

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

July 2, 2019

the Hawaiian fishponds, sustainable, restoring the fishponds, we're also talking about its environmental components, mauka to makai, the connectivity with everything mauka that comes into the wetlands down into the shorelines and out into the ocean. This I can go into more detail, and I'm happy to share with you. Sorry. I know my time up.

CHAIR SINENCI: Mahalo, Mr. Ampong. Members, any questions?

COUNCILMEMBER KING: I have a question.

CHAIR SINENCI: Chair King?

COUNCILMEMBER KING: Thank you. Thank you for being here, Mr. Ampong. So, what's happening with current practices of restoring fishponds is different from what you're describing as traditional, is it?

MR. AMPONG: Okay. If you look at, I believe Hawaiian Airlines recently had an article out that explained the efforts and the work that have been done on Molokai. I can't give that to you now in detail. I don't have it with me. But what I'm referring to, I can look at Kula Kai at Ko'e'e Fishpond, it is a fishpond that was built hundreds if not over a thousand years ago. And today, the fishpond is...the last time I went there which was about a month ago, there were canoes being launched from the beach. There were canoes coming into the fishpond through an open area in the wall. There were tourists wading in the water chasing the turtles, and then there were paddle boarders. When I look at the current organization that has the lease for Ko'e'e, which is 'Ao'ao O Na Loko I'a O Maui, a nonprofit group, they have a lease currently with DLNR, and that lease says that they're able to do recreational activities. They can use the fishpond for recreational purposes. I understand semantically and legally, that's in the contract. That's what their lease says, it's a contract. But in a cultural, spiritual, traditional sense, because you have that verbiage within the contract, it's not traditional. So, you can talk to most Hawaiians and they will say, when the fishponds were being cultivated hundreds, two hundred, three hundreds, a thousand years ago, it wasn't for recreation at all. It was to make food, period.

COUNCILMEMBER KING: Okay.

MR. AMPONG: And that's what I meant.

COUNCILMEMBER KING: Okay. That's a great explanation. Thank you.

MR. AMPONG: Yeah.

CHAIR SINENCI: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. So, the openings had no makaha?

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

July 2, 2019

MR. AMPONG: In fact, you can fit two canoes, you know, with the ama, side-by-side and go through, but obviously, they come in and out one at a time. No, no makaha. There's no makaha.

COUNCILMEMBER PALTIN: And how long is your history with this? Have you seen restoration progress from, you know, the walls, are they getting restored or not?

MR. AMPONG: I know Keeaumoku, Walter Ritte, several years ago, they came in and they started to do restoration. I know the nonprofit has had volunteers come in to restore the walls. I think there is one. I don't know if it's even a makaha but it's on the south-side of the fishpond. It's up along the shoreline but it's just standing there. It's not a partitioning. It's not a makaha, you know. So, there have been efforts, and then of course, there was the tidal wave, there was the earthquake. There was damages that the fishpond sustained. So, yes, there have been efforts to put it back together. But when we say restore and we say sustainability, is it for commercial tourist purposes or is to make food --

COUNCILMEMBER PALTIN: But you --

MR. AMPONG: --you know?

COUNCILMEMBER PALTIN: --are seeing progress in the restoration?

MR. AMPONG: I would have to say no, I'm not seeing progress. I've seen work and efforts towards that. But for me to say...stand here and tell you that there is progress in the context of a traditional Hawaiian fishpond, I will have to say no, I don't see the progress at this moment.

COUNCILMEMBER PALTIN: Thank you.

MR. AMPONG: Yeah.

CHAIR SINENCI: Mahalo. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Oh, one moment. So, just curious. So, what you see at the fishpond today or through the years, how long have you been checking it out or been part of it just...

MR. AMPONG: Oh, I lived in Kihei, Kula Kai, back in the '80s. I frequented it in the '70s, you know, not just the Kihei-Wailea-Makena area but the fishpond area as well. What I'm seeing is that collectively, we can actually restore the fishpond. We can actually bring the fishpond back into its original purpose and use to make food, the fish, the limu, or what have you. It's doable, completely. But for me, what's important is that if we're going to the State, if we're going to go and say let's restore a traditional Hawaiian fishpond, then I would want to know and I would want to be assured that that's what we're doing, we're doing it for a traditional Hawaiian fishpond, not for a

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

July 2, 2019

tour company to come sell tickets, you know, so tourists can come and enjoy that. I mean, you know, really, we could restore the fishpond, implement educational program in there. We could invite malihinis to come and restore the fishpond, making it functional as a fishpond, not as a recreational area, and then in return, cultivate the fish and the limu and feed the community with that, with the help of our visitors, with the help of non-Hawaiians, if you would allow me to say that in this context. We can actually do it altogether holistically, and it's doable. We just got to have the will to do it. You know, we got to stop and say, okay, I'm not going to exploit the fishpond anymore for tourism. I'm not going to act like, okay, you know, we Hawaiian 'cause we went put couple rocks back on top and the fishpond is restored, but then we're bringing in all this commercialism. And really, I'm trying to be very polite and I'm trying to be honest and real with this --

COUNCILMEMBER SUGIMURA: Can I just...

MR. AMPONG: --'cause I want remedy.

COUNCILMEMBER SUGIMURA: May I ask him --

MR. AMPONG: I see remedy.

COUNCILMEMBER SUGIMURA: --another question? I understand what you're saying. So, my next question is what do you see today, if you have been visiting it from the '70s or '80s, but what do you see today that does not sit with you to make it culturally acceptable? Is it the canoes that are there? And if that disappeared, would you be okay?

MR. AMPONG: The canoes is one part of it. Another part of it that does bother me...okay, on a cultural sense, we can...the fishpond, if you just leave it full, cultivating fish and limu, all the other activities that are non-Hawaiian or non-fishpond-related in its traditional, customary context, can happen outside of the fishpond, on the other side of the wall. And so, you know, if people want to come and see all the turtles and the honus that come in and out of the fishpond, okay, come to Kalepolepo Park, you know, that's a County park. They can watch and they can see that. But it bothers me when I see these tourists going in there chasing the turtle, and then trying to take picture, take selfies with the turtle, and try to pet the turtle. I mean, you know, I --

COUNCILMEMBER SUGIMURA: Thank you.

MR. AMPONG: --call that maha'oi --

COUNCILMEMBER SUGIMURA: Thank you.

MR. AMPONG: --if, you know, so.

COUNCILMEMBER SUGIMURA: Thank you.

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

July 2, 2019

MR. AMPONG: Okay.

CHAIR SINENCI: Okay. Thank you, Mr. Ampong, for your testimony. Ms. Apo, we'll take one more testifier, and then we'll go to Molokai District Office.

MS. APO TAKAYAMA: Okay. Chair, the next testifier is Sharon Leimomi Mynar.

MS. MYNAR: Aloha ke akua ku'u 'ao'ao, stand by my side. I come from my original home was Hana. My mom was born in Hana. My dad came from the Philippine Islands. I'm almost 70 years old, and I'm going to stand firm for our family, our ancestors, and our kupuna. I have learned so many things now because our loko, the fishpond in Haneo'o is connected to a land that we don't own. The only thing I take care of that and protect is our fishpond and the gravesite, where we got couple chiefs that are buried there and a princess. So, I'm going to stand firm. When I see a land that was taken away from our family, which was sold by someone from your family, which was a land, a sacred land, a land that not supposed to be sold. It was Mahele land. But today, I look around, it's all these people. I'm saying this for my family, okay, I see all these people come to our islands that God had created for all of us. He created us the world. When you have people that come to our place and they have all this money in their hand, they want to buy a piece of property. That's what they want, to make things better for themselves, not for our family for who we are. Learn the legend. Learn the history of any land that is bought here on the island of Maui. This island is the last sacred land for all you to know. Okay. I'm not going to give up as long as I'm on this world. This is my job. When I went up to heaven, I came down. I was in a coma for four days, and I've seen what was going on. I'm not afraid to say what I want to say. I have a wonderful nephew here, Leo. He has all the important words that he'll come up and set it down to all of you. My great-grandfather was married to my great...I call her my great-grandma too, Mary Ann Kealoha Huihui. Okay. She was the one that was given the land by King Alapainui's only niece he had. Before she passed away, she was asked to lean on the side, which was on the right side. The land fell into the hands of my great-grandma, Mary Ann Kealoha Huihui. She passed away August 2, 1849. So, folks, I was born a 100 years after her, August 2, 1949. So, whoever comes to our islands, mess around all the beachfront properties is they want to have view for themselves, they don't have the love for our people. What about our Lord, he created all of us, show some respect for Him, praise Him. Our people should understand to praise the Lord too because he had a reason why He gave us all of our land. But if we just lean back and ask the questions, we don't get the answer, we are wasting our time. And the other thing I want to say, when I was born, God didn't tell me you have three minutes to speak what you want to say, no, He didn't do that. Again, the rule was made to the mankind, not to Him, and that's all I have to say. May God bless and take care all of you.

CHAIR SINENCI: Mahalo, Ms. Mynar.

MS. MYNAR: Mahalo.

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

July 2, 2019

CHAIR SINENCI: Any questions for the testifier? Thank you for your testimony. We'll go to Molokai District Office. Ms. Zhantell Lindo, go ahead.

MS. LINDO: Aloha, Chair. This is Zhan at the Molokai District Office, and we have one testifier, Walter Ritte.

CHAIR SINENCI: Mahalo.

MR. RITTE: Aloha, Chair and Councilmembers.

CHAIR SINENCI: Aloha.

MR. RITTE: My name is Walter Ritte from Molokai, and I'm here to talk about fishponds, which is extremely important for the island of Molokai. We have decided on Molokai that we're going to stop playing defense and we're going to get into offense and bring the next generation to figure out the economic future of this island. And so far, food production is one of the best and most important concerns on this island, and that's because Molokai was aina momona, and aina momona because of our reef system. We have 14,000 acres of reef, the largest consecutive reef system in Hawaii, and our North Shore valleys, four valleys with millions of gallons of water and wall-to-wall terraces. So, aina momona can produce enough starches and taro for not only Molokai but outside of Molokai. Our reef system can produce enough protein to feed Molokai and our fishponds can produce enough babies to stock not only Molokai's reefs but the reefs of the State of Hawaii. So, we believe that our North Shore and our fishponds is a huge part of the future of Molokai. So, we've been talking on Molokai about fishponds since the early 1900s, not 1900 but 1990s, I'm sorry. And we formed a Molokai governor's task force on Molokai for fishpond restoration, and that was in 1992. And we also had stuff that we've taken to the Legislature to have the State of Hawaii participate. So, I'm here to testify today that we are going to need the County's support and help if our dream of having food production on Molokai in our fishponds come true. We had put together resolutions to the County Council from the times of Pat Kawano, Councilman Kawano, and we had a lot of support from the County during those days. Then came the last Administration, and we stopped getting any support from the last Administration. Public Works refused to help us. So, we did another...they demanded another resolution. We put together another resolution for the County to support, and they still wouldn't support. So, I'm hoping that this Council would encourage the Administration and Public Works to kokua fishpond restoration in any way that they can. And each fishpond is going to need different kinds of help so the resolution was broad enough to allow Administration and Public Works to help in any way that they can. So, some of the things that we talked about --

MS. APO TAKAYAMA: Three fifteen.

MR. RITTE: --that will be needed if we're going to be successful --

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

July 2, 2019

CHAIR SINENCI: Mahalo.

MR. RITTE: --and this can be found in the 1992 Governor's Task Force on Molokai Fishpond Restoration that was headed by chairperson William Paty, who was the head of DLNR at that time --

MS. APO TAKAYAMA: Three thirty.

MR. RITTE: --and it was --

CHAIR SINENCI: Mahalo.

MR. RITTE: --called the Governor's Task Force on Molokai's Fishpond Restoration. One of the --

CHAIR SINENCI: Mahalo.

MR. RITTE: --main things that the task force recommended was to build a hatchery, and that was asking the State to build a hatchery. So, maybe the County can have a resolution encouraging the State to build a fishpond hatchery that would service all the fishponds in the State of Hawaii.

CHAIR SINENCI: Mahalo, Uncle Walter.

MR. RITTE: And the...

CHAIR SINENCI: Okay. We have any, Members, we have any questions for Mr. Ritte? We have Chair King with a question for you.

COUNCILMEMBER KING: Hi, Uncle. How are you doing? Thanks for --

MR. RITTE: Aloha.

COUNCILMEMBER KING: --phoning in. Aloha. I just wondered if you have...so, I've seen some of the fishponds that are being restored on Molokai, is there a plan being put together or do you already have a plan for distribution once you get the fish populated in there, how the distribution would work?

MR. RITTE: What was the last question? Distribution, is that the word you used?

COUNCILMEMBER KING: Right. How you're going to distribute the food to the people of Molokai?

MR. RITTE: Okay. I'm having a hard time...

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

July 2, 2019

COUNCILMEMBER KING: Oh, we lost...are you still there?

MR. RITTE: Yeah. The fishponds, if you wanted...the fallacies is when we talk about fishponds and what we're going to do with fishponds, we use American and business kinds of terminology. I think it's important to realize that these fishponds were not high-producing fishponds. We...the fishponds weren't like...put fertilize in there to grow more limu in order to get more fish per square foot, in order to get the price up, in order to pay for this, pay for that. Fishponds were built in different ahupuaa. We have like 53 fishponds. So, each fishpond was...the amount of fish that you produce in these fishponds are dependent upon the natural elements, and the natural elements were how much freshwater that was coming into your pond and the freshwater that was needed to grow the limu, and the limu that the fish ate because you only grew limu-eating fish. You never grew carnivorous fish that were going to eat all the babies. So, it was...each district would feed their own district. So, we don't have any plans to become...to feed all of Hawaii or to produce so many fish per square foot in order to get so much money in order to get...we don't have business plans for our fishpond. These fishponds got to be done, you know, with the smallest amount of footprint as far as the kinds of negative impacts you have on nature, but in fact to allow the moon and the sun to change your water twice a day, to allow your rivers and your fish and your taro patches to bring nutrients into your pond, to allow carnivorous fish, a little bit of carnivorous fish in case you have some kind of a disease in your fish, those carnivorous fish would eat the sick fish so that you don't have to put any kind of chemicals in there to take care of your sick fish. It doesn't matter what you're sick of, you're going to get eaten. So, I guess what I'm trying to say is that these fishponds are Hawaiians working with nature. So, we don't have the kinds of plan that you're asking me to --

COUNCILMEMBER KING: No, I'm not asking...

MR. RITTE: --give you information on.

COUNCILMEMBER KING: No, I'm not asking for a business plan. I'm just wondering if you have a community plan for, you know, how you would distribute the fish. But, you know, we can talk offline --

MR. RITTE: Yeah, but --

COUNCILMEMBER KING: --probably over there.

MR. RITTE: --the important thing to realize about fishponds is that in the State of Hawaii, any lands below the high-water mark is public. Fishponds are the only entities below the high-water mark that are private. Fishponds have tax map key numbers. People pay taxes on it. It's private property. That's really, really critical to understand because people cannot...if you're doing research or if you're doing, growing fish, people cannot come in there and harvest whenever they want to harvest.

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

July 2, 2019

COUNCILMEMBER KING: Okay.

MR. RITTE: These are private properties. So, in that sense, it's very, very important entities in the State of Hawaii.

CHAIR SINENCI: Thank you. Mahalo, Uncle Walter, for your mana'o. Mahalo. Any other questions?

COUNCILMEMBER KING: Mahalo.

CHAIR SINENCI: Ms. Apo?

MS. APO TAKAYAMA: The next testifier...

CHAIR SINENCI: Mahalo.

MS. APO TAKAYAMA: Chair, the next testifier in the Chamber is Leo Caires, to be followed by Joylynn Paman.

MR. CAIRES: Aloha, Chair and Committee. Nice to see all of you. Today...my name is Leo Caires. I'm from Upcountry, and today, I'll be speaking on two items. Well, I don't know if I just speak on one and conclude it, and then start again, Chair?

CHAIR SINENCI: You have --

MR. CAIRES: Would that be --

CHAIR SINENCI: --three minutes --

MR. CAIRES: --appropriate?

CHAIR SINENCI: --each --

MR. CAIRES: Okay.

CHAIR SINENCI: --for each item.

MR. CAIRES: Okay. Mahalo. So, what I wanted to start is on EACP-9. When I think about the sustainability and restoration of traditional Hawaiian fishponds, loko i'a, I think about who built it and why. The loko i'a connects us to times, places, and events that were significant in the collective past of kanaka maoli even before the establishment of the Hawaiian Kingdom. The fishponds have both physical and spiritual purposes. One purpose in building a fishpond was to secure the survival of a people and a culture through food production. My family owns a loko i'a named Hokuula. It means the red star, and it's over ten acres in size. It has a kuapa design, and it connects two points of land that extend into the ocean with a 900-foot long wall that's 40 feet wide

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

July 2, 2019

and approximately 3 feet high. The loko is situated at the bottom of the ahupuaa of Haneo'o in Hana and is the most well-known fishpond between Koki Beach and Hamoa Beach in the east side of Maui. It is hundreds of years old. It has been noted that King Kamehameha I came to help our ohana rebuild it. Our family continues to actively pursue means in order to preserve and protect the pond for the next generations especially from some of the residual damage that was done in the tidal wave of 1946 that took the lives of my three uncles. I've been involved in restoration projects of loko i'a and just returned one from Molokai. It is pretty hard work and laborious but the outcomes create several impacts to the people and the place. The loko i'a brings communities together and also defines the identity of the place while producing a wealth of resources by way of food, cultural education, and cultural practicing. In the context of this agenda item, we would ask you, as a body, your support, our community efforts to help protect these amazing structures by ensuring regulatory agencies ensure compliance from developments that could present harm to the health and sustainability of these ponds, which we are experiencing in our family right now. I would encourage all of you today if you have time to reach out to owners, managers of loko i'a in our community, or consider participating yourself in a restoration work of a pond. I can assure you, your eyes will see things completely different and your hearts will open wider, even wider, to the strangers who stand next to you carrying a huge pohaku that could smash your feet. That concludes my testimony on that first item, Chair.

CHAIR SINENCI: Mahalo, Mr. Caires. Any questions for the testifier? Seeing none, you can go ahead on to your next item.

MR. CAIRES: Okay. Mahalo. I just wanted to add today, as I noticed this agenda item, so I wanted to just share some thoughts today that came to mind as I saw it, on the posting. This is EACP-6, Visitor Impacts to the...to County Environmental and Infrastructural Resources. When I think about the visitor impact to the environment and infrastructure, I think about the long-term impacts on the future of my children, my family, my friends, and neighbors who all live in Maui. When I drive down from Upcountry towards town, it's very difficult to ignore the growing Central Maui mountains of trash dominating the landscape. The trash is buried with dirt and sprinkled with grass just so that it becomes out of our sight and out of our minds. According to the EPA, a person on average throws away about four pounds of trash a day. So, if you times that to 2.9 million visitors, that's a pretty significant amount of trash. I think about the waste fluids from all that trash entering the ground and permeating out to the reefs in Maui where our children, our neighbors play on the beaches in the future if that hasn't already occurred. I think about the sand on our beaches and how I continue to read about the increasing levels of bacteria concentrations and how harmful that is becoming for our community. I think about visitors eating freshly-caught fish, and then I think about the children I see on the side of the road holding their fish poles, sitting along the reef for hours not catching anything. I think about how we as a community have ensured that 2.9 million visitors have access to water in Maui at the turn of a dial in a hotel room where we as a community cannot even provide access to water or water meters for less than

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

July 2, 2019

2,000 people waiting on a waiting list. I think about how many visitors are landing on Maui each month. The amount of people visiting Maui if you can imagine is nearly twice more than the entire population of Maui going on and off in a 30-day cycle. I think about our new rental car facility with covered parking at the Kahului Airport, you know, what a fancy structure with miniature sugar trains moving people around while our people in our community get to park in the rain outside and wishing they could park in covered parking too. I think about the visitors enjoying the warm pizza ovens fired with amazing smell of burning kiawe wood cooking in the night and how fun that must be, and then I think about the rancher who sees a depletion of kiawe trees he once could afford to use as a post to fence in his cattle. Some of these thoughts are not to point out the finger to any one person. It just makes me think about how we have led ourselves to this point. I recognize the economic allure of the visitor industry. It certainly has a means to create too many jobs for too many people on islands that are too small. The pressures place on our environment and infrastructure from this industry is a social experiment --

CHAIR SINENCI: Closing remarks.

MR. CAIRES: --which test the patience of our community. That concludes my testimony.

CHAIR SINENCI: Mahalo, Mr. Caires. Members, any questions? Member Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Aloha, Mr. Caires.

MR. CAIRES: Aloha, Mike.

COUNCILMEMBER MOLINA: Good to see you again.

MR. CAIRES: Nice to see you.

COUNCILMEMBER MOLINA: And thank you for bringing up that point about, you know, the...a parking structure for rent-a-cars and no roof for our residents to park their cars at the airport. But, you know, I appreciate the...from you, the sight of someone, a resident who's been here a while seeing the impacts. Do you believe that it's high time for this County to consider maybe doing some type of study to see the impacts of the visitor industry to help us better plan and deal with the impacts?

MR. CAIRES: Thank you. Yeah, thank you for the question. I would certainly support, and I think it's warranted at this point in time to have an assessment formally done. Because when you are in the community, we can all have that situational awareness among our peers and community that that's a big concern for them. So, certainly, as long as I have been here on Maui all my life, I can certainly see that it will be a...it's the appropriate time to take on something like that.

COUNCILMEMBER MOLINA: Okay. Thank you.

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

July 2, 2019

MR. CAIRES: You're welcome.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR SINENCI: Mahalo. Do you have any questions? Thank you, Mr. Caires, for your testimony.

MR. CAIRES: Mahalo.

CHAIR SINENCI: Ms. Apo?

MS. APO TAKAYAMA: The next testifier is Joylynn Paman, testifying on behalf of 'Ao'ao O Na Loko I'a O Maui on agenda item EACP-9, to be followed by Trinetta Furtado.

MS. PAMAN: Aloha mai kakou. It's wonderful to be here in front of all of you today.

CHAIR SINENCI: Aloha.

MS. PAMAN: Thank you for having me. My name is Joylynn Paman. I'm the Executive Director of 'Ao'ao O Na Loko I'a O Maui, which is a nonprofit organization in Kihei that helps to take care of Ko'ie'ie Fishpond. And I wanted to testify and mahalo the County for how the County has over the years since the late '90s helped to directly and indirectly help our nonprofit organization restore our fishpond at Ko'ie'ie. The main use is at Kalepolepo Park, being a County park it is the ideal location for students to come and learn about fishponds, the Hawaiian culture, and our marine environment. And over the last 21 years or so since '98, our nonprofit organization has hosted tens of thousands of students and community members who are educated about these different things. We also...the way how we use the park is we host different stations that the students rotate through and these stations often encompass learning about our ahupuaa system, about Kaonoulu. In fact, something that was mentioned today about how the wetlands influence our...the health of our environment, that's one of our lessons. We also tell moolelo, the history about fishponds and Ko'ie'ie, and for the scientific aspects, we focus on water quality and plankton. And in the water we have the students go out and the community members help us lift the rocks, and halehale pohaku, they help bring them all over to the wall, and we help rebuild it together. We also, as you've heard, we have our canoes, our nonprofit owns three different canoes that is right there at the shoreline, and we utilize these canoes as a educational tool to teach our community and students about the ahupuaa system and about our fishponds. By getting into a canoe, these people are able to get right up to the fishpond wall and see the length of the wall and go beyond the wall into our outer reef system. And when you're out there, then you can actually see the impacts of what the environment does to our...or to our environment--no, yeah--how it impacts it and how our reef is and the health of our reef. And then we take them canoe paddling towards Waiohuli Kai Fishpond, which is just to the south of Ko'ie'ie. So...and then the other thing that we do is by being out on the water, you can actually have a great vantage point of seeing Haleakala and being able to teach how mauka connects to makai and

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

July 2, 2019

how our fishponds, ahupuaa of Kaonoulu begins at a place and ends down in the ocean where it at...at the outer reefs. We also help to malama the park on a daily basis. On weekly basis, we're there--oh, shoots--in fact, we also have opportunities to help with infrastructure. We had a group who was interested in actually building a new bathroom there if we wanted to and was willing to pay for it. So, through our programs, we bring in people who want to give back to our community. People are concerned about our canoes and I'd be happy to tell you more about that if...and if there are any questions about it as well.

CHAIR SINENCI: Mahalo. Members, do you have any questions?

COUNCILMEMBER SUGIMURA: I would like to hear about the canoes if --

CHAIR SINENCI: Oh.

COUNCILMEMBER SUGIMURA: --you would allow her to continue.

CHAIR SINENCI: Okay. We'll allow for --

MS. PAMAN: Okay.

CHAIR SINENCI: --closing remarks.

MS. PAMAN: Okay. Thank you. So, like I mentioned, we have three canoes. We got them about nine years ago through a grant, and it is used as a fundraiser for our nonprofit organization, and we pay general excise taxes on it. So, like any other nonprofit organization, there has to be a way to bring in income, and it's very common for nonprofits to host tours to be able to do so. We advertise it through our website and a lot of our participants go on travel reviews and discuss it as well out there. So, the money that we get from it goes back directly into our nonprofit so that we can provide these free educational presentations to schools.

CHAIR SINENCI: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR SINENCI: Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Paman, for your testimony and for your service to the fishponds. My question is, you know, when...so the goal of 'Ao'ao --

MS. PAMAN: O Na Loko I'a O Maui.

COUNCILMEMBER PALTIN: --O Na Loko I'a O Maui is to restore the fishpond?

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

July 2, 2019

MS. PAMAN: We have two components of it, restoration of the fishpond and as well for education. When we did our Environmental Impact Assessment back in 2003, the community voiced their strong concern as to supporting the restoration of the fishpond, which is what we initially wanted to do. However, because --

COUNCILMEMBER PALTIN: So --

MS. PAMAN: --it had...

COUNCILMEMBER PALTIN: --restoration and education?

MS. PAMAN: Yeah, and then that's where I was going to bring in the second part is that they also wanted to make sure that there was a educational component, and that recreational uses of the pond would not be restricted. So, a lot of the discussion that's been happening lately has been focused on within our lease, it's...when it refers to recreational use is that our nonprofit is not allowed to restrict recreational use of the pond based upon the community's input back when we did our Environmental Assessment.

COUNCILMEMBER PALTIN: Okay. So, my question is in preparation for achieving your goal of restoration and education of the fishpond, and you put up the makaha, and then...and the fishpond is restored, the waa won't be able to go into the fishpond anymore at that point.

MS. PAMAN: Right.

COUNCILMEMBER PALTIN: And so, I mean I feel like you could accomplish the same objectives to your fundraiser from starting outside the fishpond and having them come up close to the walls, and then go out into the deeper reefs, and if it's an issue now if you couldn't translocate the canoes to the outside at this point in preparation of the finishing of the restoration. And then the other concern I have is in the educating of our people and our visitors that it's not a good...if we're educating people that it's okay to recreate in the fishpond when it wasn't traditionally a recreating area. Is that message being conveyed that we have to allow recreation because of this but that's not a traditional fishpond usage that this was an area to recreate? It's like going and playing in your icebox or something like that.

MS. PAMAN: Well, in regard to the first part of your question about the location of where our canoes are placed, we place them there because it's within the near boundary of our...where our permit is. So, we don't want to go on to somebody else's property if it doesn't suit them to be able to be doing that, as well as we've been able to help build up the sand dunes that are in that area where some comments have been about the native plants in the area. I recall at one point, our students had helped to do planting of pohuehue so that we would be able to secure the sand in that area. So, that can be taken into consideration for our board members. And as for educating the public that it's okay to recreate, like I mentioned, we do not have any jurisdiction over saying

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

July 2, 2019

what can and cannot happen inside of the fishpond for recreation. So, that's partially why things have gotten to where they have been. It's not that we do or do not want certain things to happen there. It's that we are trying to be as best partners with the State and the County as possible by abiding to what we...our lease allows us to.

COUNCILMEMBER PALTIN: Is your group part of Hui Malama Loko I'a --

MS. PAMAN: Yes.

COUNCILMEMBER PALTIN: --or Kua'aina Ulu 'Auamo?

MS. PAMAN: Yes, we are.

COUNCILMEMBER PALTIN: Do you attend the gatherings?

MS. PAMAN: Yes. I was unable to attend this past gathering in May where this big article had come out. In fact, our current Vice-President, she is Brenda Asuncion, who is the head of Hui Malama Loko I'a for us and with KUA, and she brings great insight as to how things could happen on the State level and how...what's happening...being discussed now with our fishpond could impact fishponds Statewide. And something about restoration of fishponds is that no fishpond is alike. Molokai, Uncle Walter them have problems with invasive species. Heeia had problems with mangrove. Our problem is that we are in a extremely public location. We have Menehune Shores Condominium. We have a County park that hosts hundreds of people on the weekends, and we have a Federal facility. So, we have always been in a location where the community has always utilized it for decades prior to our nonprofit being there. And so, by focusing on education and using our restoration practices as a way to educate them, then that is a way for us to be able to get our message across and become better stewards of it. In fact, the Office of Economic Development has helped support our work and being able to --

COUNCILMEMBER PALTIN: One last...

MS. PAMAN: --do this.

CHAIR SINENCI: One more question.

COUNCILMEMBER PALTIN: One last --

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: --question. Have we...have you guys ever hosted a...

MS. PAMAN: Yeah.

COUNCILMEMBER PALTIN: What year was that?

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

July 2, 2019

MS. PAMAN: Yeah. Probably about four years ago, we had hosted them at our fishpond in September, I want to say September 2014 probably, and then we went out to Hana after that. And the practitioners came, and they helped us build wall. And then the following year in 2015, Uncle Francis Sinenci came and he helped instruct Hui Malama Loko I'a members as to how to build makaha. And that's how our makaha was built by Francis Sinenci and fishpond practitioners so that they could take that knowledge and take it back to their ponds and transfer that knowledge on there.

COUNCILMEMBER PALTIN: Mahalo.

MS. PAMAN: Yeah, mahalo.

CHAIR SINENCI: Okay. We have Chair King and then Member Molina.

MS. PAMAN: Okay.

COUNCILMEMBER KING: Thank you. Thank you for being here so we can ask you some of these important questions.

MS. PAMAN: Yes.

COUNCILMEMBER KING: That was one of my questions was about the terminology of traditional Hawaiian fishpond. So, it sounds like maybe that's not part of your kuleana to make it traditional. But as far as your permits are you...do you have a CORA permit or you have a different --

MS. PAMAN: We have a --

COUNCILMEMBER KING: --type of..

MS. PAMAN: --CDUP, Conservation District Use Permit.

COUNCILMEMBER KING: A conditional use permit?

MS. PAMAN: Yes.

COUNCILMEMBER KING: Okay. And that's from the State or the...you said State --

MS. PAMAN: From the --

COUNCILMEMBER KING: --owns it.

MS. PAMAN: --State, yeah.

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

July 2, 2019

COUNCILMEMBER KING: And that's a State permit. Okay. And then when you take out...when you're charging to take...do you charge to take students out?

MS. PAMAN: No --

COUNCILMEMBER KING: 'Cause you're...

MS. PAMAN: --our present...our education program is offered free and --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --a lot of times it's volunteers. We have very little --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --paid --

COUNCILMEMBER KING: And --

MS. PAMAN: --staff.

COUNCILMEMBER KING: --what's your...what's the student clientele? Is it all schools on the island that come by or is it limited...

MS. PAMAN: We have regularly had Kamehameha's fourth grade and seventh grade come. Annually, Makawao Elementary comes. We have classes...Kamehameha III comes. We have about maybe about 20 or 30 classes that come every year at least.

COUNCILMEMBER KING: Okay. And those are all free?

MS. PAMAN: Yeah.

COUNCILMEMBER KING: And then so you're charging the tourists only or what --

MS. PAMAN: The only thing --

COUNCILMEMBER KING: --is the charge...

MS. PAMAN: --that we charge for is for our canoe tours and the money that's raised, it --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --goes straight back into our nonprofit.

COUNCILMEMBER KING: Okay. That's what I was going to ask you. So, you charge for your tours, is that to tourists or...and when is that? Who is your clientele for that?

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

July 2, 2019

MS. PAMAN: Anyone who wants to sign up. We have local residents who sign up. We have people from New York sign up. And our goal with it also besides teaching about the value of fishponds is to create better stewards of these people who come to our islands with visitors. I mean that's part of how we work with the Office of Economic Development was by the County support, we would be able to offer a unique tour to the...to anyone, residents and visitors, and show them the value of our culture and the environment, and how to be better stewards of it. So, we in turn create this ripple effect and generationally --

COUNCILMEMBER KING: Okay. So, your program --

MS. PAMAN: --impact.

COUNCILMEMBER KING: --is kind of the same for the paid tours or the paid adults --

MS. PAMAN: Oh, yeah.

COUNCILMEMBER KING: --it's also for the --

MS. PAMAN: Yeah.

COUNCILMEMBER KING: --student but you just charge them for --

MS. PAMAN: Yeah.

COUNCILMEMBER KING: --the same experience.

MS. PAMAN: Yeah.

COUNCILMEMBER KING: And then you're...are you getting a grant from OED --

MS. PAMAN: We --

COUNCILMEMBER KING: --from the...

MS. PAMAN: --are or we --

COUNCILMEMBER KING: So...okay.

MS. PAMAN: --just got awarded about last month.

COUNCILMEMBER KING: Okay. So, you have a County grant, and then the...and how much...so how much revenue are you bringing in through your business part of your operations?

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

July 2, 2019

MS. PAMAN: Through our tours, it...we only have like last year's budget was about 30,000 --

COUNCILMEMBER KING: Per year?

MS. PAMAN: --was our annual operating --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --budget. So, we're not making money. So, people who turn out commercial, it's like we're not making choke money off of this.

COUNCILMEMBER KING: Okay.

MS. PAMAN: Sorry.

COUNCILMEMBER KING: So, it's about thirty --

MS. PAMAN: That's not --

COUNCILMEMBER KING: --thousand a year.

MS. PAMAN: --a technical --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --term, choke, but...but last year, we had about 60 percent supported by our...of our income supported by our tours, but we often use grant monies and personal private donations to also support it 'cause we haven't always had the tours. We don't completely rely on the tours, but when grants are not active, then that's when you see less work on the --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --fishpond restoration.

COUNCILMEMBER KING: What's your annual budget if that...if 30,000 --

MS. PAMAN: The 30,000.

COUNCILMEMBER KING: --is...that's...you said that was 60 percent of your budget.

MS. PAMAN: Yeah, the tours.

COUNCILMEMBER KING: So, your annual budget is --

MS. PAMAN: It's --

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

July 2, 2019

COUNCILMEMBER KING: --about 50?

MS. PAMAN: --30,000. Like --

COUNCILMEMBER KING: Then that's --

MS. PAMAN: --our...

COUNCILMEMBER KING: --a 100 percent of your budget then.

MS. PAMAN: No, I'm sorry if I got confused to hear or said it confusingly. So, our annual budget last year was about 30,000. I don't have the exact number off the top of my head. And about 16,000 of that was income from our canoe tours, yeah.

COUNCILMEMBER KING: Okay. And then --

MS. PAMAN: So, it's the 60...

COUNCILMEMBER KING: --the rest is your grant.

MS. PAMAN: Yes, from grants and private donations.

COUNCILMEMBER KING: Okay. Grants.

MS. PAMAN: And quite often, we've had it be the reverse where private donations and grants were the main --

COUNCILMEMBER KING: Okay.

MS. PAMAN: --bulk of our income.

COUNCILMEMBER KING: Okay. And that's what...those are the only...that's the only operation you have that's commercial is the tours?

MS. PAMAN: Yeah.

COUNCILMEMBER KING: Okay.

MS. PAMAN: I mean when people say commercial, I envision it as being massly projected out there, and when you walk through Costco, you'll see it on rack cards, but we don't advertise like that. It's often word through...by word --

COUNCILMEMBER KING: Well --

MS. PAMAN: --of mouth.

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

July 2, 2019

COUNCILMEMBER KING: --that's why I'm asking because I want to try to get the scope of what you guys are doing --

MS. PAMAN: Yeah.

COUNCILMEMBER KING: --and what...and so --

MS. PAMAN: And you're welcome --

COUNCILMEMBER KING: --how many --

MS. PAMAN: --to come and visit too.

COUNCILMEMBER KING: --people does that support? Is that just one...you...are you the only paid...are you paid?

MS. PAMAN: There's two of us part --

COUNCILMEMBER KING: Two --

MS. PAMAN: --time.

COUNCILMEMBER KING: --paid --

MS. PAMAN: Yeah.

COUNCILMEMBER KING: --personnel? Okay. Okay. Thank you, Chair.

MS. PAMAN: Thank you.

CHAIR SINENCI: Thank you. Mr. Molina, you have a question?

COUNCILMEMBER MOLINA: Thank you, Chairman. Aloha, Ms. Paman. Thank --

MS. PAMAN: Aloha.

COUNCILMEMBER MOLINA: --you for being here. Earlier, we heard testimony from Mr. Ampong and the concern about I guess tourists playing with the turtles and so forth. And, you know, I don't think in general, tourists mean to do anything malicious. It's more out of maybe just innocent ignorance. Now, you mentioned to Chair King in your response that you do educate the folks, have you had other complaints about maybe the tourists who go into the fishpond and not, you know, I guess listening to what you folks are telling them? I assume it's...it includes being sensitive to whatever marine life...

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

July 2, 2019

MS. PAMAN: Right. There is signage that well, has been placed up in the area too about the fish...about the turtles. I've been at the site on a regularly...regular basis since '97, and so I've seen all the changes that have happened. The turtles didn't come until after a restoration had happened because our walls have all been up at one time or another. It's just, Mother Nature takes her down and we need money to put her back up. So, in regard to the turtles, my observations on a monthly, weekly basis there is that the people are respectful of them. I have never seen anybody try to ride a turtle or try to pet a turtle. So, I've always seen them be at a respectful of distance. And if they weren't, then I, as a kia'i, as a person who protects the pond, would go up there and politely tell them that's not the right practice. You know, one of the things that was shared at the meeting several weeks ago is how that the code of conduct could be something that should be posted there, that the Aha Moku had suggested. And some...we cannot...our nonprofit cannot say no, you cannot do this, this, this, but we can say these are good ways of doing things. So, we could work with the County to put a sign in...up in the County area that created a list of what the good type of behavior could be at the location. That would be a great way to work together.

COUNCILMEMBER MOLINA: Okay. Thank you. And, Chair, just quick follow-up question. So --

CHAIR SINENCI: . . .*(inaudible)*. . .

COUNCILMEMBER MOLINA: --your...based on your permit, you're, I guess you're allowed to operate seven days a week from...what are your, I guess times I guess you're allowed to operate 'till? From start to finish I guess?

MS. PAMAN: Our tour...well, our tours are offered daily in the mornings when the weather is best and the Moae wind is not...the trade winds aren't coming through, and our...we usually host school groups in the mornings, but we are open seven days a week to help accommodate to community organization schedules and schools visit schedules as long as we're able to make it there, then we do...we take just about everyone who asks.

COUNCILMEMBER MOLINA: Okay. All right. Thank you. Thank you, Chair.

CHAIR SINENCI: Mahalo. Oh, we have one more question.

COUNCILMEMBER SUGIMURA: Yeah, just real --

CHAIR SINENCI: Member --

COUNCILMEMBER SUGIMURA: --fast.

CHAIR SINENCI: --Sugimura?

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

July 2, 2019

COUNCILMEMBER SUGIMURA: Yeah, thank you very much for spending the time educating us.

MS. PAMAN: Mahalo.

COUNCILMEMBER SUGIMURA: And I just want to thank you for the work that you are doing. I remember when you joined this fishpond, and I've seen you grow as a professional leader over through the years. So, I want to just give you recognition for that. I'm really grateful that you're able to do what you do on a 30,000-a-year budget. I mean that is so small considering what you give back, and I just want to put things in perspective. I hope you forgive us for our questions because it's not often that we can have this kind of information shared with us. And I want to just reinforce that if you are getting a County grant, boy, that's a really good use of the taxpayer dollars and our citizens to be able to share the aloha that you are. And I'm sure you're just as strict with them as you need to be so that there's no abuse. I wanted to just thank you --

MS. PAMAN: Oh --

COUNCILMEMBER SUGIMURA: --and --

MS. PAMAN: --mahalo.

COUNCILMEMBER SUGIMURA: --thanks for answering our many, many questions. So --

MS. PAMAN: And I'd be happy --

COUNCILMEMBER SUGIMURA: --mahalo.

MS. PAMAN: --at any time if you ever want to reach out to me, Chair, you have my contact information. I'd be more than happy to speak with any of you on a one-one basis to clarify these things that we're so short on time always in public, but I'm more than happy to clarify any kind of questions that you may have.

COUNCILMEMBER SUGIMURA: Thank you. One last question, Chair?

CHAIR SINENCI: Thank you, Miss...oh --

COUNCILMEMBER SUGIMURA: So, do you --

CHAIR SINENCI: --go ahead.

COUNCILMEMBER SUGIMURA: --know of any other of the fishponds do anything quite like this in terms of education and...do you know? Do you --

MS. PAMAN: I know --

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

July 2, 2019

COUNCILMEMBER SUGIMURA: --know? Oh.

MS. PAMAN: --Kualoa Ranch on Oahu has had canoe tours operating there but they're a private location. As for all the other fishponds, no, they haven't, and they're...Hui Malama Loko I'a has been aware of our canoe tours for many years. And we've never had any major problems or questions about it.

COUNCILMEMBER SUGIMURA: Thank you. I do --

CHAIR SINENCI: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: --know that when Senator Inouye, US Senator, was alive, he's long...he's passed for about five years, but I know Federal government used to send a million dollars I think to Molokai, I think, or to the fishpond project just because of how important it is and --

CHAIR SINENCI: We can --

COUNCILMEMBER SUGIMURA: --you know maybe --

CHAIR SINENCI: --a follow-up.

COUNCILMEMBER SUGIMURA: --that can be a fact-check on it, but I remember Senator Inouye talking about the importance of this and he's sending Federal dollars.

CHAIR SINENCI: We can follow up --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR SINENCI: --on that, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much.

MS. PAMAN: Okay.

CHAIR SINENCI: Staff? Thank you, Ms. Paman, for being here. Thank you. Ms. Apo, how many testifiers do we have --

MS. APO TAKAYAMA: We have --

CHAIR SINENCI: --left?

MS. APO TAKAYAMA: --three individuals left signed up to testify.

CHAIR SINENCI: Three more? Okay. Can you call the next testifier?

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

July 2, 2019

MS. APO TAKAYAMA: Chair, the next testifier is Trinette Furtado, testifying on EACP-9, to be followed by Jacque Sinenci.

MS. FURTADO: Aloha, Chair Sinenci --

CHAIR SINENCI: Aloha.

MS. FURTADO: --and Committee Members. My name is Trinette Furtado and I currently live in Kula, and I am testifying on EACP-9, the Sustainability and Restoration of Traditional Hawaiian Fishponds or as we know them loko i'a. And if you refer to *wehewehe.org*, yeah, and look at that phrase loko i'a. Loko is a pond, a lake, a pool; i'a, fish, marine animal. You know, and I want you to think about that and consider that, that this issue just isn't about one particular loko i'a that we are hearing about now nor is it just about the loko i'a that Uncle Walter has referred to on Molokai, but about all loko i'a that are currently identified potentially, you know, able to be used and restored in the future. And so, we need to think about, you know, what is currently allowed, you know, what are the current uses? Are they culturally appropriate? And when I talk about culturally appropriate, again, let's think about that phrase loko i'a. You know, what is and what has been the use of these areas? You know, have we had canoe tours in there before? Has it been documented in waa kahiko that this was a traditional use and that this actually helped to sustain and keep the health going of our loko i'a? Also, I would like you to consider the impacts of these current and, you know, possible uses that may be unintended. Are these impacts known? Do we know what kinds of chemicals may be entered into the kai from people who come on tours or people who use it recreationally and use sunscreen? And, you know, we don't know how the tides come in and out of a specific loko i'a and how that may affect benthic environments. I mean do we have studies that detail these things? Do those in charge of who have the kuleana of maintaining and making sure that the loko i'a flourishes, do they have these studies and information? You know, we need to make sure that we're cognizant and aware that when we put forth legislation to protect that we're looking holistically when we think about protection. Also, you know, when we look at State and County laws, you know, perhaps, in the spirit of not preempting any of them, you know, let's look at how we can close up loopholes, how we can further and more clearly define, because the end result, right, is greater protection of these areas, and we can't have that unless we have transparent, collaborative restoration, and considerate inclusive education, yeah, so that this can continue to happen so that we can have sustainability, health, and vitality. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Furtado. Members, any questions? Thank you for your testimony.

MS. APO TAKAYAMA: Chair, the next testifier is Jacque Sinenci, to be followed by our last testifier, Robert Aldrich.

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

July 2, 2019

MS. J. SINENCI: Aloha, Chair and County Councilmembers.

CHAIR SINENCI: Speak into the mic please.

MS. J. SINENCI: Let's see here, yeah. I'm testifying...my name is Jacque Sinenci, testifying in both. First, Sustainability and Restoration of Traditional Hawaiian Fishponds. For me, I'm going to speak through experience because I was granted the honor to rebuild and restore and work with Paepae o He'eia on Oahu, and to rebuild this 800-acre fishpond took a lot of work from not only government and the State and county but also from the community. This fishpond, 800 acres, if you can imagine is the size of Ala Moana Shopping Center, including the parking lot, with six makahas, three freshwater, and three ocean. It takes a lot because we had to every other weekend, we would go and clean out the invasive species of gorilla ogo, and that took a lot. So, we'd have UH come out as far as Kamehameha Schools, Punana Leo, Kula Kaiapuni, and it would really bring together what is...what makes Hawaii, Hawaii. Fishponds is really important mauka to makai. We heard it through all the past testimonies but it's important to bring them all back. We know that we're overpopulated. We have a lot of things going on in our aina. But if we bring it back, these fishponds could also restore the ahupuaas and help feed the hunger that we face today, the homeless that is here on Maui, and born and raised here on Maui it's really hurtful to see my own aina and my own home, I mean we can all relate to this. So, it's important for the Hawaiian fishponds to come back. Whatever we can do, if we got to kukakuka, then that's what we got to do. We got to hold ponopono, we're going to hold ponopono because it's what makes us Hawaiian. Second topic would be the Visitor Impacts to County Environmental and Infrastructural Resources. I live in Honokohau Valley, and every day when I got to pass Honolua and I see all these commercial vessels, private vessels in there, early in the morning to late in the evening, 10:00, 11 o'clock, sometimes I drive out special to go check on this bay and to see people in there. I don't know if they're moored or they just went drop anchor or they're floating, but they don't belong in there. They don't belong in there. To see the amount of people that are scuba diving with the snorkels, with the zodiacs, I mean it's got so intense, this morning, they're...praise the Lord, I mean we had Hikianalia in there. But you still get Trilogy, and now I'm noticing all these scuba diving boats with zodiacs in there with scuba tanks. We only get four portable toilets out there. With the amount of traffic and parking that is just insane. It's too much for that bay to handle, and that is just one little spec that needs to be addressed to everything else, you know, and they're all interconnected whether it's fishpond, it all interconnects mauka to makai we notice. So, whatever we can do to bring it all together and get the word out, you know, maybe some are...we're so busy working too, maybe we can all spread the word, you know, social media or whatever it is to kind of further educate, you know, and I just want to bring that to everybody's attention because we all are on the same page, we're noticing all these things, all these changes but what are we going to do about it, you know. Sometimes I get so angry, it's like I like...I stay on the lookout. I like yell. I stay yelling like get the hell out of there, you know, but, you know, sorry, excuse me, but I'm still getting the kind all riled up. But anyways, you know, I'm just trying to humbly bring it to the table because I live out there, and, you know, for the people in

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

July 2, 2019

Honokohau Valley, Kahakuloa, like Hana, Kipahulu, Kaupo, Kahikinui, that's all we get, you know, as to one of the last places we have that going to ever bring our kupuna and our future in one full circle, yeah. So, thank you very much.

CHAIR SINENCI: I have a question. Thank you, Ms. Sinenci.

MS. J. SINENCI: Thank you very much.

CHAIR SINENCI: Did you have any ideas or would you recommend...

MS. J. SINENCI: As far as with Honolua, I mean I...we do have where, you know, it's a conservation and stuff like that, maybe more signage. Slaughterhouse, I'm noticing even though we get signage no parking and get the arrows and it's plain and simple, they're still parking. You know, that's like what do you do, you stop and tell them nicely, and then they just look at you like you're the dumb one, you know. So, I don't know, maybe we should have Maui Police Department do a little bit more coming around and checking it out because like they're parking on the road, past the white line, or they're walking and they see you coming, you know, _____ or Honolua, they see you coming by the bridge but they're not going to yield. Same thing with the ones on the bikes, you know, they're riding their bikes, their morning bike ride, and they don't yield. They're expecting, you know, and it's like oh, what, I got to...already I went share with you my aina, my ocean, now, I got to share my air because now, I, you know, I'm noticing all the drones coming around, and also with the tour companies, some of the vans are starting to come out all the way out to Nakalele. So, you know, maybe a little bit more monitoring. And if I got to go out there every morning, hey, I'll be out there every morning, every lunch time, every evening, and during the night if I have to only to protect because that's what we're here for, protect and just keep it going 'cause if not, our future is going to suffer for this, you know, and I don't like them battle that so that's why I'm here. So, you know --

CHAIR SINENCI: Thank you.

MS. J. SINENCI: --any more...

CHAIR SINENCI: And we had a question from Ms. Paltin.

MS. J. SINENCI: Hi.

COUNCILMEMBER PALTIN: Aloha, hi. Thank you for your testimony. Thank you for being here. I just was wondering if you've ever been involved with the Aha Moku O Kaanapali?

MS. J. SINENCI: 'A'ole.

COUNCILMEMBER PALTIN: Oh.

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

July 2, 2019

MS. J. SINENCI: No, yeah, no. I am aware of Aha Moku but I've never got involved, you know. Maybe on Oahu with Paleke Flores them and Hiilei them but never really got into, you know, with the group itself. I wish to, you know, I wish I could.

COUNCILMEMBER PALTIN: Yeah. Right now, Honolua is going through the just the State purchase parcel, the management planning. And if you would like to get involved, I think now would be a good time. They don't have any say over the MLCD part because the contract was only for the State-acquired lands. But --

MS. J. SINENCI: Okay.

COUNCILMEMBER PALTIN: --I think if you could have your contact information, I'll definitely let you know when the next meeting is.

MS. J. SINENCI: Okay. Thank you very much, Councilwoman Paltin. All right.

CHAIR SINENCI: Thank you.

MS. J. SINENCI: Okay.

CHAIR SINENCI: Thank you for your testimony.

MS. J. SINENCI: Thank you. Thank you, Councilmembers.

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Our last testifier is Robert Aldrich.

CHAIR SINENCI: Members, we have one more testifier, and we've got a staff here from the State Department, as well as our Administration. So, if you guys want to take a break after this last testifier, we may, and then we'll come back for the panel. Okay. Go ahead, Mr. Aldrich.

MR. ALDRICH: Aloha, Chair Sinenci --

CHAIR SINENCI: Aloha.

MR. ALDRICH: --and Committee Members. My name is Robert Aldrich. I live in Kihei. And you're probably wondering what a haole is doing up here, has interest in fishponds. Well, I have some Hawaiian friends on Molokai and here. They don't call me haole, they call me 'ili kea, you know, white skin. So, I go with that. If you're fine with that, I'm good with that too, but you can call me haole, I don't care. Kimokeo, did he leave? He left? Well, I was going to say, e kala mai, bruddah brother. I'm going to talk about Kimokeo for a minute.

CHAIR SINENCI: Well, Mr. Aldrich, we have the Council here. So, you --

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

July 2, 2019

MR. ALDRICH: Okay.

CHAIR SINENCI: --have a great opportunity to address the Council today.

MR. ALDRICH: Okay.

CHAIR SINENCI: Mahalo.

MR. ALDRICH: Okay. I consider Kimokeo a friend. He did something really special for me and some of my retired Navy people. I said, hey, they're coming over. You know, they'd like to see Maui. You do cultural canoe trips? He says yeah. So, he says bring them over. So, I did. We went out there, took a thing, and made a life impression on them. It was so good, you know, they're just going wow. They'll never forget this. And Kimokeo and Vernon Kalanikau got something in common. And what's this have to do fishponds, I'm going to lead up to it in a minute. I was having...I met him at Coconut's one day, and I was complaining to Kimokeo about some of the tourists that are coming over here 'cause, you know, I've lived here a long time on the islands. And he says, you know what, you aloha everybody, you aloha them all, you malama everybody. And I've heard Vernon say the same thing, I malama everybody. So, they got that in common. There's another fellow on the island, Ke'eaumoku Kapu. I said hey, I know some veterans on the mainland, some men and women, they're missing arms and legs, some of them got, you know, mental problems, PTSD, and I said any chance of bringing them over here and, you know, taking them out to Lahaina, maybe show them some culture and, you know, that kind of stuff. He said yeah, bring them over, we'll take care of them, we'll love them, we'll aloha them. And so, I just wanted to talk about everything is not maha'oi, you know. I can see Kimokeo and Vernon and other people, you know, that may disagree on something but akua is great, He brings people together. We don't fight all the time. And my first interest in fishponds was on Molokai. I lived there for six years. And Mervin Dudoit was going to build a fishpond. And I went up with some kanaka up on the overlook, overlooking the ocean, and help cut down some ironwood trees, and then pounded on them with a stick until the bark came off. That was seven years ago. I still have arthritis from that. But Mervin was building a fishpond I was very interested in, and then I got a friend on East End, he's been trying to restore fishpond. His name is Duke Kalipi. He's been here before. He's having trouble. He needs help from the County. He needs a lot of help and what have you. I'm out of time.

CHAIR SINENCI: . . .*(inaudible)*. . . closing remarks? Members, any questions? Thank you, Mr. Aldrich, for being --

MR. ALDRICH: I'm interested --

CHAIR SINENCI: --here.

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

July 2, 2019

MR. ALDRICH: --in sustainability for the island. We got big hurricanes coming maybe and we need food. We only got five days if the barge is shut down, bottom line.

CHAIR SINENCI: Mahalo for your --

MR. ALDRICH: Mahalo.

CHAIR SINENCI: --testimony, Mr. Aldrich. Oh, we have one more testifier, Mr. Jasee Lau.

MR. LAU: Hi, Shane. My name is Jasee Lau from Kula. About a million more of these since the last time I talked to you was thrown into the landfill, and what better time to talk about plastic eating utensils in the 4th of July. It's sad that it's not only the visitors that are using these but now it's a...the mainland mentality has snuck in over here in Hawaii. So, I would ask everybody to refrain from using these over the...

CHAIR SINENCI: In the fishpond?

MR. LAU: Yeah.

CHAIR SINENCI: Thank you, Mr. Lau. We just connected his testimony to the agenda. So, Members, if you don't mind, we'll take a five-minute break, and we want to thank our guests who've been --

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: --here today to answer some questions.

MS. APO TAKAYAMA: Would you like to close public testimony?

CHAIR SINENCI: Yes. If there are no objections, we'd like to close public testimony.

COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR SINENCI: Thank you. And we'll recess, and we'll be back here at 10 after 3:00.
...*(gavel)*...

RECESS: 3:05 p.m.

RECONVENE: 3:13 p.m.

CHAIR SINENCI: ...*(gavel)*... Will the Environmental, Agricultural, and Cultural Preservation Committee please come back to order. It's 3:13, Tuesday, July 2nd. And, Members, you've heard a lot of great testimony this afternoon, and we've invited our

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

July 2, 2019

esteemed guests from the Administration, Planning Department, the State departments, to help field some of the questions that has been raised this afternoon.

EACP-9 SUSTAINABILITY AND RESTORATION OF TRADITIONAL HAWAIIAN FISHPONDS (CC 18-166)

CHAIR SINENCI: And before we start, you know, before any fishpond restoration work can begin, many permits must be acquired from Federal, State, and County agencies. Jurisdiction over Hawaiian fishponds, or loko i'a, is complex because they occur at the shoreline, a zone that interfaces between land and the ocean. And so, this zone is heavily regulated. And so, we just wanted to invite our guests today, and we posed some questions for them because they represent different agencies in government. Some of the questions we posed to them were, where are your agencies' boundary lines? And when it comes to fishponds, what is the permitting process and the regulatory authority related to fishponds? Who are you working with for the maintenance and enforcement of regulations regarding fishponds? And who else is involved in the management of fishponds when it comes to intergovernmental agency communications? So, we wanted to hear from some of the different agencies when it...as in regards to fishponds, and just to get some clarity with some of the issues that has been raised in our communities of late. So, we will start with Mr. Ornellas, with Department of Land and Natural Resources.

MR. ORNELLAS: Good afternoon, Members. Daniel Ornellas, District Land Agent with the State Department of Land and Natural Resources. I'm over at the Maui District Land Office at the State Office building. And I was thinking I could just provide some chronological history to the topic dealing with the general lease that authorizes activities at Ko'ie'ie Fishpond. And through that, the description, I would be able to answer a lot of those questions that were just raised. So, back in 2003, the current lessee had stated they had done an Environmental Assessment, and that looked at the proposed uses for the restoration and management of the Ko'ie'ie Fishpond there in North Kihei. That was followed up with a conservation district use permit that was issued by the Department of Land and Natural Resources' Office of Conservation and Coastal Lands in April of 2004. That in turn was recommended to the Board for approval of a disposition or a general lease to the applicant. The Board of Land and Natural Resources approved the uses in October of 2004. But it wasn't until a few years later in May of 2008 that the actual general lease for 30 years was issued to 'Ao'ao O Na Loko I'a O Maui in May of 2008. The character of use described in this disposition is "the lessee shall use or allow the premise lease to be used solely for the restoration of the Ko'ie'ie Fishpond for educational, cultural, historical, and recreational purposes." And I just wanted to highlight a few of the other provisions in this general lease that have been raised in discussions through testimony. Item number 47 of the general lease, no commercial use. No commercial uses are allowed including but not limited to the sale of products from the premises. And also number 48, public recreational uses, the lessee shall allow public recreational uses at all times. Such activities to include fishing, netting, limu gathering, beach going,

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

July 2, 2019

swimming, wading, snorkeling, diving, kayaking, and canoe launching. That is an actual provision in their general lease, which would make it extremely difficult for the applicant to engage in traditional loko i'a practices, I believe. So, to answer the question about jurisdiction, from the, what we call the shoreline or hopefully it's a certified shoreline with three indicators to identify this area, the high wash of wave, the debris line and/or vegetation line is what we determine to be the certified shoreline. And because of our shorelines evolving over time, these certifications are only good for one year. So, I couldn't tell you at this point in time where that line is but I would use the vegetation line fronting the Ko'ie'ie or Kalepolepo Beach Park as more or less the boundary, the seaward boundary of the park, which would be the landward boundary of the leased area. And then out to the outer toe, seaward facing wall of the fishpond would be the extent of the general lease. So, from the high wash of wave to the outside face of the wall to the toe of the wall is the leased premise, which they do have the authorization to use and manage and maintain. And to answer the question about, you know, oversight on our behalf, I want to refer to a simple provision, which is quiet enjoyment, whereby the lessor covenants and agrees with the lessee that upon payment of the rent at the times and in the manner provided and the observance and performance of these covenants, terms, and conditions on the part of the lessee to be observed and performed, the lessee shall have and may hold and possess and enjoy the premise for the term of the lease without hindrance or interruption by the lessor or any other person or persons lawfully claiming by, through or under it. So, basically, until something egregious happens and complaints arise, we don't go out there and get into their business. Main thing, they're following lease terms and conditions. We recognize quiet enjoyment and allow them to proceed. In my past practice, I haven't seen any egregious default in any of the lease terms. They are on time with their payment. I believe current lease rent is a little over \$2,000, which was recently reappraised in our opening at the tenth year, which was in 2018. And they keep their insurance current. And these complaints that came forward recently were the first time that I've been, in my tenure as a District Land Agent since 2005 has been the first time that I've heard of these concerns. So, we'll do our best to mitigate and resolve whatever is necessary. And then maybe I can follow up with other questions later.

CHAIR SINENCI: Okay. Members, did you want to take questions now?

COUNCILMEMBER KING: Yeah.

CHAIR SINENCI: Chair King?

COUNCILMEMBER KING: Yes. Thank you, Chair. Yeah, while it's still fresh in my mind. So, did you say there's not supposed to be any commercial use?

MR. ORNELLAS: Yes. One of the provisions is prohibiting commercial use.

COUNCILMEMBER KING: Okay. So, if they're charging for tours, doesn't that constitute commercial use or is it considered something else?

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

July 2, 2019

MR. ORNELLAS: I'm not a lawyer by training, and I did have a discussion during the break with your Corp. Counsel, and I'd like to better understand where do we draw the line between a nonprofit and for-profit type commercial activities. My understanding of what happens at the fishpond is activities that support ongoing nonprofit efforts. I hear the term donation being used often when providing monetary donations in return for services. So, I'd like to better understand in this situation how we define commercial activity.

COUNCILMEMBER KING: Okay. Because I, you know, I've sat on a lot of nonprofits in this County and I also own a business. And so, to me if you're charging per head for something, that's commercial activity. If you're asking for donations and taking people out on the canoe, then you have to live with whatever...if they give you a dollar, if they give you \$15, you know, it...if you say it's going to...I want a \$15 donation for you to come out for half an hour, then that's basically a per head charge. I mean that's just my opinion. So, I don't know if Corp. Counsel has a different opinion of it, so. Anyway, that needs to be looked at. So, the rent was you said \$2,000, is that per month?

MR. ORNELLAS: It was an annual rent --

COUNCILMEMBER KING: Okay. That...that's...

MR. ORNELLAS: --paid semi-annually, every six months. So, half of the 2,000 somewhat dollars.

COUNCILMEMBER KING: Okay. So, they pay the 2,000, then there's the annual...they have to have insurance. They have to indemnify the State, I'm assuming.

MR. ORNELLAS: Yes, a standard 2 million aggregate, 1 million per occurrence general --

COUNCILMEMBER KING: Okay.

MR. ORNELLAS: --commercial liability insurance policy.

COUNCILMEMBER KING: Okay. Does that make them liable also for all the other activity that's going on in there that's not commercial?

MR. ORNELLAS: Yes, the insurance policy would cover all activity within the lease premise.

COUNCILMEMBER KING: Okay. So, basically, the...so, they're paying \$2,000 annually, they have the insurance cost. They have the, whatever it's costing them to do restoration because they're keeping the wall up and whatever else they're pulling out of there as far as debris and I don't know if there's pollutants in there. And then according to the tenant, their total budget is 30,000. So, they're not bringing in any more than that, and they've got two people they're supporting on it. So, it's a pretty

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

July 2, 2019

bare-bones operation. But yeah, I think you need to reconcile the idea of what part of it is commercial 'cause it sounds like they're relying on the commercial part of it for at least 50 percent of their revenue. You know, last year if they had a \$30,000 budget, 16,000 of it was from these tours, and the rest of it comes from a grant. So, that's about 50 percent, and it is going to leave them in alert if you cut them off but there has to be some kind of a description I think for, of what commercial activity is. Thank you, Chair.

CHAIR SINENCI: Okay. Thank you, Chair. Ms. Lee, and then Ms. Paltin.

COUNCILMEMBER LEE: Thank you, Mr. Chair. Daniel, how big is the leased premises?

MR. ORNELLAS: One second. I have a survey map. Leased premise is 4.52 acres of submerged lands.

COUNCILMEMBER LEE: And then are there any other tenants using areas close by or the same area?

MR. ORNELLAS: There are no other tenants in this vicinity.

COUNCILMEMBER LEE: And how long have they had this lease?

MR. ORNELLAS: Since 2008.

COUNCILMEMBER LEE: Okay. And this is the first time in what 8, 9, what, 11 years that there have been complaints about this usage?

MR. ORNELLAS: Earlier this...this is 2019, earlier 2018, I would believe there was a lady living in Menhune Shores, I believe, that was complaining about too much canoes on the shoreline. And this was in response to a Division of Conservation and Resources Enforcement Officer doing a site inspection and advising me of that condition, and that was probably the one and only other complaint that I had gotten.

COUNCILMEMBER LEE: So, then you spoke to the tenant about this and --

MR. ORNELLAS: Yes.

COUNCILMEMBER LEE: --there was a resolution to the problem?

MR. ORNELLAS: I went out there, did my own site inspection, took pictures. I believe we had a e-mail conversation, Joylynn and I, and that they would work to speak with that lady. I believe Kimokeo may have known who that lady was to come to a resolution, a mutual resolution. And I didn't have a follow-up complaint after that.

COUNCILMEMBER LEE: I see. Thank you. Thank you.

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

July 2, 2019

MR. ORNELLAS: Yeah.

CHAIR SINENCI: Ms. Paltin?

COUNCILMEMBER PALTIN: I just was wondering how long their lease is good for?

MR. ORNELLAS: It's a 30-year lease. So, 2038. So --

COUNCILMEMBER PALTIN: Okay.

MR. ORNELLAS: --there's going to be a rent reopening again in 2028.

COUNCILMEMBER PALTIN: And is that like the going rate for most fishponds is?

MR. ORNELLAS: Actually, we do have an opportunity to reduce the rent because it's a nonprofit. Our standard...a standard annual rent for nonprofits, no matter the size of the premise is \$480 a year.

COUNCILMEMBER PALTIN: And the reason they have to pay rent is...like I mean it sounds like they don't have exclusive use and they're restoring the State's property. So, how come they have to pay?

MR. ORNELLAS: You know, the way we managed fishponds prior to 2014, 2014 was the period of time when the Office of Conservation and Coastal Lands created this program called Ho'ala Loko I'a, and it did a program ride...program-wide Environmental Assessment to look at ways to better manage the relationships we have with communities that want to do fishpond restoration. So, the recommendation was made to do through nonprofits a standard rent of 480 per year. And again, because this was prior to that whole program being established, we just used our old methods of appraising shoreline properties, taking out, you know, providing discounts for non-utility, you know. So, having that encumbrance of allowing people to recreationally use and you can't sell anything from the place. Those were justifications for reducing rent to what it came out to be. So, we do have a independent appraisal for that rent.

COUNCILMEMBER PALTIN: I guess I don't understand like most times, nonprofits are helping you to malama the area. So, how come they have to pay on top of that?

MR. ORNELLAS: The independent appraisal using the methodology that was current at that time, that's the algorithm that created that cost or that expense.

COUNCILMEMBER PALTIN: Or even after the Ho'ala study like 480 is still...I mean it's not as much as 2,000 but I mean usually, if someone comes in and does all your work for you, you just say thank you instead of --

MR. ORNELLAS: Right.

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

July 2, 2019

COUNCILMEMBER PALTIN: --say give me --

MR. ORNELLAS: So --

COUNCILMEMBER PALTIN: --\$480.

MR. ORNELLAS: --you know, in the vein of quiet enjoyment, I don't go out of my way to go look at people's rents and ask them, hey, do you want a cheaper rent? But if the applicant came to me and it's on the table, if the applicant wants to come and amend lease terms, we can make recommendations to the Board of Land and Natural Resources to achieve that end goal.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SINENCI: Mr. Molina?

COUNCILMEMBER MOLINA: Yeah.

CHAIR SINENCI: Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Mr. Chairman. I know a lot of the questions today have been kind of focused on the Ko'ie'ie Fishpond. If you'll allow me, just...my question more, just more on a broader scale --

CHAIR SINENCI: Sure.

COUNCILMEMBER MOLINA: --and just for some general information for Mr. Ornellas, my questions will be...oh, and, Mr. Ornellas, and thank you for being here.

MR. ORNELLAS: Thank you.

COUNCILMEMBER MOLINA: I guess in general, if you have an estimate, how many fishponds in the County are within a Conservative District and how many are either State or privately-owned in Maui County? Would you have that information available today?

MR. ORNELLAS: I can throw out some general numbers. So, Maui County, being Maui, Molokai, and Lanai, obviously, on the island of Molokai, we have the most. I believe Mr. Ritte had quoted 53 fishpond. A lot of them are government-owned or managed, claimed, and a lot are privately-owned. I would say maybe even half. And then...so, don't quote me on that but about half, private versus public-owned. And then on Maui, right off the top of my head, I can think of five...four or five fishponds. Lanai, I know of one being restored. There's probably more on Maui and Lanai. I just, you know, they're probably underwater. We don't really know them until we start studying for them, yeah.

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

July 2, 2019

COUNCILMEMBER MOLINA: Okay.

MR. ORNELLAS: Yeah.

COUNCILMEMBER MOLINA: And then for practitioners, you know, who are managing say the Department of Hawaiian Home Lands' fishponds, they, in applying for this...the loko i'a permit, they need to qualify, my understanding is for that qualification to be approved they have to get a water quality certification waiver. Why is it necessary for a practitioner to have a water quality certification waiver?

MR. ORNELLAS: Yeah, it really depends on what level of improvement you're proposing for a particular fishpond. So, with all those constraints in the past, that's the reasoning behind creating this Ho'ala Loko I'a program with four different tiers of engagement. And they did an environmental...a program-wide Environmental Assessment so we could get over that hurdle. And depending again what you do, so, if you want to simply go in and fix some crumbling walls and do some very minor alteration to the fishpond, that would be considered something like tier one, which wouldn't trigger all the CORA-type permit, not CORA, the Army Corps of Engineer-type permits where dredging would be involved and all that kind of stuff. So, it really depends on the activity, the location, and how intense the use is going to be, yeah.

COUNCILMEMBER MOLINA: Okay. And on that note, Chairman, just one last follow-up for Mr. Ornellas. So, could the County do a simplified permit with a kind of sort of a tier review process like that of the CDUP like the State does in your opinion?

MR. ORNELLAS: We need to recognize that the fishponds are in the Conservation District area. The sole authority and jurisdiction is held by the State of Hawaii, Department of Land and Natural Resources. So, I think the County's permitting would extend up to the high-water mark. So, in this case, it would be the lease premise, I mean the Kalepolepo Park premises, yeah. So, and I guess an SMA would be applicable to that situation for review and concurrence with ongoing uses in Conservation District lands, yeah.

COUNCILMEMBER MOLINA: Okay. All right. Thank you. Thank you, Chair.

CHAIR SINENCI: Chair King, you had a follow-up?

COUNCILMEMBER KING: Thank you. That just kind of triggered another question. So, are fishponds considered waters of the US?

MR. ORNELLAS: We have here the expert and I'll turn it over.

CHAIR SINENCI: Mr. Sensano?

MR. SENSANO: Aloha.

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

July 2, 2019

COUNCILMEMBER KING: Aloha.

MR. SENSANO: Aloha auinala, Chair Sinenci, Councilmembers. My name is Paul Sensano. I am with the...the District Manager for the Department of Land and Natural Resources, Boating and Ocean Recreation. Your question is not my field of expertise as far as if they are part of the US waters. I can tell you one thing though that with all the testimony today and what I've heard, I'm astounded by the fact that everyone's testimony today is in pono with, you know, the Hawaiian fishpond. I think it's our government's time to be in pono also with what's happening with our fishponds.

COUNCILMEMBER KING: Okay. Do we have a definition of the traditional Hawaiian fishpond anywhere?

MR. SENSANO: I don't. But I can tell you, the individuals, when we were invited to come and be a resource, like I said, I find the resources all the people that testified today, submitted their testimony. And one of the things that we did was we reached out to the Office of Conservation and Coastal Lands, Sam Lemmo and Michael Cain, who's actually the authority on fishponds. They weren't able to make it today, you know, if they had known earlier probably, they may have been able to make it out here. But I just wanted to share a link or website with the Councilmembers, it's dlnr.hawaii.gov/occl/. And within this link, there is information. Right now, DLNR Boating, we follow the...I'm trying to find out what the act was, rivers and oceans act. But for our jurisdiction on all of the districts, Big Island, Kauai, Oahu, and Maui, is from the high wash of the water to three miles out to sea, and that is with regards to our ocean recreation management area, which we have three here on Maui. It runs parallel to the shoreline. It's only 3,000 feet from the shoreline.

COUNCILMEMBER KING: But isn't the ocean considered part of the waters of the US? Maybe Ms. Thomson can speak to that? So, I'm just wondering if the ocean is considered waters of the US under the current, I know that Trump is trying to derail that definition, but currently, I believe the ocean is considered waters of the US. And so, if there is an adjacent fishpond that's between the beach and the ocean, is that considered part of the waters of the US?

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: That's a very good question. Certainly, the ocean would be considered a waters of the US. Whether structures within that coastal zone are included in the definition of waters of the US, I'd have to look into that further. So, I don't know that answer off the top.

COUNCILMEMBER KING: Okay. Is that something that we can send to...are you best source for that, Ms. Thomson, or is there another agency?

MS. THOMSON: That will be me.

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

July 2, 2019

COUNCILMEMBER KING: Okay. So, maybe we can send a letter, Chair, to Corp. Counsel and ask for whether...ask the question whether fishponds are considered waters of the US, and is it different for public versus private fishponds?

CHAIR SINENCI: Ms. Apo? Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Ms. Sugimura, you have a --

COUNCILMEMBER SUGIMURA: Yeah --

CHAIR SINENCI: --question?

COUNCILMEMBER SUGIMURA: --thank you, Chair. This is actually a point of information for you. I'm just curious what you're planning to get out of the presentations? I mean I appreciate all of the experts here to educate us, and of course, the testifiers. But I was just wondering what your plans are for this?

CHAIR SINENCI: We just wanted to get some...where the different agencies' jurisdictions lie and also enforcement. There was a lot of questions about when we do call DLNR, or we're looking up certain things that who has jurisdiction over, you know, whether it be shoreline, fishponds, beyond, outside the fishponds. And it sounds like, Mr. Sensano, you mentioned going out to three miles outside of the shoreline, was that correct?

MR. SENSANO: Yes. And then, again, as I also stated that our Ocean Recreation Management Area extends 3,000 feet, and runs parallel to the coastline, and extends seaward 3,000 feet.

CHAIR SINENCI: Okay. So, today was just to --

COUNCILMEMBER SUGIMURA: Information.

CHAIR SINENCI: --take some information specific to fishponds. It's been a hot topic in our community. And so, we just wanted to get some clarity from the different agencies. I believe Ms. Thomson had a definition for traditional Hawaiian fishpond.

MS. THOMSON: Thank you, Chair. So, what I'm reading from is Hawaii Revised Statutes 183B. And 183B-1, it doesn't discuss traditional Hawaiian fishponds but it identifies Hawaiian fishponds. And I won't read the whole definition, just part of it. It means the unique, traditional system and methodology of aquaculture practiced by the aboriginal people of Hawaii and found nowhere else in the world. And then it goes on, has some further information there. It's HRS 183B-1. So, that may be instructive. Within that same chapter of Hawaii Revised Statutes, and this is talking about exemption from Environmental Impact Statement law, the very last section of that

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

July 2, 2019

talks about an exemption is applicable to fishponds that are not used for water recreational purposes except those recreational activities customarily and traditionally practiced in Hawaiian fishponds prior to 1778. So, there may be some other law or information related to that chapter that could be useful.

CHAIR SINENCI: Thank you, Ms. Thomson. Ms. Paltin, you had a question?

COUNCILMEMBER PALTIN: Yeah, I was...I just was wondering about, you know, when you said that some of the fishponds are government-owned and some of them are private-owned, and how the government took ownership, was it because it of it was ceded lands through the Mahele or was it just because of the location under the debris high-water mark or...I mean how are some under the control of the government and some are private if most of them all are submerged lands?

MR. ORNELLAS: So, a lot of times these lands were disposed of through the Mahele period. So, as a chief, you may have been provided from mauka to makai, out into the fringing reefs actually, so you hear the term konohiki rights as an example. And over time, common law had allowed, say a chief wanted to sell his land and maybe he owned one of the kuleana fronting a fishpond, he could have sold that as a unit to a buyer. Areas that the government still retains, oftentimes it was lands that were just set aside by the king for government purposes, or oftentimes as part of receiving lands, chiefs had to pay what they called commutation. If they didn't have money, sometimes they would give portions of their lands back to the government. And in those situations, sometimes you have...they retain the land base but may have given back the fishpond as commutation. So, you really got to get into the title search of each and every fishpond to truly understand the purpose and intent of who owns what and where.

COUNCILMEMBER PALTIN: So, some of it might have been ceased lands?

MR. ORNELLAS: I...I'm not clear on what you mean by ceased lands.

COUNCILMEMBER PALTIN: Or ceded, unceded, depending on your...

MR. ORNELLAS: So ceded refers to a period of time. I think again, the fee title was adjudicated through the Mahele period. And if we go back to that point in time, we would have a better sense to understand if that particular pond was just commutation, a payment from the chief back to the government, or if it was always government land and ended up being ceded lands as of 18 --

COUNCILMEMBER PALTIN: Ninety-three.

MR. ORNELLAS: --whenever ceded lands took code, 1893, I guess the overthrow. No, no, 1895 after the republic or is it 1898? I got to go brush up.

COUNCILMEMBER PALTIN: It gets kind of murky I think --

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

July 2, 2019

MR. ORNELLAS: Yeah, I...

COUNCILMEMBER PALTIN: --depending of which version.

MR. ORNELLAS: Yeah.

CHAIR SINENCI: Thank you. Members, we also invited Department of Planning, mahalo for your guys' patience, Mr. Buika and Mr. Hart. And we wanted them to chime in as far as the County perspective as another intergovernmental agency. In 2018, the Department was asked to provide information about streamlining the process of restoration of fishponds and we wanted our County officials to kind of chime in on the SMA process. Mr. Hart?

MR. HART: Thanks, Chair. Jordan Hart, Deputy Director. I'll just make some brief opening comments. So, in general terms, the...well, specific terms, the Planning Department's jurisdiction extends to the shoreline, as Mr. Ornellas was saying. So, in support of fishpond restoration projects, you know, there could be potentially SMA or shoreline setback review and approval that would be needed. In the context of some of the permits that are required or could be required, Army Corps or other kind of permits, our permits are much more simple to obtain. If something more complex was being proposed where they're proposing to take some significant action or construct something in the shoreline setback, potentially, that could be a requirement for a shoreline setback variance and an SMA major permit, and that could be a much larger operation. But just something like staging in order to go into a fishpond and repair it is pretty simple for the Planning Department to approve. Obviously, they'd want to...we would want to do some initial review before, you know, just issuing, but those specific permits that were being discussed are one is an exemption and one...both are administrative permits regardless, and they're pretty short duration to submit, complete, review, and approve. Thank you.

CHAIR SINENCI: Thank you, Mr. Hart. Mr. Buika, you had some comments?

MR. BUIKA: Sure. Thank you. Jim Buika, Shoreline Planner with the County of Maui. Hi, everyone. Thanks for this session and all the comments. I dug into our...we have the SMA rules for the Maui Planning Commission, Molokai Planning Commission, and the Lanai Planning Commission, as well as the shoreline rules for the Maui Planning Commission, Molokai Planning Commission, and Lanai Planning Commission. And as far as the activities that would be land-based that would support the fishpond restoration, the planning assumption is that we would be working in the shoreline setback area, which is defined, as Mr. Ornellas said, as from the State-certified shoreline and back from, anywhere from 25 feet back to 150 feet back from the State-certified shoreline. The State-certified shoreline, it is a State requirement; however, the Department, the...yeah, the Planning Department Director can waive it for certain SMA permits, and there are some situations where they can waive it, and it's used for defining your jurisdiction, State and County, also any encroachments that are onto State property such as concrete stairways or things like that. And then the

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

July 2, 2019

third one is really for determining the setback. And since we're working in the setback already, we really don't need to determine the setback with a State-certified shoreline. So, we would be able to, through our permits, not require a State-certified shoreline for fishpond restoration, which would save time and money. And then, we do have in our shoreline rules, we do have some permitted or allowed activities, smaller types of activities that can be allowed in the setback. And one of them, number three which we don't use that often but is directly applicable to fishpond restoration is a structure or activity that--and these are allowed in the setback area--a structure or activity that is necessary for or ancillary to continuation of agriculture or aquaculture existing in the shoreline setback area as of June 16, 1989. I think when building permits were allowed that date. So, it does allow for support to aquaculture activities. And as far as whatever is being land-based, we would apply the SMA rules just to look at best management practices. That would be our concern. We could do it quickly and expeditiously but we want to use best management practices to first of all get authorization for work on private property or even right-of-entry onto County property that will be land-based; stockpiling of materials, certainly; construction of sheds for tools or materials or staging area for sand, rocks, materials; moving of heavy equipment; protection of cultural and natural resources that are within the shoreline setback area; continued shoreline access, we would make sure that shoreline access would be preserved; protecting of use to and along the shoreline; and especially protection of endangered species and protected shore birds in the work zone area. So, we would do that with a very quick pedestrian biological survey we can do of the shorelines. So, those are the types of things that...the types of activities that we would try to mitigate and use best management practices for, and we can issue a Special Management Area permit, a minor permit, and what's called a shoreline setback approval for allowing allowed activities in the setback area. So, that's how we operate. And as the Deputy Director said, it's not an impediment to moving forward in terms of cost or time compared to the, some of the other parts of the permits. So, thank you. That concludes my --

CHAIR SINENCI: Thank you.

MR. BUIKA: --comments.

CHAIR SINENCI: Thank you, Mr. Buika. Mr. Welling, did you have any comments to add? Public Works?

MR. WELLING: Thank you, Chair and everyone. We didn't have any real specific comments just that we didn't really see that anything would trigger a building permit, only just if they were going to be doing like a large tier three-type project that might trigger a stockpiling permit if they were to put materials on the site there. That was the only thing I think that we came up with. Otherwise, the...if there were...if certain entities wanted to be able to...the question came up as far as partnering with Public Works, like certainly, we're...we want to support any activities but we were thinking that more like it would be better to apply for a grant to get monies from General Funds in order

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

July 2, 2019

to do that type of work versus us partnering and taking from Highway Funds, that type of thing.

CHAIR SINENCI: You know, with Public Works, because the fishponds are normally like some of the testifiers mentioned, near a wetlands, what about stormwater runoff near these areas when it comes to Public Works as far as clearing out some of the stormwater drainage near fishponds?

MR. WELLING: Yeah, we tried to identify the...we didn't really see a direct relation between the County infrastructure and the fishponds so much that a lot of times they're in the same place. More of the stormwater infrastructure belong to like State Highways and so forth. But, you know, certainly, our opinion is anything that might need to be done to support fishpond construction and maintenance, we would love to take a look at and help out as much as we possibly can.

CHAIR SINENCI: Okay. Mahalo. Mahalo for that.

MR. WELLING: You're welcome.

CHAIR SINENCI: Members, any questions for our County officials? Okay. So, we have one more item. So, if there's no objections, I'd like to release our special guests today so we can move on to our last item.

COUNCILMEMBERS: No objections.

COUNCILMEMBER KING: Chair, are you planning to defer this matter?

CHAIR SINENCI: Yes. So, if no objections, Chair would like to defer this item at this time.

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Okay. Deferred.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: TK).

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Thank you guys for hanging out with us and discussing this item today. Mahalo.

EACP-6 VISITOR IMPACTS TO COUNTY ENVIRONMENTAL AND INFRASTRUCTURAL RESOURCES (CC 17-231)

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

July 2, 2019

CHAIR SINENCI: Okay. So for...Members, we have almost the four o'clock hour, and we have a second item, EACP-6, Visitor Impacts to the County Environmental and Infrastructural Resources. And we have some resources here, Terryl Vencl, and Kay Fukumoto. I would like to invite them down onto the Chamber floor. And while they're coming up, I'll quickly explain. At our last meeting, Members, on June 18th, we had a panel and lots of good discussion, acknowledging the fact that Maui is at a tipping point, in terms of visitors. Our guiding policy documents, the Countywide Policy Plan and the Maui Island Plan, both direct us to monitor the carrying capacity of the island, diversify our economy to sectors less vulnerable to the economy, and to become more self-sustainable and self-reliant. I am thankful that the Mayor's Office has already begun working on this topic, and I wanted to follow up on this discussion from our last Committee meeting, with a revised proposed resolution to encourage more action on this item, and that is in your Granicus. Did we have hard copies for the Members of the...

COUNCILMEMBER KING: . . .*(inaudible)*. . . It's in Granicus.

CHAIR SINENCI: It's in Granicus? Okay. So, today, we have Ms. Terryl Vencl, the County's Tourism Liaison for the Mayor's Office, and I would like to allow Ms. Vencl to provide some opening remarks.

MS. VENCL: Aloha, Mr. Chair and Councilmembers. I want to thank you for keeping me in the loop and continue asking for the support and the collaboration. Since our last discussion, the tourism group has ended its resource meetings and moving into discussions on suggestions and recommendations to give to the Mayor. We will turn those recommendations in by no later than the beginning of September. I'm not sure if I said so at the last meeting but I did, do expect some type of an oversight task group to continue whatever the work is that we come up with or that gets accepted by the Administration. Regarding the resolution, I had hoped while we were doing this stuff with the tourism group and moving forward, that we don't end up with different types of groups doing duplicative work. So, if I misunderstand the resolution, please don't hesitate to tell me that. But I'd like to maybe give a couple of suggestions or couple thoughts on the reso. Since our work is near done, and since I'm not personally aware of any money in the budget to do a study, I wonder if it would behoove to wait another six weeks and review the tourism group recommendations, some of which could be a duplicate of a sustainable assessment, and then maybe roll out a plan that would be a combination of the sustainable-type things maybe if they're not what we're looking at, at this point, along with recommendations that certainly we feel would help. The second thing I wanted to mention is that the other thing that's happened since we last met is that both Kay and I, and many others on the island of Maui, were invited to and will continue to work on a strategic plan for the HTA, HVCB and MVB. So, that process again, may come up with other things that maybe our tourism group doesn't come up with or a sustainable assessment. In essence, while we're doing an assessment, it certainly is not what professional people would do in an assessment, but I do think that some of the things that will come out of the group, and possibly the strategic plan for HTA, would be very beneficial to whomever might be

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

July 2, 2019

doing something in a more professional way that might have to be hired. I'm not sure. So, I guess those are my opening remarks. And finally, I guess, Chair Sinenci and Councilmembers, just know that we do want to continue to work collaboratively with the Council, and we understand or where we get...really getting a good lesson on what is happening on our islands, and know that we want to work to get our arms around what's happening. So, if you go ahead and you pass this resolution today, please know that we'll continue to look to ways of how to integrate the intent of your resolution. Thank you.

CHAIR SINENCI: Thank you, Ms. Vencl. Ms. Fukumoto, you had any comments to add?

MS. FUKUMOTO: Thank you for having us. I just wanted to note that the Fiscal Year 2020 Budget just began, and I know there's a lot of provisos set aside for some of the tourism management type of grant funding. And so, we are in the process of receiving those grant applications right now. And so, the timing of, you know, everything happening with our group making suggestions and the application, the grant applications coming at the same time, you know, I think it's a...it's good timing that we're able to use some of the ideas perhaps that will be coming out of this strategic group as part of the funding already set-aside. Thank you.

CHAIR SINENCI: Thank you. Members...Chair King?

COUNCILMEMBER KING: Thank you, Chair. So, yeah, we had a lot of...the testimony was really telling I think in the previous meeting because people are really getting impatient with being, you know, our numbers of tourism are higher than the Maui Island Plan calls for. So, I think that was the main part that we learned. But the tourism group, the oversight group that you said just ended, Ms. Vencl, is that...did that create a sustainable tourism assessment? Did you...did...was that assessment done in your group?

MS. VENCL: No, and I'm sorry if I misconveyed it. The resource meetings part of this group has finished. In other words, we were bringing in resource people about different subject matters to talk to us and help to understand. The group is not finished.

COUNCILMEMBER KING: Oh.

MS. VENCL: We still are working. We will begin next week to work on discussions, suggestions, and recommendations to deal with some of the issues and some of the things that we found through the resource people and the communities as we --

COUNCILMEMBER KING: Okay.

MS. VENCL: --travel.

COUNCILMEMBER KING: Can you give us a kind of an overview of the resource people that you brought in to talk to?

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

July 2, 2019

MS. VENCL: I'm sorry, can you say that again?

COUNCILMEMBER KING: Can you give us an overview of the types of people you brought in as resources for that portion of your --

MS. VENCL: Sure.

COUNCILMEMBER KING: --meetings?

MS. VENCL: We brought in people in transportation. We brought in people in the marine life. We talked about vacation rentals. We've had people--help me think of who all. I should have brought that paper with me--but I broke it...what I did was I took the tourism plan and I broke it down into ten subject matters, and we brought in people about those subject matters to talk and visit with us, in addition to my going out to community associations who invited me to come and discuss what we were doing to their communities.

COUNCILMEMBER KING: Okay. So, yeah, so I'm not...I'm just trying to get...wrap my head around the difference between what this resolution is asking for and what you folks are doing. But one of the questions I had that's overriding because we do have a number, and in the Maui Island Plan, it calls for a maximum of one tourist for every two I think. It is two or three people, two, three residents on the island, and we're way over that amount right now. But do you know what the criteria was that was used to get to that number or...

MS. VENCL: To the 33 percent that's in the plan?

COUNCILMEMBER KING: Right.

MS. VENCL: I don't know a criteria. I was there at that meeting for the GPAC, and I know that was a number that was suggested. But how or where that number came from, from the suggestion, the suggested person, I don't know.

COUNCILMEMBER KING: Okay. Because to me, that would have been a number that should have come from some kind of an assessment. And so, if we can go back and dig back into when that was created. And I know you were in the meetings, so I was hoping you might remember but maybe we need to bring whoever was chairing those meetings in, so we can kind of figure out how they got to that number and what that number means to us, and that might inform us of how we either get back to that number or what we have to do to accommodate a larger number if we're trying to do that. But right now, we just know there's too many people on this...visiting this island for our infrastructure and for the health of our environment. So, thank you. But, Chair, if we're going to go ahead with this resolution, it really would be good to have, to understand the difference between what you're asking the Administration to do in this resolution versus what they're currently doing.

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

July 2, 2019

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Thank you, Chair. Any other comments? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yes, I was just curious, that's a good question from Kelly King, and I wonder if, that's exactly what I was thinking is probably happening, the request of the resolution that you're already taking action from beginning of this term with your --

MS. VENCL: We have --

COUNCILMEMBER SUGIMURA: --group.

MS. VENCL: --determined that we're taking some actions, yes. We haven't actually solidified yet what those will be. That's what we'll be doing in the next four weeks. But there's lots of stuff that has come our way, yes. But does it...I can't say for sure that it's...that we're going to pick a number of some sort as a threshold. I don't know that we know how to do that frankly. So, while I think, and maybe you folks think, that there might be a need to look at that, I think that in addition to that, the things that are causing us, besides the numbers, are all of the concerns and all of the issues that we have, and those are more about the kinds of things that we are trying to address through the tourism group. And if someone does a sustainable thing, maybe some of the stuff that comes out of the tourism group would be helpful to them to further determine whatever it is they need.

COUNCILMEMBER SUGIMURA: Yeah, I'm sorry if I made you think that we going to have you accountable for, you know, the numbers that are being thrown out 'cause that's kind of...well, when you're the best island in the world, when you're at MVB and for taking it as many years as, I don't even know what the number is now, and the beauty of our lands and the people, you know, it's something hard. You can't stop people from flying here. But it sounds like you're doing already or addressing the concerns. I wasn't at the last meeting, Chair, to hear the discussion. I had a family thing so I dashed off to be with my brother, but I heard about the meeting and the sentiments of people who came to testify. So, I share that and I think that I appreciate, you know, the work that you are doing. I look forward to see what your outcomes are from your community outreach, and I think you've been, from what I hear, I've talked to you briefly, that you've been reaching out to different groups and hearing the good and the bad, and trying to mesh it into something that will take us forward. So, I appreciate that.

MS. VENCL: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

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

July 2, 2019

CHAIR SINENCI: Thank you, Member Sugimura. And from the last meeting, you know, we've taken all the different questions that was brought up at the last meeting, and we had, you know, compiled it and put it into this reso. And we also wanted to include some of the, you know, past work that people have done and the Maui Plan, and we just wanted to put it into a reso just to, you know, highlight the importance of this issue, and it was, you know, some testimony was emotional. There was a lot of, I mean it's definitely hitting our residents hard, and so we didn't want to take it lightly that, you know, they came out to testify about how their personal lives around the County is being affected by added tourism or added commercial activities in their communities. And so, the reason for putting these together is to, we've, as the County, we've established these policies and these rules that was, you know, a lot of people before us put this work in, and we wanted to make sure that we uphold those policies, and we just wanted to...and therefore, urge the Mayor and just the importance of it, and we want to enforce County policy. Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you very much, Mr. Chair. And just a question for Ms. Vencl. You know, you mentioned earlier about the tourism group, can you tell us who are the individuals, maybe not so much by name but what areas or segments of the community they represent?

MS. VENCL: We have folks from again, the marine life. We have folks from the resort areas, not hotels, the resort areas. We have folks from...OED sits on that. We have MVB on there. Help me out. Who else? We've got about 15 people.

COUNCILMEMBER MOLINA: Okay. So, basically --

MS. VENCL: Pardon me?

COUNCILMEMBER MOLINA: --you have a balanced representation of people --

MS. VENCL: I'm sorry?

COUNCILMEMBER MOLINA: --who...you have a balanced representation of people, I guess pro-visitor industry and those who may have --

MS. VENCL: And correct.

COUNCILMEMBER MOLINA: --different...okay.

MS. VENCL: Right. We've tried very hard to do that.

COUNCILMEMBER MOLINA: Okay. And speaking of the resolution, you know, it's basically to let them, I guess in this resolution it talks about the efforts to educate, you know, our visitors. Now, our...will the focus be on just one particular group of visitors or all? 'Cause I know years ago, when you were with MVB, the target was I guess the

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

July 2, 2019

high-end visitor. And in the news lately, we've been seeing visitors, more visitors are coming but they're spending less. So, I'm just curious to see the educational component, who is being targeted, what type of visitors so to speak. I presume all but...

MS. VENCL: I don't, you know, because I don't work for MVB anymore, I don't know exactly what their particular job is at this point. I believe that we will continue to look for the high-end, longer staying, better spending if you will, visitor, and they do that through going and educating wholesalers and travel agents and people who send those types of people. I mentioned I think when Ms. Lee asked me a question the last time that our visitors have changed, the world has changed since then, and we now have short-term visitors, and much of the reach for those folks is through social media. And so, we do have social media things going on through the MVB and the HTA, et cetera, but it's a different mix than it was back then. But where the bureaus are concerned, I believe their reach is still to the wholesalers and the travel agents and those types of areas.

COUNCILMEMBER MOLINA: Right. And it's interesting you mentioned that because with the proliferation of short-term rentals as well as Airbnb's, it's bringing a different type of visitor.

MS. VENCL: Yes.

COUNCILMEMBER MOLINA: And just the other day by going to Costco, I noticed over the years, you see more...you --

MS. VENCL: Yes.

COUNCILMEMBER MOLINA: --can tell they're visitors but they're not, I guess you wouldn't see too many high-end visitors going to Costco, so, which kind of tells you that, you know, the visitors that are coming to Maui County these days, they're more, I guess on a limited budget and...but yet still creating impacts to our community. So, Chair, if I may ask, with tour operators, you know, and I know there's mention of talking to the airlines to let passengers know of our, you know, our concerns, and there's...will there be the same effort made to our tour operators that will have personal contact with visitors? For example, I see tour buses that not only from, you know, local companies but also that target Asian visitors and visitors from elsewhere. So, will this outreach if you will, include all of them as well the tour...as well as the airlines educating their visitors?

MS. VENCL: If you're speaking about getting to them to make them come here, that would not be the purpose. That's...that I mean we don't go to, you know, a Roberts and say, this is the kind of visitor. What I see happening is that this tourism group, when they make their recommendations, they'll be reaching out to the folks who do tours and who have a little...who need to have maybe in some cases, a little more understanding of the expectations of the locals with regard to visitors. But we work...if we go...we do go out too. If you mean tour operators--it just dawned on me--if you mean tour

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

July 2, 2019

operators such as Expedia's and those Travelocity, and those kind of people, yes, we do reach out to some of those, the industry does, yes, and that would be continued. And they are the people that we...when we're on the road, I don't know if anyone in this group has been on the road with us, but what happens is, and I'm sure that Sherry would love to have anybody to go along and understand what we do, but in those cases whether you're a travel agent, whether you're wholesalers, whether you're expeditors, those are actually wholesalers. Those types of people, we go there and we educate their clientele, their employees. We go to the airlines and we do the same thing. And so, we have the opportunity to tell them what they should or should not do. We have the opportunity to tell them what's new and what, you know, all of that. So, that's all, all that education is wrapped into those road trips that we take. And then they in turn share that information with the travel, I mean with their people who buy their travel packages.

COUNCILMEMBER MOLINA: Okay. All right. Thank you for that explanation. And I know you go to educate and not to warn or scare --

MS. VENCL: Exactly.

COUNCILMEMBER MOLINA: --visitors of what's happening here, so.

MS. VENCL: Exactly.

COUNCILMEMBER MOLINA: Yeah.

MS. VENCL: But I think that you can educate without scaring.

COUNCILMEMBER MOLINA: Okay.

MS. VENCL: So --

COUNCILMEMBER MOLINA: That's good to know.

MS. VENCL: --that's what we'll be working on to do that.

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

CHAIR SINENCI: Thank you, Mr. Molina. Chair King, comments?

COUNCILMEMBER KING: Thank you. Thank you, Chair. So, are you doing any education on the impacts of booking illegal rentals, short-term rentals?

MS. VENCL: We have not at this point done education on the illegal rentals. What we have done and what we do, typically do, is invite them to...if they're thinking in those terms, to go to the website, on the County website, and make sure that they're booking with a legal rental.

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

July 2, 2019

COUNCILMEMBER KING: Okay. But we are...we've got educational, and this is what this reso urges to instill an educational awareness and that people know how to treat, you know, how to have a smaller impact. One of the greatest impacts that tourists have when they come here is renting illegal short-term rentals, driving our cost of housing up, lowering our inventory that's available. And I think they need to be made aware of this not just why they should book something because it's legal, but what the impacts are when they do something that's illegal. I mean short of...and I've thought about this, you know, putting a fine on tourists for renting something that's illegal because basically they're helping someone break the law, they're breaking the law themselves. But at some point, that has to be just as important as letting them know they shouldn't...they should use reef-safe sunscreen, letting them know they shouldn't walk on the reef, letting them know, you know, where they should dive, where they shouldn't dive, not to go hiking when, you know, in areas that are forbidden, or go in the water when there's red flags. But that's one of the, I think that's one of the...we talk about it all the time, and if you're taking these trips to educate people before they come here, that should be job one that you educate them on is to rent where it's legal, you know, go into to spaces where it's legal and stop taking housing away from local people.

CHAIR SINENCI: Thank you, Chair.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Just as a reminder, the reso also, you know, urges the Administration to establish a sustainable tourism board to ensure that County and State-level policy, outreach efforts align with environmental protections, preservations, and enhancement. So, there's a lot of the issues that were discussed, and we wanted to go ahead and put it into this reso. So, Member Sugimura, your comments?

COUNCILMEMBER SUGIMURA: Let's pass it.

CHAIR SINENCI: Oh.

COUNCILMEMBER SUGIMURA: I mean I --

CHAIR SINENCI: Okay.

COUNCILMEMBER SUGIMURA: --support --

CHAIR SINENCI: You guys --

COUNCILMEMBER SUGIMURA: --that.

CHAIR SINENCI: --ready to vote?

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

July 2, 2019

COUNCILMEMBER SUGIMURA: Yeah.

UNIDENTIFIED SPEAKER: Ready.

CHAIR SINENCI: Okay. It sounds good. So --

COUNCILMEMBER SUGIMURA: Recommendation?

CHAIR SINENCI: --Members, the Chair will entertain a motion to recommend the adoption of the revised proposed resolution entitled Urging the Administration to Conduct a Sustainable Tourism Assessment and Require Grant Recipients to Incorporate Environmental and Infrastructural Action Steps into Grant Objectives; and incorporating any revisions made by the Committee today and any nonsubstantive revisions.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Moved by Member Paltin, seconded by Member Molina. Discussion, Members?

COUNCILMEMBER SUGIMURA: You know, I just realized something, we never asked OED to make any comments 'cause the grant portion would affect OED and others, Water, and whoever else has grant. I'm sorry I...

CHAIR SINENCI: Discussion?

COUNCILMEMBER SUGIMURA: That's...is that okay?

MS. FUKUMOTO: Chair, if I could make some comments? You know, regarding that specific word, the wording, it...where it requires all grant applicants to incorporate environmental and infrastructural action steps into grant objectives consistent with core principles and other elements of the Countywide Policy Plan and other General Plan ordinances, it should be noted that the infrastructural action steps may place undue burden on grant applicants. You know, the proposed legislation is really broad at this point, and, you know, if we could refine it to be more specific, it may be easier for us to implement, you know. To require this so quickly without it being more streamlined in terms of definition, it may place burden on the grantees.

CHAIR SINENCI: We can make amendments.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Chair King?

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

July 2, 2019

COUNCILMEMBER KING: Yeah, I think we might...I think she's right. I think we might be jumping the gun --

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: --pushing this through before we've had a chance to wordsmith and then look at it. So, I mean if you folks...I would like to have these folks take this reso and look through it, and then give us comments on it and then --

COUNCILMEMBER SUGIMURA: Good idea.

COUNCILMEMBER KING: --maybe we can bring it back --

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: --at another meeting, and maybe those of us who are here today can kind of take a look at it and, you know, make sure that nothing is missing or that there is not something in there that's not enforceable or that, that's not doable. But I'm a little uncomfortable just, you know, passing it at this point without doing a little bit more scrutiny than we can do in the next ten minutes that we're all hoping to get out of this meeting. Thank you.

COUNCILMEMBER SUGIMURA: Withdraw.

CHAIR SINENCI: Okay. Member Lee?

COUNCILMEMBER LEE: Yeah, I agree with Chair King because some of these, you know, well-intentioned ideas really need some wordsmithing and some...and make it a little bit more achievable. Even though it's idealistic, still, you know, how do you keep a airline...the airlines within certain guidelines, you know, when they're not even in our jurisdiction. So, yeah, I think maybe we could take another look at this.

CHAIR SINENCI: And give the Administration some time to address it?

COUNCILMEMBER LEE: Yes.

CHAIR SINENCI: Okay. Member --

COUNCILMEMBER SUGIMURA: So, going to --

CHAIR SINENCI: --Sugimura?

COUNCILMEMBER SUGIMURA: --withdraw the motion.

CHAIR SINENCI: You withdraw your motion?

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

July 2, 2019

COUNCILMEMBER SUGIMURA: I didn't make. I think --

CHAIR SINENCI: Oh.

COUNCILMEMBER SUGIMURA: --somebody down there. I...

CHAIR SINENCI: Ms. Paltin?

COUNCILMEMBER PALTIN: I'll withdraw.

CHAIR SINENCI: Okay.

COUNCILMEMBER MOLINA: And I withdraw my second of...Member Sugimura got us all excited so, but I'll --

COUNCILMEMBER SUGIMURA: I know.

COUNCILMEMBER MOLINA: --withdraw my second out of --

COUNCILMEMBER SUGIMURA: After listening --

COUNCILMEMBER MOLINA: --consideration.

COUNCILMEMBER SUGIMURA: --to Ms. Vencel --

CHAIR SINENCI: It's the --

COUNCILMEMBER SUGIMURA: --so I thought --

CHAIR SINENCI: --11th hour --

COUNCILMEMBER SUGIMURA: --hey --

CHAIR SINENCI: --yeah --

COUNCILMEMBER SUGIMURA: --this is good.

CHAIR SINENCI: --let's go for it. Okay. So, Members, so listening to you, you would...we'd like to defer this item?

COUNCILMEMBER SUGIMURA: Okay.

CHAIR SINENCI: So, that if there are no objections --

COUNCILMEMBER KING: No objections.

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

July 2, 2019

CHAIR SINENCI: --so that the Administration can go over it and if we can go over --

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: --some of the language.

MS. APO TAKAYAMA: Can you do a formal request on the record to have OED or Administration look over this reso and wordsmith --

CHAIR SINENCI: Yeah.

MS. APO TAKAYAMA: --and provide comments?

COUNCILMEMBER SUGIMURA: Sure.

CHAIR SINENCI: And including the Administration and Office of Economic Development to provide comments on the reso.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR SINENCI: Is that it?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR SINENCI: Okay. If there are no objections to deferring the matter...

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: TK).

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay. So Members, thank you today for a spirited discussion, and your input. This concludes today's Environmental, Agricultural, and Cultural Preservation Committee meeting. Thank you very much for your participation. This July 2nd meeting of the EACP Committee is adjourned. Mahalo. . . . *(gavel)* . . .

ADJOURN: 4:22 p.m.

**ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE
MINUTES**

Council of the County of Maui

July 2, 2019

APPROVED:



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

eacp:min:190702:acqp

Transcribed by: Ann Carmel Q. Pugh

**ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE
MINUTES**

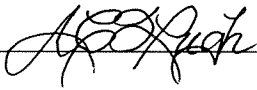
Council of the County of Maui

July 2, 2019

CERTIFICATE

I, Ann Carmel Q. Pugh, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of July, 2019, in Kihei, Hawaii


Ann Carmel Q. Pugh